

I am writing to object to the amended planning proposals.

I am a social housing tenant who has lived in New Court for nearly thirty years. I have a family. I am self-employed and work from home. My flat lies beneath [REDACTED] the proposed development.

For clarity I object under three headings (Basements/Construction Management/Light/Trees) although there is overlap between these grounds. I make general comments first.

Since the land was first acquired by developers it has been sold on twice to other developers. I imagine that a profit was made and that the current owner is aiming to recoup that – hence pushing what was already a very demanding proposal to further extremes. The result is a proposal that is unsuitable for the site and the neighbourhood. The only consideration appears to have been maximising profit, not the real difficulties of building or the significant disruption over a minimum of two years to residents.

Since the original planning application was submitted the Hampstead Neighbourhood Plan was improved by 91.5% of the voters. Much of the proposed development is in contradiction to this plan.

The construction management plan states:

“We have also had informal discussions from local residents and councillors and have received useful feedback.”

In fact a meeting was held by the developer and the architect in which every resident present objected to the scheme and asked the architect to reconsider the application. I expressed the view that we would support a more reasonable and suitable scheme. However, the proposal is unchanged. The architect’s view appeared to be that it was the residents’ job to facilitate the management of a scheme that no resident supported.

As a side issue I would like to highlight the questions already raised by the Grenfell Tower Inquiry as to the independence of reports provided by the construction industry¹. The reports appear to support the application and not to demonstrate independence. Where there are errors in the reports, they are favourable to the application:

For example, when describing how the basement will be constructed the application states that the party wall will be reinforced along “Newcourt Road”. There is, of course, no such road. The area the referred to is split between New Court’s communal garden and a private back garden. The area is divided off by narrow cast iron railings. The gardens are established and mature. This error suggests to me that the person making the report may not have visited the site.

¹ <https://www.lrb.co.uk/v40/n11/andrew-ohagan/the-tower>

Interview with safety inspections guru Dave Sibert in the LRB

Sibert: ‘The introduction of approved inspectors introduced competition into the building control sector.’

‘And traditionally,’ I asked, ‘building control would have been the responsibility of the local authority?’

‘Yes,’ he said. ‘If they weren’t happy with the building plan for some reason they’d reject it. But it was decided in the 1980s by the Conservative government that they should introduce competition into the building control sector. We were told that competition improves quality ... What competition actually does is make service providers deliver more of what the customer wants. When building control was with the local authority, when they were the only people doing it, their customers were the public.’

1. Basements

The Hampstead Neighbourhood plan specifically requires basement proposals to demonstrate that neighbours and the local environment will be protected from harm.

The location of this site makes the construction of basements especially problematic but I will address this specifically later under the heading Construction Management Plan.

Basements are already controversial in Hampstead. There is a whole section in the neighbourhood plan devoted to the particular risks of constructing basements in the area.

“Hampstead has a unique set of conditions that mean basement construction can inflict structural damage and/or trigger flood risks on susceptible neighbouring properties.”

I will not reiterate these conditions at length but recommend councillors to study these which include:

- Hampstead is set on one of the largest and highest hills in London, with the highest rainfall of the Greater London area, and much of it located on the flank of that large hill.
- Hampstead is a complex layering of Bagshot Sand, Claygate Member and band D of the London Clay Formation. The top two layers have a high silt and sand component rendering them susceptible to high water conductivity and silt erosion, as well as being potentially less stable.
 - * The plan illustrates this with a photo of a large cavity uncovered under Heath Street, outside the Baptist Church. To the right is a sink hole that appeared in New End. (This is the very area where the site is situated.)
- A substantial part of the Neighbourhood Plan area constitutes rows of terraced Victorian or earlier townhouses with shallow foundations: “one of the riskiest situations in which to construct a basement” according to Arup in the Eatherley decision.”
- The plan adds that there are also a ‘significant number of narrow streets in some areas’.

This application includes all these specific listed risks:

1. The site of this development is set several metres above New Court. The land is held by a listed Victorian retaining wall. (See photo below.)



2. The soil is as described in the report.
3. New Court has no foundations and is a mere 5 metres from the proposed basement construction. The basements will also be directly in contact with a retaining wall that is Victorian, listed and itself has no foundations.
(The Hampstead neighbourhood plan talks about the fact that boundary walls “are an important feature of the character areas”)

The risk to the area is not only in the construction period but also subsequently.

Trees will be removed as part of the building which will lead to shrinkage and shifting. Trees beneath the construction will be threatened by the piling and construction.

New Court already suffers from severe damp and the construction of two basements above it can be expected to increase the amount of water that is not retained by the land above and that will run off into the land on which New Court stands.

The construction of these basements is of course a factor as it requires the removal of significant amounts of earth. I address this generally later under the Construction Management heading but list some specific construction issues in relation to the basements below:

Flood risk and risk of landslide

Structural damage and flood risk have dismissed by the application. The Geo Insight report states:

1.2.2 there are no records of landslide within 500m of the study site boundary

However, those who live in New Court have already experienced an emergency when an existing basement at numbers 30-31 New Court flooded with water, risking the safety of the building, which has no foundations.

On a further occasion the hospital tower at the end of Streatley Place, which is within 500 metres of the site, also had to be reinforced as an emergency as shifting, flooding water was in danger of toppling it. The adjacent cottages (New End cottages) had to be rebuilt due to slippage and were uninhabitable for some time.

These events may not be recorded on the survey but they are not anecdotal and are part of living memory.

The architect has been informed of these events but has not included them in the basement impact report.

‘New Court Road’ and strengthening of existing wall

The basement construction plan states that

“... it may be necessary to provide concrete counterfort strengthening to the existing wall on the Newcourt Road boundary.”

Please find below a picture of ‘New Court Road’:



There is, of course, no New Court Road. The area where this strengthening may be necessary is New Court’s communal garden and my small established back garden, only five metres from my home. My garden is separated from New Court’s communal garden by iron railings with a narrow gate. I attach photographs of the area they intending to provide concrete conterfort strengthening to. There is no vehicular access.

This boundary and retaining wall is specified in the listing of New Court. As part of the listing lime mortar has to be used.

2. Construction Management Plan





I have attached photographs to show the nature of the site and access. These show the steps and the only entrances to the site on Streatley Place from New End and Back Lane.

This is an extremely difficult site to develop. It is situated in a high density residential area with a large, busy primary school. The only access is a narrow winding pedestrian way with steep steps that is used by residents, some of whom are elderly and disabled, and by schoolchildren. Children use this throughout the day – on visits, when they are late to school, to go swimming.

Local residents include elderly people and disabled people.

Any planning application must consider how construction will be effected but this proposal appears to have squeezed in maximum space in terms of height, depth and footprint and not considered at all the location of the site and the difficulty of building on it. The construction management plan is correspondingly thin, unrealistic and unsympathetic to the neighbourhood as to how this building is to be achieved.

The basement plan states:

- “Spoil arising from the excavations will need to be disposed off site, using site personal to move the material down Streatley Place to the end of New End where skips can be located.”
- “It will also be necessary for site operatives to move materials into the site along Streatley Place. The building will need to be designed to allow all materials to be moved onto site using

wheel barrows or narrow self propelled barrows, only used with a banksman to ensure public interface remains safe.”

- Excavated land will be temporarily left in an “earth mound to 3 Streatley Place”.

It appears that the construction plan envisages using both Back Lane and New End – so there will be no access to New End School and to Mansfield Place and Streatley Place properties that is not in some way affected by the building.

Children and residents use this pathway constantly, not just at the opening times of the school but when arriving late for school, going swimming, going on school trips. For those living on Mansfield Place it is the access route to their homes. This is a narrow passageway where, in addition to moving soil they are going to leave an earth mound and are also intending to put scaffolding and hoarding. I urge councillors to look at the photographs of the site that I have attached.

If they are intending to transport soil via New End then they will have to take it down stone steps.

Parking is severely limited in Hampstead and I can find no note of how many skips they estimate this excavation will require.

The CMP states that they will do most of this work during the summer. Those of us who live here will still use this access and be disturbed.

I am a professional writer and work from home. I will have two years of disruption.

The local roads are narrow with a complex traffic flow system and are already often blocked by traffic, deliveries, refuse disposal, etc.

Light

Firstly I question the parameters of the light survey as written here and draw your attention to my earlier comments as to the independence of reports:

“As was previously presented by this practice in both 2015 and 2017, each assessment has been undertaken within two scenarios; one considering the impact of trees and the second reviewing the impacts should no trees be considered. Of these it is our opinion that the assessment including trees is the most pertinent as the trees on site form a dense obstruction to light and so omitting these provides an unrealistic scenario with which to compare.”

This is of course a tendentious comment. The trees provide a broken variegated and moving light that changes between summer and winter.

In addition trees can be thinned – and indeed were thinned in 2010 (planning application 2010/4480/T).

The current trees are overgrown. The light to my flat is also significantly obstructed by the overgrowth of ivy on top of one of the derelict buildings. This has been neglected by the owners but is now factored into their assessment of existing daylight. This seems unfair at best. (Photograph attached.)



My flat is already a very dark (as evidenced by the blue shading in the report). This scheme will make it darker. The window affected is the one that currently receives most light and which is in the kitchen area, where we spend a lot of time.

No assessment has been carried out on one of the windows in my flat.

This window is not shown on any of the drawings and faces out onto the communal garden. The report states that Streatley Place, adjacent to the garden, is indeed overshadowed by the development so I infer that this window will be too.

This window was specifically added during the refurbishment of New Court out of recognition that my flat receives very little daylight and to improve this situation. This window was to make the kitchen lighter but will now itself be overshadowed by the construction. At the consultation meeting we did point this out to the architect but nothing has been done to remedy this.

Trees

In my garden I see a wren, robins, blackbirds, jays, blue tits and great tits. The trees are a vital habitat and I expect the number and diversity of the birds to reduce subsequent. The neighbourhood plan specifically intends to support the biodiversity of the area.

This proposal will remove all trees on site and also pose a threat – exacerbated of course by the construction of basements – to other trees in the location including a mature silver birch and yew.

The trees in my own garden – silver birches – do not appear to have been listed at all in the survey although their root systems must be at threat from the piling and the work they are planning to do within my own garden.

The removal of trees also poses a shrink swell risk, which further exacerbates the structural risk from the proposed construction.