15 February 2019

Ref: **2018/6105/P**

[redacted]

Mr. Benmbarek
Development Management
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Dear Mr. Benmbarek,

**RE: 2018/6105/P, 1 St Mark's Crescent London NW1 7TS**

As the owners of 2 St. Marks Crescent, we hereby object to the planning application at 1 St. Marks Crescent.

We raise objections to in relation to the amenity impacts, transport and traffic and basement scale and impacts. In addition, we consider that the details submitted with the application do not meet the Council's Local Area Requirements for Planning Applications and in particular have not adequately considered the traffic impacts of the development.

As a result of the proposed development, there will be significant impact on our property and the amenity of local residents.

A separate review of the Basement Impact Assessment (BIA) has been undertaken by Ashton Bennett Ltd and this is appended to this letter (Appendix 2).

**Introduction**

This objection has been based on the review of a number of documents and these are listed below:

- Existing Plans 1SMC-PL-02 1 St Mark's Crescent, London, NW1 7TS for Planning Application Jonathan Freeguard Architects Dec 2018
- Proposed Plans 1SMC-PL-10 1 St Mark's Crescent, London, NW1 7TS for Planning Application
- Design and Access Statement, 1 St Mark's Crescent, London, NW1 7TS for Planning Application, Jonathan Freegard Architects, December 2018.

- Structural Method Statement, I St Mark's Crescent, London, NW1 7TS, Conisbee, July 2018.
- Basement Impact Assessment, 1 St Mark's Crescent, London, NW1 7TS, Chelmer Global Ltd, Ref:BIA 9918, October 2018. Including Appendices:
    - Photographs
    - BGS Boreholes
    - Geological Data
    - Environmental Data
    - Historic Maps
    - Ground Investigation Results in Chelmer Global Ltd Factual Report (2018) and Conisbee and Associates Trial Pit Logs (2005).
    - PDISPH Heave/Settlement Analysis
- Planning Application - 2017/1534/P Excavation of a basement extension to single-family dwelling (Use Class C3) including no.1 rear lightwell and associated alterations to rear garden level 31 St Mark's Crescent London NW1 7TT
    - Existing Drawings 1701/Ex.1
    - Proposed basement plan (revised) 1701_PL.00 rev B
    - Proposed site /lower gf plan (revised) 1701_PL.01 revC
    - Design and Access Statement
    - Draft Construction Management Plan
    - 31 St Marks Crescent - Member's Briefing Pack
    - Decision Notice

**Background**

St. Marks Crescent is a narrow residential street comprising terraced 19th Century dwellings with a high density of development. There is a Controlled Parking Zone for residents parking on either side of the street. The available carriageway is therefore very narrow and unsuitable for wide vehicles. There are many current problems with traffic/parking violations on a daily basis which are detailed further below, and the road surface has deteriorated in recent years as a result.

The rear gardens of properties on the western side of the road abuts the Regents Canal. The Canal is a designated Open Space, Site of Importance for Nature Conservation and a Habitat Corridor.

The application site falls within the Primrose Hill Conservation Area. The Conservation Area Statement identifies St.Mark's Crescent within sub-area 1 Regent's Park Road South. The Canal to the rear also falls within the Conservation Area. The site lies within a Critical Drainage Area and Local Flood Risk Zone.

We are aware that planning permission was granted in December 2017 for the excavation of a basement at 31. St Marks Crescent which is the neighbouring property to the north of no.1.

**Proposal**

The proposal is as follows:

> *Excavation of a basement storey to dwelling house with new front and rear lightwells plus alterations to existing rear conservatory.*

The proposed development and its impact on residential amenity, traffic and transport and basement impacts is of great concern to our clients. Insufficient supporting information to assess the impacts of the development on resident's amenity and on transport traffic.

**Objections**

Policy Context

The most relevant adopted Development Plan policies are contained with the London Plan (2016) and Camden Local Plan (2017). These include:

London Plan: London Plan Policy 7.26 B (d)

Camden Local Plan Policy A1: Managing the Impact of Development

Camden Local Plan Policy A4: Noise and Vibration

Camden Local Plan Policy A5: Basement

Camden Local Plan Policy T4: Sustainable Movement of Goods and Materials

We have addressed the main concerns with the development below:

Appendix 1 sets out the relevant policies.

**1. Residential Amenity**

Policy A1 sets out that the Council will seek to *"protect the quality of life of occupiers and neighbours".*

The policy goes on to state that the Council will:

> *a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;*
>
> *b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*

*c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*

*d. require mitigation measures where necessary.*

The policy states the factors that will be looked at including:

*h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;*

*i. impacts of the construction phase, including the use of Construction Management Plans;*

Policy A4 sets out the Council's approach to controlling noise and vibration from new development. It states that development will not be granted for *"development likely to generate unacceptable noise and vibration impacts;"*

Policy A5 is specific to basements and requires developments to comply with a list of criteria which include:

*p. avoid cumulative impacts;*

*q. do not harm the amenity of neighbours;*

St. Mark's Crescent is a narrow street with parking on both sides which is totally unsuitable for lorry traffic. The available carriageway between parked cars is 2 m at its narrowest point which is not enough space for lorries to pass.

There are already major problems with lorries using the street and daily violations of existing parking restrictions. These include:

- Cars and lorries parked on pavement to prevent damage to cars and allow passage of vehicle.
- Deliveries on yellow lines/parking spaces without formal suspensions
- Parking spaces regularly blocked with cones for deliveries.
- Lorries mounting pavement and breaking slabs. No repair done

These problems are illustrated in the photographs below.



St.Marks Crescent is completely unsuitable for the level of construction traffic which will be required for this development. Lorries cannot pass safely along the street and there is no space for turning. As illustrated above there is a risk of further abuse of parking restrictions which already occurs on a daily basis.

The proposed development site has a very constrained site access and is close to other residential properties. The development will involve substantial construction works in close proximity to residents. A significant amount of traffic will potentially be generated at the site during the construction phase. This will include delivery of construction materials to the site and removal of spoil from the excavation of the basement. No information is provided as to the likely traffic movements associated with the development nor any assessment of the impact this will have.

Allowing for any unloading/loading of materials outside the property will not be possible without suspension of parking bays. This is in itself would cause significant disruption and safety concerns for residents and there is no indication in the application as to how this would be managed. Problems will be exacerbated when deliveries coincide with peak rush hour periods and school drop off/collection times.

No details are provided in the application of the likely duration of the works or on how deliveries/spoil removal will be managed. We note that in the submitted Basement Impact Assessment: Structural Method Statement reference is made to the use of the canal for removal of spoil. However, this is the only reference in the application and no detail is given regarding these proposals.

There is no Construction Management Plan(CMP) provided with the application and therefore no opportunity for the Council or local residents to consider the applicant's proposals for managing traffic to the site. As such the proposal fails to comply with Policy A1 criteria a-d.

It is noted that the Council are likely to require a CMP (as was done with 31 St.Mark's Crescent) to be secured as part of a legal agreement attached to the planning permission. However, it is unacceptable in our view that no such information has been provided at the application stage to allow the impacts to be considered. It is also noted that no.31 St.Mark's Crescent also has permission for the excavation of a basement and in the event that construction works on the two properties overlapped then there would be a substantial cumulative impact on nearby residents. There is therefore a risk of significant cumulative impacts arising which would be in conflict with Policy A5 criterion (p).

We therefore have major concerns that the transport implications of the development and the impacts on residents have not been assessed. This is contrary to Policy A1 in particular ensuring *"that the amenity of communities, occupiers and neighbours is protected"* and that the Council should *"resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network"*.

**2. <u>Transport</u>**

As discussed above the road access to the site is unsuitable for the level of construction traffic required for the development.

The canal abuts the rear gardens of St.Mark's Crescent and it would in our view be essential that this is used to remove spoil/deliver construction materials to the site. London Plan Policy 7.26 B (d) requires development proposals *"close to navigable waterways should maximise water transport for bulk materials, particularly during demolition and construction phases"*.. Such an approach would also be consistent with Policy T4 which seeks to encourage the use of the canal for the transport of goods and materials. However, the canal is a designated open space and Site of Importance for Nature Conservation and therefore any impacts from the use of barges on the Canal to deliver/collect materials from the site should be carefully considered.

The road surface at St.Mark's Crescent is deteriorating and in need of repair. Any lorry traffic using the road will exacerbate this damage and a contribution should therefore be sought from the development to repair the roadway.

### 3. Basement Impact

A review of the Basement Impact Assessment (BIA) was undertaken by Ashton Bennett and is attached to this letter (Appendix 2). In conclusion a number of concerns were raised regarding the proposals and their potential impact on no.2 St Marks Crescent. These are restated below:

1 The borehole logs describe reworked clay to depths of 8.00m bgl. The report states that the Vane Tests cannot be relied on for design purposes. Standard Penetration Tests should be required to better assess the strength of the ground for foundation design.

2 The underpinned foundations proposed, will carry the party wall between No 1 and No 2. It is therefore essential that the owner of No 2 is confident of the foundation design and the allowable bearing load of the founding stratum for the continued structural integrity of his property.

3 The trial pits undertaken by Conisbee encountered soft wet clay beneath all of the trial pits except one. Excavation for the basement will require substantial high stiffness temporary support to retain this material. There is a risk that if this clay is not adequately supported, it could slip and undermine the foundations to No 2.

4 House No. 2 will anyway be left, following construction, with existing foundations on potentially soft wet clay and new foundations on potentially medium to high strength clay at 3.35m to 3.50m below lower ground floor level. If settlement occurs to No 2 it will be differential and may cause cracking of brickwork.

5 Groundwater levels measured in the borehole standpipes are described in the Report as possibly due to made ground seepage. There is no record of the response zone in the two standpipes, so it is not possible to decide where the water is sourced. Any groundwater in the made ground is perched and can normally be accommodated by sump pumping during construction. However, if there is a high groundwater table in the London Clay this may require dewatering for construction.

6 Boreholes 1 and 2 were drilled from levels of 10.00m and 7.35 ASD respectively. The groundwater levels measured in the boreholes were 6.36m ASD in BH1 and 6.20m ASD in BH2, being very close to the water level in the Regent's Canal at 6.22m ASD.

7 It is possible that the groundwater is rising from sand bands within the London Clay, although it is a coincidence that the levels are very close to the water level in the Regent's Canal. It is unknown whether the canal is concrete lined, or clay lined. If the

latter, it is possible that the canal is leaking and is in hydraulic continuity with the groundwater and increasing the local groundwater table.

8 The Report states that groundwater control will be required during basement construction works. If dewatering is undertaken as recommended, then there is concern regarding the effect that such dewatering may have on adjacent properties and on the Regent's Canal.

9 Dewatering by well pumping may not be successful with the very fine grained clay strata, unless the water is held within sand bands. Electro-osmosis or freezing may be required.

10 If dewatering by well method is used, then a licence to dispose of the water will be required from the Environment Agency/Canal and River Trust before work commences. As the water levels are similar to the canal despite the canal being an artificially constructed waterway it is possible that the canal is leaking.

11 Dewatering would have to reduce the groundwater level to at least 3.85m bgl a reduction of 2.51m. If the canal is in hydraulic continuity with the groundwater, then piping could occur in the canal and cause further water flow beneath the site.

12 It would be prudent to further discuss the project with the Canal and River Trust (CRT) in particular, the requirement to dewater and how that may affect the canal. If the canal is leaking and is in hydraulic continuity with the groundwater, then dewatering by wells could pull water from the canal and cause piping and exasperate any leakage. The canal is unlikely to 'drain', but its integrity could be compromised. The canal was constructed and in use by 1816. It is recommended that the original design of the canal is investigated at the CRT.

13 The Report suggests that the proposed basement is not anticipated to have a significant permanent impact on the groundwater flows/levels due to the limited natural groundwater flow as a result of the very low permeability of the possible reworked material and London Clay and the basement is therefore acceptable in relation to groundwater flow. Based on the above and the high groundwater levels it is evident that further work is required to establish the exact groundwater source and flow before any dewatering or excavation can be undertaken.

14 The Report states that although No 31 has planning permission for a basement, the naturally low permeability of the London Clay means the addition of the basement at No 1 will not create a cumulative impact on groundwater flow. This can only be agreed with specific details of the groundwater source and flow.

15 The Report states there is already cracking to No 1 and No 31 meaning that any further strain put on the buildings could open up these cracks or cause additional

cracking. The house Nos 31, 1 and 2 all suffered bomb damage and careful consideration is required before undertaking excavation that could cause further structural damage.

16 Although St Mark's Crescent was not flooded in the 1975 or 2002 floods in Camden, it does lie in a Critical Drainage Area and Local Flood Risk Zone. A site specific Flood Risk Assessment should therefore be required.

17 It is agreed, based on our independent calculations, that the Damage Category for No 2 is 'very slight' according to Burland et al, 1977, Boscardin and Cording, 1989, and Burland, 2001. This indicates 'fine cracks that can easily be treated during normal decoration. normal decoration. Perhaps isolated slight fractures in the building. Cracks on external brickwork visible on inspection. Crack width 1mm'. Although this is an acceptable level of damage by Camden, it is not pleasant for the house owners and may devalue their property.

18 Comment on the Structural Method Statement is that it has errors, re house numbers and regarding groundwater levels and should be more comprehensive given the challenging ground and groundwater conditions on site.

In conclusion it is considered the BIA review concludes that planning permission should not be permitted until:

- further work is undertaken to adequately assess the ground conditions beneath No 1 and beneath the adjoining wall with No 2.
- Further monitoring of groundwater is undertaken through several standpipes with varying response zones to enable the source of the groundwater to be ascertained.
- Tests are undertaken on the soil to assess the ability for successful well or other dewatering method.
- Dewatering experts are employed to assess dewatering viability and its possible effect on neighbouring properties.
- Research is undertaken at the Canal and River Trust to ascertain the design of the canal and discussions with them regarding possible leakage and any detrimental affect dewatering may have on the canal.
- A Construction and Transport Management Plan (CMTP) is presented as required in a conservation area, to ensure adequate consideration is given to neighbours and local traffic to reduce noise, dust, traffic and inconvenience during construction.
- Dewatering and sump pumping water can be a very noisy activity for the duration of the contract and this should be considered in the CMTP.
- The Structural Method Statement is corrected and is more comprehensive, detailing dewatering schemes and underpin design, including calculations for

retaining wall design and including drawings of temporary and permanent ground support.

Based on the above assessment the proposed development does not comply with Policy A5 in relation to the following criteria:

> *n. do not harm neighbouring properties, including requiring the provision of 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 assessment has shown that the scheme poses a risk of damage on the Burland Scale of 2 (slight) which is higher than Scale 1 as required by the policy.

> *o. avoid adversely affecting drainage and run-off or causing other damage to the water environment;*

The application has not demonstrated that the development will comply with Criterion (o) in terms of avoiding any adverse effect on the water environment.

**Basement Scale and Size**

Policy A5 sets out a number of criteria (a-m) relating to the size and scale of basements. We consider that the proposed development does not meet certain criteria as follows:

*j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation; -*

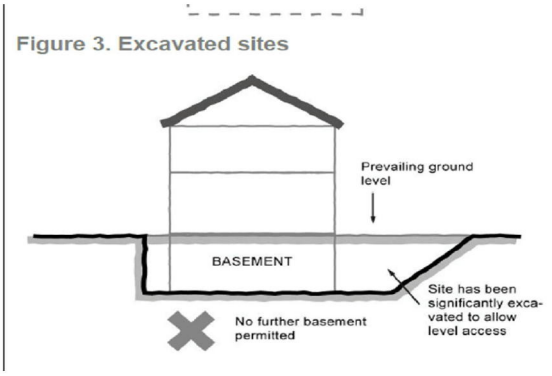
The proposed basement extends approximately 5m (including lightwells) beyond the principal rear elevation. The depth of the host building is approx. 9m. This means that the extension is 55% of the depth of the host building and therefore exceeds the requirement of this policy.

*l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building;*

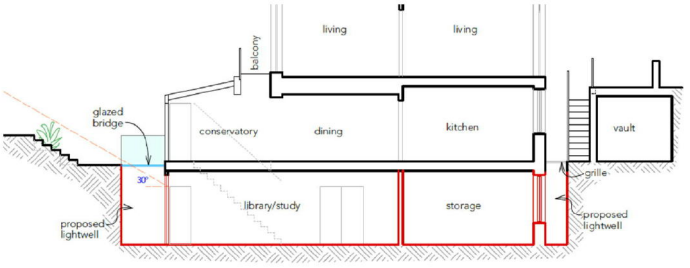
No set back is provided from the neighbouring property boundaries. This is a key requirement to provide significant space free from basement development to enable water drainage and area for planting. See Camden Planning Guidance Basements (March 2018).

*g. not be built under an existing basement;*

Figure 3 provides an illustration of what LB Camden consider unacceptable.




The section below shows the proposed basement underneath an already excavated floor.




The proposed basement is therefore not in accordance with criteria g.

Local Area requirements for Planning Applications

It is considered that the application does not comply with the Council's Local Area Requirements for Planning Applications.

On page 20 it is stated that Construction Management Plans (CMP) should be provided for developments listed in para.6.13 of the Local Plan (which includes basement developments). A CMP has not been provided.

In addition p.22 sets out the requirements for site specific Flood Risk Assessments. Given that the site is located in a Critical Drainage Area and Local Flood Risk Zone a Flood Risk Assessment should be provided.

**Conclusions**

The proposal has failed to demonstrate that there will not be significant adverse impacts on residential amenity resulting from construction activity, notably from lorry traffic on an unsuitable road. It will exacerbate existing problems with lorry traffic which include daily violations of parking/traffic restrictions. There are also significant concerns regarding the basement impacts of the proposal in relation to excavation and dewatering and further detailed information is required to ensure there are no significant impacts. The proposed additional storey in addition to the existing excavated area is contrary to criteria g of Policy A5. In addition, there are also some concerns regarding the size of the basement in relation to requirements set out in Policy A5.

The proposal does not comply with Policies A1, A4, A5 and T4 of the Camden Local Plan

There are several omissions from the application including lack of a site specific Flood Risk Assessment and most notably a lack of a Construction Management Plan which is a serious omission due to the potential impacts on residential amenity.

**Appendix 1: Relevant Policies**

**Camden Local Plan (2017)**

**Policy A1 Managing the impact of development**

The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.

We will:

a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;
b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
d. require mitigation measures where necessary.

The factors we will consider include:

e. visual privacy, outlook;
f. sunlight, daylight and overshadowing;
g. artificial lighting levels;
h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;
i. impacts of the construction phase, including the use of Construction Management Plans;
j. noise and vibration levels;
k. odour, fumes and dust;
l. microclimate;
m. contaminated land; and
n. impact upon water and wastewater infrastructure.

**Policy A4 Noise and vibration**

The Council will seek to ensure that noise and vibration is controlled and managed.

Development should have regard to Camden's Noise and Vibration Thresholds (Appendix 3).

We will not grant planning permission for:

a. development likely to generate unacceptable noise and vibration

impacts; or
b. development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.

We will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity. We will also seek to minimise the impact on local amenity from deliveries and from the demolition and construction phases of development.

**Policy A5 Basements**

The Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

a. neighbouring properties;
b. the structural, ground, or water conditions of the area;
c. the character and amenity of the area;
d. the architectural character of the building; and
e. the significance of heritage assets.

In determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment and where appropriate, a Basement Construction Plan.

The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:

f. not comprise of more than one storey;
g. not be built under an existing basement;
h. not exceed 50% of each garden within the property;
i. be less than 1.5 times the footprint of the host building in area;
j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
k. not extend into or underneath the garden further than 50% of the depth of the garden;
l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
m. avoid the loss of garden space or trees of townscape or amenity value.

Exceptions to f. to k. above may be made on large comprehensively planned sites.

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

n. do not harm neighbouring properties, including requiring the provision of 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';
o. avoid adversely affecting drainage and run-off or causing other damage to the water environment;
p. avoid cumulative impacts;
q. do not harm the amenity of neighbours;
r. provide satisfactory landscaping, including adequate soil depth;
s. do not harm the appearance or setting of the property or the established character of the surrounding area;
t. protect important archaeological remains; and
u. do not prejudice the ability of the garden to support trees where they are part of the character of the area.

**Policy T4 Sustainable movement of goods and Materials**

The Council will promote the sustainable movement of goods and materials and seek to minimise the movement of goods and materials by road. We will:

a. encourage the movement of goods and materials by canal, rail and bicycle where possible;
b. protect existing facilities for waterborne and rail freight traffic and;
c. promote the provision and use of freight consolidation facilities.
Developments of over 2,500 sqm likely to generate significant movement of goods or materials by road (both during construction and operation) will be expected to:
d. minimise the impact of freight movement via road by prioritising use of the Transport for London Road Network or other major roads;
e. accommodate goods vehicles on site; and
f. provide Construction Management Plans, Delivery and Servicing Management Plans and Transport Assessments where appropriate.

**London Plan Policy 7.26: Increasing the use of the Blue-Ribbon Network for freight**

Planning decisions

B Development proposals:

a should protect existing facilities for waterborne freight traffic, in particular safeguarded wharves should only be used for waterborne freight handling use. The redevelopment of safeguarded wharves for other land uses should only be accepted if the wharf is no longer viable or capable of being made viable for waterborne freight handling, (criteria for assessing the viability of wharves are set out in paragraph 7.77). Temporary uses should only be allowed where they do not preclude the wharf being reused for waterborne freight handling uses (see paragraph 7.78). The Mayor will review the designation of safeguarded wharves prior to 2012.
b which increase the use of safeguarded wharves for waterborne freight transport, especially on wharves which are currently not handling freight by water, will be supported
c adjacent or opposite safeguarded wharves should be designed to minimise the potential for conflicts of use and disturbance
d close to navigable waterways should maximize water transport for bulk materials, particularly during demolition and construction phases.