

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/4013/P	Oliver Froment	22/10/2020 11:44:57	COMMNT	<ul style="list-style-type: none"> • Objections to planning application number: 2020/4013/P • Site address: 8 Pilgrim's Lane London NW3 1SL <p>Executive Summary: We object to this application on multiple grounds.</p> <p>1- Incomplete and faulty BIA. The author of the BIA recognises that there are significant execution risks and missing information. This is of particular and serious concern because my house rests squarely on an unusual flying freehold column. In the application, excavations are proposed dangerously close to this critically sensitive column. Furthermore, LBHGEO has a disclaimer that states that no liability can be accepted for any inaccuracies or omissions.</p> <p>2- Contraventions of the Hampstead Neighbourhood Plan. Contrary to paragraph 5.13 of the Hampstead Neighbourhood Plan "HNP", no basement construction plan has been provided. Application 2020/4013/P violates policies and paragraphs 5.13, 5.15, 5.17 of the HNP. Contrary to paragraph 5.16 of the Hampstead Neighbourhood Plan, there was no consultation with neighbours. The applicant has in the past also refused to serve a party wall notice and this is all the more reason to put the onus on the applicant to rigorously demonstrate that the proposed scheme stands up to scrutiny. The applicant has repeatedly and on many different counts failed to do so in this application.</p> <p>3- Additional problematic excavations not covered in the BIA. There are also other and separate proposed excavations in another location, next to the load-bearing column of my house, where required information is absent.</p> <p>4- Breach of the NPPF and other policies. This is an unnecessary overdevelopment in a tight corner of Hampstead surrounded by residential houses. This application cannot be disassociated from application 2020/2666/P. The applicant has still not renounced to mechanical ventilation and has failed to put forward a comprehensive proposal for an increase in natural ventilation such as roof openings, comprehensive window openings.... There is no legal binding undertaking either that the applicant will not rely on air conditioning/ mechanical ventilation. The two applications put together also breach paragraph 127 in the policy of the NPPF, Policies D10, S11 of the Emerging London Plan, Camden's Plan Policies A1, A4, CC2.</p> <p>5- Light pollution. The proposed scheme would also create light pollution and negatively impact the amenities of the neighbouring houses if the glazing specifications are not adequate. This would be contrary to Policy A1, paragraphs e and g of the Camden Plan on the matter as well as Policy D10, paragraph 3.10.3 of the emerging London Plan.</p> <p>1- Incomplete and faulty BIA. Paragraph 4.2.3 of the BIA (pages 19-20) recognizes that "the proposed basement will significantly increase the differential depth of foundations relative to the neighbouring properties". This would be within 5 metres from the foundation of the column on which my house squarely rests. In the same paragraph, the BIA warns us that "The guidance advises that excavation for a basement may result in structural damage to neighbouring properties if there is a significant differential between adjacent foundations". This is precisely the case here, but it is completely ignored and overlooked in the assessment. The author of the BIA also completely fails to take into account that the proposed excavations are close to a column that is structurally very sensitive, as a major part of my house squarely stands on this column. My house has a very unusual and extremely sensitive flying freehold structure. The photo below illustrates the</p>

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matter. The applicant has had numerous planning applications refused over the last 10 years because excavations close to the column would have compromised the structural integrity of the column. The applicant has repeatedly refused to acknowledge this obvious fact despite numerous reports from seasoned engineering, geological and geotechnical experts highlighting and warning the applicant on this matter.

Very sensitive pillar on which 10 Pilgrim's Lane squarely rests. The applicant proposes new excavations at very close proximity yet fails to provide the required detailed demonstrations that this column will not be damaged.

The foundation of the southern column that supports my house is only 1.2 metres in depth. This is shown in paragraph 9.1.1 (page 38) of the BIA. Please also note that the applicant has repeatedly refused in the recent past to issue a party wall notice despite the fact that we were legally entitled to one. Given all the above, the Council must require from the applicant very rigorous demonstrations that all sequences of the proposed excavations at both the temporary, transitional and permanent stage will not cause any damage to this extremely sensitive column on which my house squarely rests. This is clearly not the case in the present application.

Furthermore, and in addition to the above, in accordance with the intention of Policy A5 of the Camden local plan, e.g. paragraphs 6.127 and 6.134, a Basement Construction Plan should be provided which stands up to scrutiny.

A section 106 should also be put in place whereby the developer must offer commensurate security for expenses for the basement development adjoining my property.

It is abundantly clear that any excavation or construction at close distance to the southern column on which the flying freehold of my house squarely sits, if improperly undertaken, will cause significant damage to my property. In paragraph 7.2.1 (page 34) of the BIA, the author acknowledges that regarding movement due to underpinning: "It is not yet possible to theoretically model this type of movement and it is acknowledged that the scale of movement is dependent on the quality of workmanship".

So clearly there is an unacceptable risk that the southern column, on which a major part of my house rests, could be damaged. In addition, the applicant is not legally committing or offering guarantees that this will not be the case, nor has he rigorously committed to or demonstrated that my column will not be damaged.

2- Contraventions of the Hampstead Neighbourhood Plan.

The Hampstead Neighbourhood Plan "NHP", in paragraph 5.13, states: "When the proposed development involves excavation or construction that if improperly undertaken could cause damage to neighbouring properties, then a basement construction plan will be required". No basement construction plan is presented with this application. This alone is reason for refusal of this application.

Furthermore, paragraph 5.15 of the HNP states that the Basement Construction Plan should be prepared to a Detailed Proposal Stage (equivalent to RIBA stage D) as set out in the Service of ACE. Paragraph 5.18 requires that the Basement Construction Plan includes the relationship between permanent and temporary works and how vertical and lateral loads are to be supported. None of this has been provided by the applicant.

The above is not mere guidance but part of a Policy Framework that must be abided by. Doing otherwise would be a breach of procedure.

Contrary to the recommendation of paragraph 5.16 of the HNP, the applicant has not consulted with the neighbours. The applicant has a history of refusing to consult with the affected next-door neighbours.

3- Additional problematic excavations not covered in the BIA.

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In addition to the proposed deep external lightwell excavation, drawing 99, dated 06-06-2020 by LING Engineering, shows another new proposed external excavation scheme (references 14 and 15) very near the very sensitive southern pillar on which my house squarely rests.

There is no BIA, let alone a Construction Plan, for these additional proposed excavations.

The Plan is materially and substantially different from the one shown on the plan reference 999-AP4-03, September 2015 by Brod Wight architects in reference to planning application 2015/4053/P that was approved on 9/05/2015 given the very close proximity to the southern column that supports my house and its very high sensitivity to the structural integrity of my house. For example, instead of having a previously smaller window, the opening is much wider. This is extremely concerning because the internal wall has been significantly reduced compared to the previous scheme. Drawing 99 by Ling Engineering shows that the existing blank walls are proposed to be demolished, hence necessitating much more structural support. There is also no information on the proposed excavation depth and no information either on both the proposed temporary excavation structure, methodology and sequence and the depth of both the temporary and permanent structures.

The BIA also makes legally faulty and misleading representations. For example, it is highly misleading to write that "the property includes a basement that has recently been constructed under permitted development rights and was therefore not subject to a BIA". The proposed new excavations are outside the footprint of the building and therefore are not and were never allowed under permitted development and do require prior planning approval.

Furthermore, and separate from this point, permitted developments for basements in Camden are not authorized anymore and do require a full BIA. The entire proposed scheme is all the more concerning because drawing 99 shows that the applicant proposes to comprehensively demolish the existing blwk walls. This will further weaken the structure of the building. One will also notice in the drawing by LING proposed stainless steel Furfix starter channel with s.s. ties at 225 c/c, , 200 thk institu reinforced concrete. slab, ... The applicant squarely fails to provide the required information on the proposed construction sequence and the proposed methodology.

I also notice that this application appears to be misleading and incomplete in several other ways. For example, the proposed ground floor (dated 06.06.20 drawing number 100) shows further proposed excavations e.g. reference 07.08, 16 ...but gives no details on the excavation process, the depth and how it will ensure that no damage will be caused to the neighbouring properties at 10 and 6 Pilgrim's Lane. The BIA does not cover these other excavations and the proposed detailed engineering sequence at all, nor does it attempt to show the ground movements that these additional excavations will trigger.

We are dealing with a complex set of excavation proposals and basements all at very close proximity to the highly sensitive column that support the flying freehold structure of my house. The application has yet again entirely failed to provide detailed sequential drawings for every single step of the proposed scheme, including both the proposed temporary and permanent stages and that will rigorously demonstrate that my house is not at risk of damages. No engineering calculations have been provided either.

The application also violates policies and paragraphs 5.13, 5.15, 5.17 of the Hampstead Neighbourhood Plan "HNP". Contrary to paragraph 5.13 of the HNP there is no basement construction plan either provided on this other scheme.

The current proposal is an overdevelopment that would put my house at risk. Over the last 10 years, the applicant has constantly, through a multitude of unsuccessful planning applications and appeals, attempted to overdevelop this large house located in a tight corner surrounded on all sides by houses in the centre of Hampstead along a narrow one-way street. The planning inspectorate has in the past and on several occasions reminded the applicant that we are dealing at this site with a complex and very sensitive situation

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because of the critically sensitive flying freehold on which my house sits despite the applicant repeatedly denying or overlooking this fact.
Paragraph 5.12-c of the HNP states that supporting engineering “calculations (must) stand up to scrutiny”. There is no presentation of any calculations directly relating to the proposed schemes.

Furthermore, as mentioned in paragraph 9.4 in page 43 of the BIA, the “Burland damage category assessment process is based upon consideration of a theoretical masonry panel of a given length and height”. This is entirely inappropriate in this instance; 10 Pilgrim’s Lane is a very unusual flying freehold and not a theoretical masonry panel. The assumptions in the BIA as it applies to this site are faulty and no attempt has been made to address this issue at all.

Paragraph 5.18 of the HNP deals with the need to disclose the detailed relationship between permanent and temporary works and how vertical and lateral loads are to be supported.
This is clearly not the case either in this application and should also be reason for the rejection of this application. Paragraph 8.4 of the BIA is faulty since it states: the following indicative sequence is proposed and will be subject to detailed design by the structural engineer”. This is in clear breach of procedures in reference to paragraphs 5.12 c, 5.13, 5.15, 5.17 and 5.18 of the HNP as this should be provided in a detailed manner prior to determination.

4- Breach of the NPPF and other policies

The applicant states in paragraph 6 of its design and access and heritage statement of July 2020 that “the introduction of ventilation will reduce its reliance on mechanical ventilation”. So clearly the applicant has still not committed to renounce mechanical ventilation. There should instead be a clear and unequivocal undertaking from the applicant to renounce entirely to mechanical ventilation. So long as there is no such undertaking through a section 106, this application should be refused in its entirety. This application cannot be disassociated from application from application 2020/2666/P and the two applications put together do not comply with the emerging policy SI1 of the emerging London plan on improving air quality since the applicant has not formally undertaken to refuse the use of an outdoor air conditioning/mechanical ventilation unit and therefore the proposed schemes will not be Air Quality Neutral and will not improve local air quality and will generate the opposite desired effect on improving air quality. This application is contrary to Policy CC2 of the Local Plan which states: “The Council will discourage the use of air conditioning and air conditioning and excessive mechanical plants”. The applicant has not complied either with paragraph 5.48 of the London Plan by properly incorporating the cooling hierarchy.

There is no need to have such a deep excavation 3.5 metres in depth to increase natural ventilation. It is contrary to policy D10 of the emerging London Plan. The proposed depth should be significantly less e.g. 1 or 1.5 metres in depth and at a sloping angle to achieve the desired natural ventilation.

To entirely renounce to the use of mechanical ventilation, the applicant should also have instead recourse to a comprehensive set of proposals e.g. openings on the roof, openable windows, details of the green roof....

None of which have been provided in this application. The applicant has still not provided a comprehensive overheating analysis either. It would be procedurally unacceptable to accept the proposal without the above. We have taken professional advice on this matter.

A comprehensive thermal analysis that shows and demonstrates how the applicant will not apply for a mechanical ventilation must be provided by the applicant and the applicant continues to fail to do so. This was part of our objections of planning application 2020/2666/P as per enclosure. The cooling impact of the nearby trees on this eastern facing façade have not been assessed either and factored through a methodological and

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quantitative study.

5- Light pollution

The openable glass rooflight should be made of very opaque anti external glaze glass or sliding metallic or aluminium panels and clear specifications should be provided to that effect. We notice that in the revised document the applicant makes now makes mention of "glazed opening roof light". The applicant should specify clear and detailed specifications for highly glazed opening. "Glazed opening rooflight" is too vague and subject to interpretation. Doing otherwise will create light pollution as we fully overlook this area from our house. It would negatively impact on our amenities. This application would be in such instances contrary to Policy D10, paragraph 3.10.3 of the emerging London Plan and Policy A1 of the Camden Plan on the matter.

Conclusion:

This application must be refused in its current form for all the above reasons. It is an unnecessary overdevelopment and on many aspects.

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