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Planning Department
Planning and Built Environment
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London
WC1H 8ND

Our Ref: KRS/The Waterhouse

Your Ref: **By Email**

10 July 2014

Dear Sir or Madam

**Objection to Planning and Conservation Area Consent Applications
The Waterhouse (Ref: 2011/4390/P and 2011/4392/C)**

I write on behalf of my client The City of London Corporation (The City), who manages Hampstead Heath, to submit a further objection to the planning and conservation area application (ref: 2011/4390/P and 2011/4392/C) following the submission of additional information from the applicant, registered by the Council on 3 June 2014:

- RSK Independent Review of Basement Impact Assessment
- SWP Ltd Surface Water Drainage 14.05.14
- CGL Independent Review of Basement Impact Assessment.

In response to the previous statutory consultation periods carried out for these applications, two lengthy and comprehensive reports have been submitted to the Council setting out my client's concerns. Below is the latest response prepared by Alan Baxter & Associates LLP ('Alan Baxter') to the information submitted in June 2014.

It is considered that many of the City's previous objections remain unresolved by the latest documents, and there are still serious concerns regarding the impact of the construction vehicles on Millfield Lane, a key access route to Hampstead Heath, and the impact of the overall development on the Conservation Area. A summary of these objections is provided at the end of this letter for ease of reference. On this basis, I respectfully urge the Council to move forward with the application, to refuse the application on the reasons that have been provided and any others that the Council considers appropriate. The proposed development is clearly contrary to planning policy and there appears to be no material considerations that mitigate this.

Alan Baxter's Comments on SWP Ltd Surface Water Proposal

The criteria used for the design of the drainage are taken from PPS25. It is as follow:

- 1 in 2 years without surcharge in the surface water drainage system.
- 1 in 30 years without flooding
- 1 in 100 years to be checked to determine what volume of flooding may occur

However this is only a small extract from PP225, which relates to Development and Flood Risk. The criteria noted above relates to the design of the pipe sizes, but should not be taken as the allowable run off rates from the site.

If this were a new development then it is likely that the surface water drainage would be limited to "greenfield" run-off rates (ref: 23.9 Camden Development Policies).

Policy DP23(b) on water states

"limit the amount and rate of run-off and waste water entering the combined storm sewer.... to reduce the risk of flooding"

It appears that the drainage discharge rate assumed in the design is in the region of 6 l/sec. This equates to 21.6m³ per hour, which is a very significant volume. As this is a relatively high rate, the amount of rainwater attenuation proposed is 15 m³, which can all drain away in less than 45 minutes. This run-off rate is in excess of what would be permitted for many large new residential developments.

The design run-off rates should be agreed in advance of determining the application with both Camden and Thames Water, taking account of the capacity of the existing combined sewer.

Ground Water

The system of fin drains is maintained and these drains to a soakaway in the vicinity of the existing pond. It has previously been advised by RSK that the rate of re-infiltration is expected to be very low. A high level overflow is proposed which will discharge into a gravel filled drain passing under Mill Hill Lane onto the opposite bank (and drain onto the Heath).

The ground levels adjacent to No. 49 Fitzroy Park and the north-western corner of the site are noted to be in the region of 82.4m. The ground levels in the vicinity of the existing pond are approximately 79.8m. It is reasonable to assume that a high level outflow will be set -0.4m below ground level, with an invert level of -79.4m.

Any groundwater, which is picked up by the fin drain, could have up to a 3m head, so once the soakaway is full it will all drain via the overflow pipe and gravel drain onto the Heath. Therefore, as the view is that the soakaway is full, it will all drain via the overflow pipe and gravel drain onto the Heath. The soakaway will be ineffective, resulting in all the ground water picked up by the fin drain being directed to the Heath, which is unacceptable to the City.

Alan Baxter's Comments on Haskins Robinson Waters Response to CGL Assessment

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We note that some survey information has been provided but no access to No. 49 Fitzroy was obtained. The survey is not particularly accurate and does not pick up the pool surround, the pool plant room or the spa pool. Also the survey does not pick up the significant level differences at the boundary.

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It is noted that the fin drain has been moved to the outside of the temporary retaining structure, but there is no explanation of how the fin drain is to be installed or what the effect of the installation will be on the boundary structure.

Please refer back to the comments on SWP's drainage proposals regarding the surcharging of the soakaway due to the level differences on the site.

Previous Unaddressed Comments on the Application

Two lengthy reports have been prepared in response to the previous consultation periods. Many of the issues, which I have summarized below have simply not been addressed by the Council and are key points in the determination of the application:

Impact on the Designated Open Space

The plot ratio for the site is more than 25.5%, which is significantly greater than the average plot ratio for the surround area in the designated Open Space (Fitzroy Open Space). Accordingly the proposals are not in accordance with Camden's policies for protecting Conservation Areas, gardens and open space (*CS15 Protecting and improving our parks and open spaces and encouraging biodiversity*)

Adverse Impact on the Designated Conservation Area

It is considered that the proposed and replacement building will not make a positive contribution to the Conservation Area but will harm it in terms of scale and bulk which will have an adverse impact on the local context and special architectural, historic interest and the character and appearance of the Conservation Area. The proposals are therefore not in accordance with Camden's Development Policy DP24 – Securing high quality design and DP25 – Conserving Camden's heritage.

Adverse Impact on Trees

There is a detailed breakdown in our October 2013 report, Chapter 5 regarding the detrimental impact on trees as a result of the proposed development. It is our view that the proposals are not in accordance with Development Policy DP25 – Conserving Camden's Heritage which requires the Council to "*preserve trees and garden spaces which contribute to the character of the conservation area and which provide a setting for Camden's architectural heritage*".

Impacts on Local Ecology and Wildlife

The City considers that the degree of vehicle activity and the combined negative impact of excessive noise, dust and likely pollution from the construction vehicles themselves present an unacceptable impact on one of the most important conservation areas, The Bird Sanctuary, on Hampstead Heath. The proposals are not in accordance with Camden's policies for protecting Conservation Areas, garden and open space (CS15 – Protecting and Improving our Parks and Open Spaces and encouraging biodiversity).

Access and Pedestrian Safety

It remains the case that the concerns sets out in both previous reports relating to access and pedestrian safety to the site during the construction period still have not been adequately addressed and warrant a reason for refusal in terms of both applications. It may be worth considering the use of conditions to secure key commitments, or including them within a Travel Plan or as part of a Unilateral Undertaking, possibly with contractual penalties for infringements. In the absence of these, the proposal is deemed unacceptable. In addition, the physical constraints of Millfield Lane itself means that the proposals within the CMP are flawed as well as not being in accordance with HSE requirements as they would fail to secure adequate provision for the safety of pedestrians. This would be contrary to Policy CS19 (delivering the Core Strategy).

Adverse Impacts on Geology and Groundwater

There are a number of significant environmental and hydrological quality concerns which remain outstanding or have not been adequately addressed. The proposals are therefore not in accordance with Core Strategy CS13 – Tackling climate change and DP27 – Basements and lightwells.

Summary and Conclusion

The application was originally registered in November 2011 (over two and a half years ago). Two comprehensive reports have been submitted to the Council setting out The City's concerns and objections regarding the applications. This latest objection confirms that many of the original concerns have not been addressed and the information most recently submitted remains flawed and deficient. We conclude that the proposals are not consistent with National Planning Policy and the general terms of policies within the Camden Development Plan. All the relevant material has been considered, none of which out-weigh the reasons why planning permission should be allowed.

I therefore respectfully but strongly urge the Council to move forward with the application, refusing the development on the reasons that have been provided above and any other the Council considers appropriate. The proposed development is clearly contrary to planning policy and there appears to be no material considerations that mitigate this. A conclusion to the application will allow The City to have some confidence in the immediate future of the site based on the Council's considered decision, which has remained undetermined for so long.

Please contact me if you have any queries on the above information.

In the meantime, I look forward to receiving confirmation on the outcome of the applications.

Yours sincerely,

A handwritten signature in black ink that reads "Katie". The letter "K" is large and stylized, with a long vertical stroke that curves at the bottom. The word "Katie" is written in a cursive, flowing script.

Katie Russell Smith

Associate

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Enc.

c.c. Bob Warnock, City of London