

Gentet, Matthias

From: Karen Beare <zbkarli@me.com>
Sent: 01 February 2016 08:33
To: Thuaire, Charles
Cc: Anthony Beare; Mary-Jane O'Neill; Bob Warnock; Michael Hammerson; Elspeth Clements; Tye Blackshaw; Mary Cane; Jane Shallice; Marc Hutchinson; Lynda Cook; Susan Rose; Dr Colin Cooper; Georgia Abrams; Richard Stokes; Derrick Dale QC; Harley Atkinson; Berry, Sian (Councillor); Gimson, Sally (Councillor); Lewis, Oliver (Councillor)
Subject: Water house CMP
Attachments: 7453-ATR-003-A.pdf

Charles

The attached plan presents the assessment of an HGV manoeuvring in and out of the Waterhouse property by WSP Parsons Brinckerhoff. The size of the HGV is taken from dimensions given in the latest CMP and Lane dimensions are taken from the accurate topographical study undertaken by the COL.

The analysis indicates Millfield Lane would need to be widened (due to vehicle encroachment over Hampstead Heath beyond its boundaries) to enable the HGV to turn around. I.e: Heath railings will need to be removed. There is also a consequential requirement for the existing access into the Waterhouse property to be widened significantly that would involve the removal of existing trees along the boundary. WSP estimate it could take up to 3-4 minutes to reverse the HGV as it needs to traverse about 60m back and forth at an average speed of 1km/hr.

This analysis is at odds with data provided by this applicant. First of all the SWA provided by Motion fails to show any encroachment onto Heath land. Mysteriously, Motion fail to include any evidence of how an HGV will leave site in forward gear, which is perhaps not so surprising given the reality as evidenced here.

We note that at the recent decision at 53 Fitzroy Park, the DCC Chair under direction from Stuart Minty, sidelined all questions about the CMP, stating that these could be resolved post consent as part of a s106. As a consequence no weight was given to CPG6 and what might be considered unreasonable use of the road based on previous construction projects (for 53FP the numbers are x4 previous construction projects) or impact on amenity and safety of the local community.

FOI emails on the Water house clearly show that LBC Transport officer Zoe Trower is of the opinion that "I am in a no win situation, as I have stated on more than one occasion (a CMP) IS NOT a planning issue it is a management issue considered resolvable post planning. A reasonable mitigation measure that a Council can secure in a S106".

That said, we note that Ms Trower is clearly concerned that "construction impacts are actually a civil matter as permission will still need to be secured from the residents and COL - which I know we both doubt is every likely to be given. My only question is therefore, does Camden as the LPA need to be aware that approval will be withheld on a civil matter and permission (if granted) could never be realised.?"

We have presented here compelling evidence that due to physical constraints HGVs cannot access site without substantial physical mitigation that requires the removal of COL Heath railings and the widening of the Water House entrance, to include removal of trees currently screening the front boundary of the property with the Heath. Neither have to date been considered as part of this Application.

I will refrain from repeating all the other flaws with the CMP other than to note that the 500m3 of spoil to be stored in the back garden has miraculously been removed from both the CMP and final arbo report, but HGV numbers have not been increased by 30% to take account of that.

The proposed mitigation measures to dress back the verges, remove mud, prune vegetation and improve drainage on privately owned land at proposed pedestrian passing points along Millfield Lane remains an unacceptable impact on the character and ambience of the Lane.

Given that the COL will not permit the applicant to over-sail their land, and LBC acknowledge in FOI emails that private landowners will also not permit such physical mitigation measures to their land, the question for LBC is that as the LPA, what responsibility lies with it if they grant consent, even if it is subject to a S106 agreement, knowing that the CMP is not tenable and not likely ever to be so.

With regards
Karen Beare
On behalf of friends of Millfield Lane.

Sent from my iPad