

**City of London Corporation Statement to Camden Development Control Committee – 7  
April 2016: The Water House Applications (ref: 2011/4390/P and 2011/4392/C)**

The City of London Corporation (The City), who own and manage Hampstead Heath considers that there are significant outstanding material considerations in terms of drainage that have not been accurately dealt with. Further detailed representations were recently submitted, with a technical note from Alan Baxter engineers, which confirm that the proposals would cause flooding onto Millfield Lane and would cause adverse impacts on Bird Sanctuary Pond in particular.

The latest technical note from Alan Baxter, which is not dealt with in the current Committee Report, makes a number of significant points in terms of these unresolved drainage matters. In summary these are as follows:

- **Gravel Filled Drain:** There is no evidence to demonstrate that the mark up drawing of the initial drainage sketch was ever constructed. The drawing also refers to a “*possible carrier drain runway beneath runway beneath concrete drive to be cleared out if found*”. Similarly there is no evidence to suggest that this was found. In addition the proposed drain requires a 450mm deep excavation which would cause problems for trees on the boundary and trees on the other side of Millfield Lane.
- **Groundwater:** The applicants have now proposed that excess groundwater is direct to a gravel filled drain, but there is no evidence that this exists. Consequently the only route for the excess ground water to drain is across Millfield Lane onto the Heath. This is not an acceptable solution for the City so the strategy does not work.
- **Response to CGL’s Review of Groundwater:**
  1. Groundwater flows in the area are complex even though the material would normally be classified as having very low permeability. Groundwater rose to 79.4 OD within a 2 week period of the borehole testing carried out in 2011. It is therefore reasonable to assume that the groundwater in the fin drains will rise to this level or higher.
  2. The fin drains all direct the groundwater to a soak away near the southern site boundary. The applicants have confirmed that the sub-soil here is impermeable. They also state that any re-infiltration can only be in the made ground. The perimeter of the soakaway is a very small fraction of the perimeter area of the new basements and it is therefore unlikely that it can accept the potential flow from the fin drains around the basement.
  3. The recorded level of the groundwater in borehole no. 2 was 79.4m OD which is approximately the same as the ground level at the location of the soakaway and at least 1m higher than the level of Millfield Lane. Therefore, unless a proper drain route is provided, there is a high risk of groundwater flowing across Millfield Lane. See Section A-A on drawing No. 1675/113/SK10 recently submitted by the City.
- **Surface Water Drainage:** The applicants have not yet addressed the issue of surface water discharge rates.

There are two separate surface water systems, each with their own rainwater harvester, attenuation tank and controlled outflow devices. The rainwater harvesters cannot be used as part of the attenuation strategy, so there is a separate attenuation tank for each system.

Controlled outflow devices or “hydrobrakes” are an accepted method of controlling outflow. It is generally accepted that, in order to avoid blockages, the minimum flow at which hydrobrakes can operate is 5l/sec. The proposed arrangement is therefore unlikely to achieve the limit of 6l/sec as the minimum combined flow will be 10l/sec.

Calculations are also required to justify the size of the attenuation tanks proposed and the scheme should be revised so that both attenuation tanks drain to a single hydrobrake sized to limit the flow to a maximum of 6l/sec.

The surface drainage strategy which relies on a discharge rate of 10 litres/sec into the combined sewer not 6 litres/sec, as agreed with Thames Water.

The City, therefore, strongly disagrees with the findings in the Committee Report in terms of drainage, which conclude that “*the scheme will not harm local hydrology*”. Given that the impacts of drainage are material considerations that need to be addressed at the outset it is also not appropriate for the Committee Report to suggest that subsequent studies on detailed drainage design be secured via s106 Legal Agreement. It has not been shown that the Scheme would not adversely affect so is in conflict with Policy DP27 and should be refused accordingly.

Condition 4 should, therefore, be amended to remove the reference to hydrology and detailed drainage design and the following additional reason for refusal should be added:

*The proposal would be likely to cause harm to the natural environment and local amenity and would result in flooding. This is contrary to Policy DP27 (Basement and Lighwells) of the Camden Local Development Framework Development Policies.*

In this regard, the City also considers that the proposed “Informative” set out within the Committee Report should be removed given the unresolved adverse impacts in respect of drainage.

### **Impacts on Mature Trees**

As detailed in objections submitted by the City, the proposal, which has been assessed by the City’s own arboriculturist, will have detrimental impacts on the landscape character and arboriculture of Hampstead Heath (Metropolitan Open Land) and the safety of pedestrians using Millfield Lane to access the Heath during the construction phases in particular.

There are a total of 15 mature trees on City Land that would be affected by sub-surface root compression caused by HGVs on a Lane with only 5% CBR. These include x5 horse-chestnuts, x6 ash, x3 veteran Boundary Oaks plus x1 holly.

There is a very large Ash along the Water House boundary that will be affected, or more likely felled along with x2 other trees to facilitate widening of vehicle access, plus a number of other mature trees along boundary with other private landowners. The City, therefore, requests that Condition 3 be amended to include a reference to these 15 additional trees on Millfield Lane – and not just the veteran oak tree (T5). In addition the applicant’s arboricultural report has incorrectly categorised the veteran Hornbeam (T17) as Category U – although this should be category B and any impacts to this tree will also need to be appropriately mitigated. In light of these omissions Condition 3 should be updated as follows:

*In the absence of sufficient evidence in the arboricultural report to demonstrate adequately to the Council's satisfaction that the veteran Oak tree (T5) on the site, the veteran Hornbeam (T17); and the 5 Horse-Chestnuts, 6 Ash, 3 Veteran Boundary Oaks plus 1 Holly tree on Millfield Lane, will not be significantly harmed, it is considered that the development and its construction would harm the longterm survival of the tree which has a high amenity value, which would be detrimental to the character and appearance of Millfield Lane and the wider conservation area. This is contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*

In conclusion it is respectfully but strongly, requested that the Council refuse permission for the development of the site for the reasons that have been provided in this statement and any other reasons the Council considers appropriate. The proposed development is clearly contrary to planning policy and there appears to be no material considerations that mitigate this.