

**Ben Farrant**

Development Management  
Camden Council  
Town Hall  
Judd Street  
London  
WC1H 9JE

04 October 2017

Ref: 2017/4301/P

Dear Mr Farrant

**RE: Application No. 2017/4301/P for extension and alterations at Wallace House, Fitzroy Park, London N6 6HT**

Nexus Planning is acting on behalf of the City of London Corporation and makes the following representations in relation to the above planning application. The City of London objects to the proposed development on this site in view of the potential impacts on the adjoining Hampstead Heath, and particularly, to the Kenwood Ladies Bathing Pond.

**City of London Corporation**

The City of London Corporation ('the City') owns and manages over 10,700 acres (4,330 hectares) of Open Space in and around London, which are enjoyed by more than 23 million visitors each year. The open spaces owned and managed by the City include Hampstead Heath, the Hampstead Heath Extension, Golders Hill Park, Highgate Wood, Queen's Park, Epping Forest, and West Ham Park.

The open spaces managed by the City are important wildlife habitats but also provide many services and facilities, including outdoor swimming, sports pitches, tennis courts, play areas, fishing and much more.

This role was established in the 1870s, when the City was concerned that access to the open countryside was being threatened by development and therefore promoted two Acts of Parliament. The Epping Forest Act and the City of London (Open Spaces) Act received assent in 1878 and enabled the City to acquire and protect threatened Open Spaces from future development. Since this time, the City has acquired further open spaces, including Hampstead Heath. The City is statutorily obliged, by virtue of various Acts of Parliament, and specifically by the provisions of the Hampstead Heath Act, 1871, to:

- for ever to keep the Heath open, unenclosed, unbuilt upon and by all lawful means prevent, resist and abate all encroachment on the Heath and attempted encroachment and protect the Heath and preserve it as an open space;
- at all times preserve as far as maybe the natural aspect of the Heath and to that end protect the turf, gorse, heather, timber and other trees, shrubs and brushwood thereon;
- not to sell, lease, grant or in any manner dispose of any part of the Heath; and
- to provide active and passive recreational facilities and information for members of the public.

The City took over title ownership and the responsibility for the management and protection of Hampstead Heath in 1989, and for making it available as open space. In addition, the Local Government Reorganisation (Hampstead Heath) Order 1989 establishes a Trust Fund, the proceeds of which may be used to defray, in part, the cost of enhancing or replacing amenities on the Heath. The balance is met out of the City of London funds, at no cost to the public.

### Application Site Context

An indicative site location plan of the Application Site is shown below.

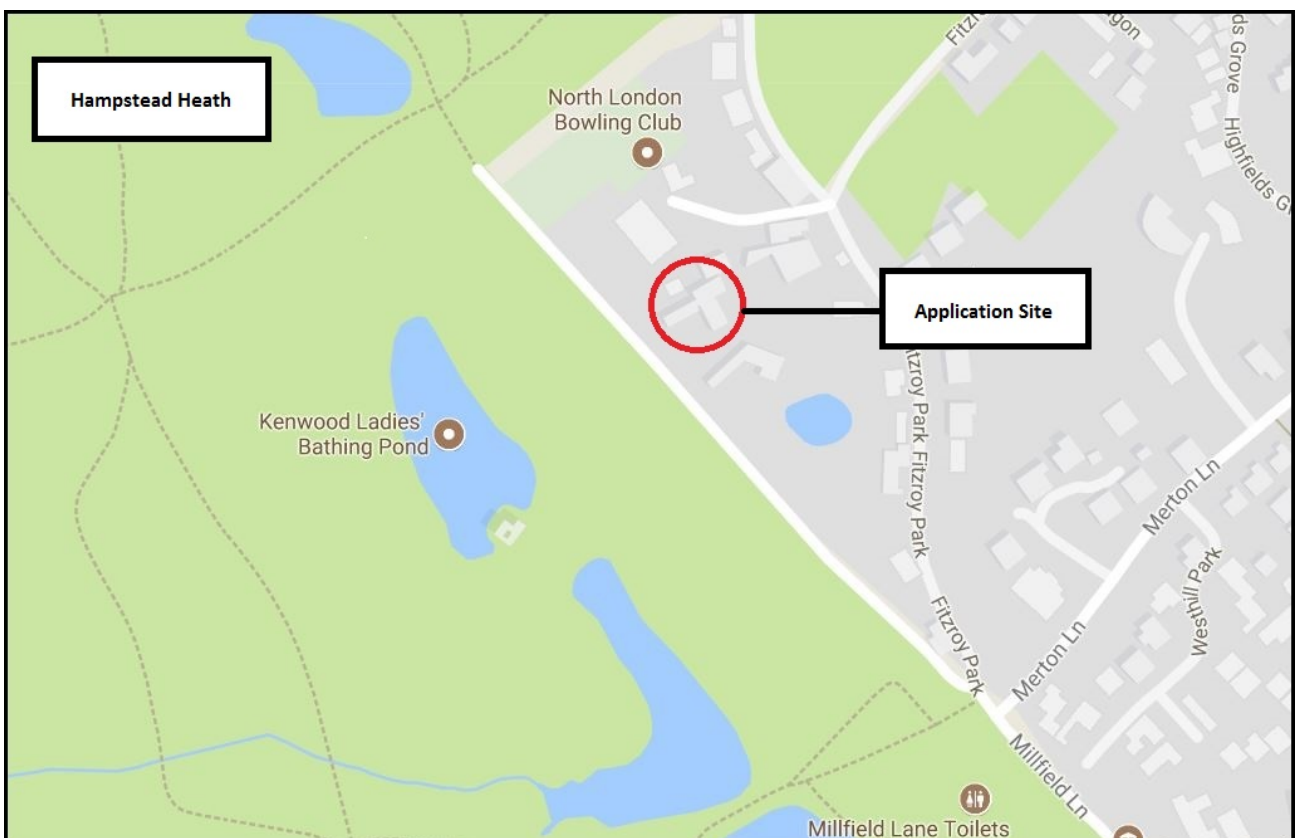


Figure 1: Site Location

Wallace House is located on Fitzroy Park, a large private road serving a number of residential properties. Wallace House is to the west of Fitzroy Park and is therefore adjacent to Hampstead Heath, separated only by a lane running along the edge of the Heath. In addition, the site is approximately 75m from the Kenwood

Ladies Bathing Pond and also nearby to the chain of other ponds south of the Kenwood Ladies Bathing Pond (Bird Sanctuary Pond, Model Boating Pond, Men's Bathing Pond and Highgate No 1 Pond), which together form the Highgate Chain of Ponds. These ponds were originally formed through diversion of water from the River Fleet.

Wallace House is relatively new, having been constructed in the early 2000s. It is understood that the construction of Wallace House impacted on ground water flows and surface water run-off to the ponds on Hampstead Heath.

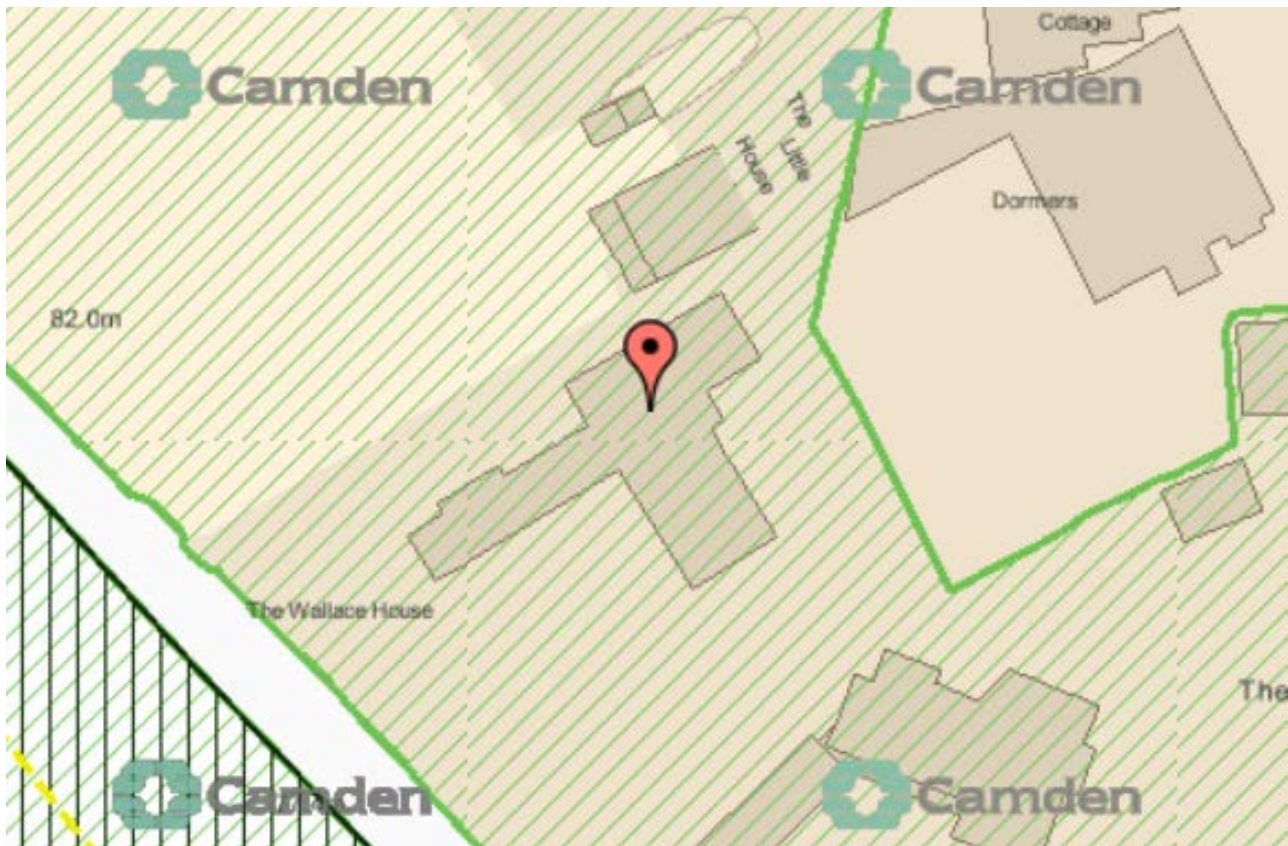


Figure 2: Policies Map Extract

The London Borough of Camden Planning Policy Map shows the site as located within the Highgate Village Conservation Area (peach coloured underlay) and the Fitzroy Open Space (green diagonal hashing). It also shows the proximity of the site to the Hampstead Heath Open Space, which is also Metropolitan Open Land (dark green vertical hashing).

### **Proposal**

The proposal comprises an extension to the west wing (pool house) and the demolition of the existing garage followed by the development of a new garage in its place with a basement floor. The proposals also include significant engineering works to strengthen the structures and protect from ground movements and surface water flows.

### **Key Issues**

The City is seeking to ensure that any development that occurs has minimal impacts on the adjoining Hampstead Heath, and particularly to the Highgate Chain of Ponds situated in close proximity to the application site.

Considering the subterranean nature of the proposal, the topography of the application site, and the proximity of the development to Hampstead Heath and the Kenwood Ladies Bathing Pond, Nexus Planning on behalf of the City, request that Camden Council take on board the independent review commissioned by Mr and Mrs

Beare. The report, titled 'The Wallace House – review of Engineering aspects of the Proposed Extensions' was carried out by Alan Baxter Ltd, and is attached in Appendix 1 of this submission.

The City's main concerns relating to the proposed development are identified below:

- Completeness of the submitted reports; and
- Potential adverse impacts of the proposed development.

These issues are discussed in further detail below.

### **Completeness of the submitted reports**

The Application is supported by a Structural and Civil Engineering Planning Report, prepared by Elliott Wood, which is a short document that summarises technical findings. Most findings are contained within a Site Investigation and Basement Impact Assessment Report, prepared by GEA, which is appended to the Elliott Wood report.

The Application does not contain sufficient information to fully establish the potential impact of the proposals for the following reasons:

1. There is insufficient detail of the existing Surface Water Management System, as referred to in Paragraph 5.4 of the Structural and Civil Engineering Planning Report;
2. There is limited information on the impact of the proposals on the Bathing Ponds on Hampstead Heath, despite:
  - a. The proposals including basement excavation and increasing hardstanding;
  - b. The location of the site within the Highgate Chain Catchment Area;
  - c. The site being within 100m of the Kenwood Ladies Bathing Pond; and,
  - d. The previous basement excavation at the site being noted as having an impact on these ponds (as acknowledged in Paragraph 5.7 of the Site Investigation and Basement Impact Assessment Report).

Notwithstanding the lack of complete information, this response continues on the basis of information made available.

### **Potential adverse impacts**

We note the following potential adverse impacts detailed in the submission, arranged under separate headings.

#### Groundwater/ hydrology impact

In light of the previous groundwater and surface water impact of development at the site on the Highgate Chain of Ponds, this is a persistent concern with the current Application. The submission documents quite conclusively state that groundwater and hydrology impact will be carefully managed, although the assessment of impact on the Highgate Chain of Ponds is somewhat limited. The City requests that this element of the application is closely examined, particularly given the concerns set out below.

In particular, control of run-off during and following construction will be important given the existing gravity drainage system discharges into the Highgate Chain of Ponds. The application mentions temporary measures, but there is limited information of how these will protect the Highgate Chain of Ponds. The references to the existing Surface Water Management System do not explicitly set out its features and how it will be improved or is able to accommodate additional run-off. This is a concern not just during construction but also following completion.

## Contamination

Section 5.5 of the Site Investigation and Basement Impact Assessment Report identifies elevated concentrations of lead in two boreholes across the site and the presence of asbestos fibres in two locations of the site. This will need to be carefully considered alongside surface water and groundwater concerns. If the works were to result in contaminants entering groundwater or surface water and discharging to the Highgate Chain of Ponds, this could result in a health risk for users of those ponds, particularly the Kenwood Ladies Bathing Pond, which is in close proximity to the site.

## **Conclusion**

The City of London objects to the proposed development on this site in view of the potential impacts on the adjoining Hampstead Heath, and particularly, to the Kenwood Ladies Bathing Pond.

The proposals involve basement level works to a site in a sensitive location adjacent to Hampstead Heath and the Highgate Chain of Ponds. The submission sets out that groundwater and surface water flows will not be adversely affected by the proposals, however, the information included to support this is not fully comprehensive. Given the history of the site, where development has previously resulted in discharge of contaminated flows to the Highgate Chain of Ponds, the City requests that this element of the Application is forensically examined and addressed appropriately.

The Highgate Chain of Ponds provides important wildlife habitats and well used recreational facilities that are particularly sensitive to contamination and therefore, unless it is established beyond doubt that the proposals would not result in contamination of the ponds during or following construction, the City is of the opinion that the potential adverse impacts of this proposal outweigh its modest benefit, which applies exclusively to the occupants of the site.

In accordance with Alan Baxter Ltd's independent review of the proposals (Appendix 1), it is requested that the above recommendations are accommodated in order to minimise the potential adverse impacts of the proposal. The City requests that these recommendations are accommodated prior to the determination of the application through updated reports that will form part of the decision notice to ensure the development is implemented in accordance with these updated measures.

Yours faithfully,

A handwritten signature in blue ink that reads "Nexus Planning". The signature is written in a cursive, slightly slanted style.

**Nexus Planning**