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Dear Sir,

RE: The Water House, Millfield Lane, London N6 6HQ

Application Ref: 2017/3692/P

Nexus Planning is acting on behalf of the City of London Corporation ('the City') and makes the following representations in relation to the above application. Whilst the City has no objections in principle to the proposed works, and is sympathetic to the applicant's proposals to adapt the house to their needs, the City is concerned about the impact the proposed development could have on the trees along Millfield Lane, for the safety of visitors to Hampstead Heath for the duration of the works and the impact on the rural character of the Lane.

Background

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.

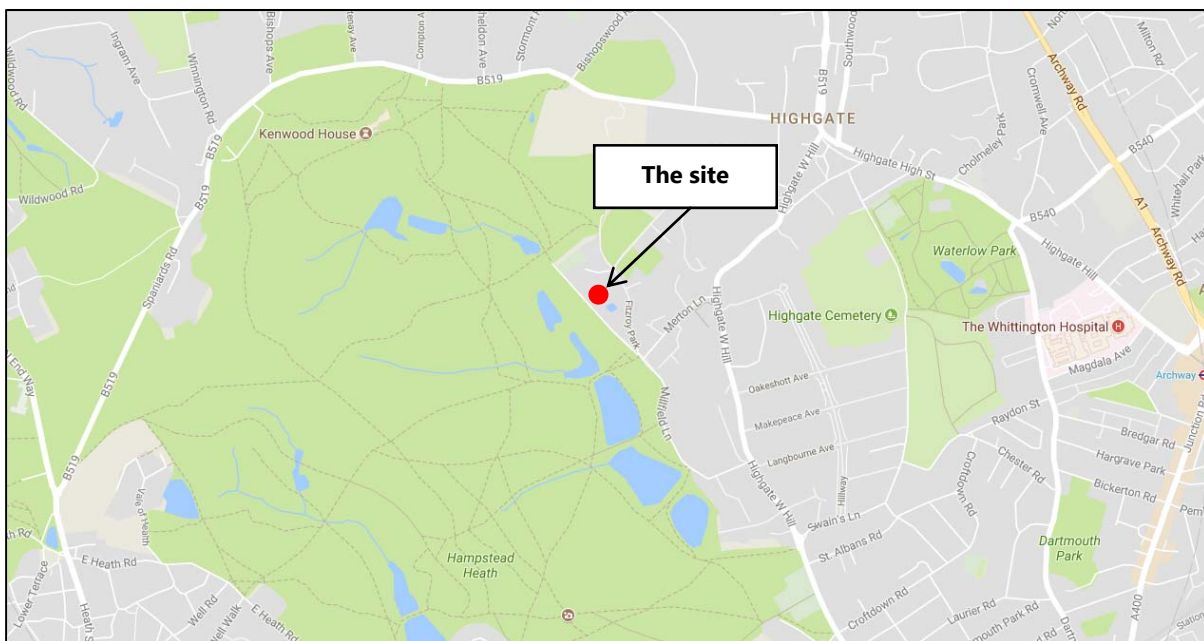
In total, the City owns and manages over 10,700 acres (4,330 hectares) of Open Space in and around London. The sites are used and enjoyed by millions of visitors each year. They are important wildlife habitats but also provide many facilities for visitors, including swimming and other sports, play areas, fishing and much more.

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.

Site Context and Proposal

An indicative site location plan is shown below.

Figure 1: Site Location



The Water House site consists of a detached dwelling and out building in very close proximity to Hampstead Heath. The site has pedestrian access from Fitzroy Park, but the main frontage and vehicle access is via Millfield Lane. Millfield Lane adjoins the eastern boundary of Hampstead Heath, and is partly owned by the City of London Corporation.

The site is situated within the Highgate Conservation Area, and is also designated within an area of Private Open Space.

Proposal

The current application is for the following aspects of development:

- Refurbishment of the existing house and outbuilding;
- An extension at the rear on ground floor to accommodate level access and the required internal areas;
- A 3.75m rear extension on 1st floor;
- To align existing full height glazing to the front of the property with the existing glass canopy; and
- For the existing pool house to be used as family space.

The proposal also involves moving the main access to the building to the western elevation, and incorporating a pedestrian entrance to allow disabled access from the main site access.

To undertake these works, significant disruption is likely to Millfield Lane and the eastern parts of Hampstead Heath for the duration of the construction works. The Kenwood Ladies' Pond in particular, is located in close proximity to where the works will take place. Further, there are a number of veteran and mature trees located along Millfield Lane which are of great importance to the local environment.

Revised documentation supporting the application was submitted to the Council on the 19th December 2017, and further comment is provided in relation to these submissions.

Key Issues

While the City does not have an objection to the overarching principle of development on this site, the City is seeking to ensure that any development that occurs has minimal impacts on the adjoining Hampstead Heath, and in particular to the trees along Millfield Lane. Large numbers of construction vehicles are expected along Millfield Lane for the duration of construction works, which may result in damage to the root systems of trees along this lane.

The City's main concerns and recommendation relating to the proposed development and the subsequently revised documentation are identified below:

Arboricultural Method Statement (AMS) Landmark Trees revised 15.12.2017

- 1.6 Site Monitoring – The City requests that the contact details are provided for both the Tree Management Officer, and the Trees and Conservation Manager in respect to the City's trees along Millfield Lane.
- 2.2 Ground Protection - The information regarding ground protection is very helpful and detailed. The specification in the report is provided by Wrekin Products who have visited the site. There is also a second specification provided by Geosynthetics for a 'cell web' geotextile construction which will be evaluated by the appointed Independent Arboricultural Specialist (IAS). As such, the City will have to wait for the completed report from the IAS recommending the optimum tree root protection for the three veteran trees and the further mature trees all on City land along the southern boundary of Millfield Lane, before the City's position on this issue can be formally be determined.

Construction Management Plan (CMP) revised December 2017

- Professor Andrew Dawson’s report is detailed on the structural condition and material composition of Millfield Lane, however there is little information on the implications for the roots of the trees. Professor Dawson suggests that roots are 350mm below the surface of the Lane, however, the Tree Radar Survey carried out in March 2017 indicates that there are significant roots at 150mm below the surface at the southern end of the route, near the Millfield Lane toilets.
- The key point to make in this regard is that the City have advocated the ‘Precautionary Principle’ and pre-emptive approach to tree root protection on Millfield Lane. The lane surface has to be reinforced and protected **before** the demolition and construction phases of the development start in order to adequately protect the tree roots of the 20+ trees managed by the City of London.
- It is acknowledged that the Waterhouse Team are trying to reduce the loadings on the surface by reducing the axle weight of construction vehicles to 3.5 tonnes, however the total construction transport loadings over 59 weeks is still 27,657 tonnes. This is based on the 7,902 total movements stated in the CMP, multiplied by 3.5 tonnes. The City acknowledge that this is a worst case scenario, however it is the City’s opinion that this is the most realistic way to approach this issue, and highlight the situation that there is a significant risk that the sustained use of vehicles of this weight over 59 weeks will cause damage to the lane in its current condition. The City cannot accept a situation where the works commence without adequate root protection in place, and then the surface starts breaking up, as the tree root damage will have already happened.

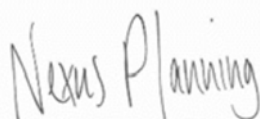
The City requests that all the above points are evaluated by the appointed Independent Arboricultural Specialist (IAS), and that a recommended methodology to address these issues is included in their report. Consequently, the City strongly requests that the Council waits for the findings of the IAS before determining the application, to ensure the above issues are adequately addressed.

Conclusion

While the City does not have an objection to the overarching principle of development on this site, the City is seeking to ensure that any development that occurs has minimal impacts on the adjoining Hampstead Heath, and in particular to the trees along Millfield Lane. Large numbers of construction vehicles are expected along Millfield Lane for the duration of construction works, which may result in damage to the root systems of trees along this lane. A comprehensive root protection system should be employed along Millfield Lane for the entirety of the construction process, particularly as the Tree Radar Survey carried out in March 2017 indicates that there are significant roots at 150mm below the surface, rather than the 350mm indicated by Professor Andrew Dawson’s report.

The City strongly requests that the application is not determined until the issues highlighted in this letter have been addressed by the Independent Arboricultural Specialist (IAS), and the City has been allowed to comment on the findings of the IAS. This is needed to ensure there is no detrimental impact on the trees along Millfield Lane and the safety of visitors to Hampstead Heath for the duration of the works, and to ensure there is no detrimental impact on the rural character of the Lane.

Yours faithfully,



NEXUS PLANNING