

**Application No:** 2022/2452/P  
**Consultees Name:** Kenwood Ladies' Pond Association  
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**Response:**  
Camden Council Planning Department  
By email to [planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
1 August 2022

Dear Sir/Madam

Planning Application 2022/2452/P - Hampstead Heath Bathing Ponds

I am writing in my capacity as Chair of the Kenwood Ladies' Pond Association (KLPA), which is the user group representing swimmers at the Ladies' Pond on Hampstead Heath. The above planning application in part concerns the Ladies' Pond. The KLPA represents approximately 600 regular swimmers from the Ladies' Pond. This response has been agreed by our elected committee.

We would like to invite the planning officer to meeting with KLPA representatives on site at the Ladies' Pond, so that the sensitivities of the site can be understood. The KLPA can be contacted directly via [REDACTED]

#### Introductory Remarks

In April and May 2022, the KLPA was consulted about adaptations to the changing rooms (built in 2016) to make them compliant in respect of disability access. We understand that these changes do not require planning permission, but are referenced in the planning application anyway. We have concerns about these proposals so they will also be addressed in our response, as the City of London Corporation is choosing to refer to them too.

Furthermore, in the covering letter to the planning application, the City of London Corporation states that the overall application is concerned with accessibility. However, the items highlighted for planning permission at the Ladies' Pond concern the building of a higher fence and gate as well as the installation of a permanent stewards hut. Whilst accessibility may be an aim at the other ponds it is not the purpose of the planning application in respect of the Ladies' Pond, where the planning application is focused on security.

For the avoidance of doubt, the City of London Corporation did not consult the KLPA meaningfully about the security measures, despite stating categorically in the application that they had done so. We discovered these proposals by accident in papers sent to other committees or in the planning application itself. This failure to consult the user group meaningfully appears to breach Camden Council's requirements for pre-application consultation.

Despite the overall planning application being presented in terms of improved accessibility for disabled people, there is no Equality Impact Assessment included with the planning application. Nor has any such EIA or Test of Relevance been shown to the user groups. This is very surprising.

#### Changing Rooms and Accessibility

The Ladies' Pond buildings went up in 2016 with planning permission from Camden Council, but they were non-compliant for disability access from the start. The City of London Corporation had ignored feedback from

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users and lifeguards from 2014 concerning the proposed buildings. A report commissioned by the City of London Corporation in 2018 confirmed the non-compliance and recommended building a new section to house a compliant WC and shower facility, to the rear of the current lifeguards office. Instead, the City of London Corporation is going for the cheaper ad hoc option of carving out an accessible WC-shower room in the existing buildings spaces. This has taken until 2022 to propose.

The City of London Corporation is planning to make adaptations to the changing room buildings before addressing the underlying damp and drainage issues. In the Design and Access Statement at paragraph 11.02, the City of London Corporation states erroneously that the existing structures appear to be in reasonable condition 'given their age'. This is a reference to buildings which went up only in 2016 so they should be better than 'reasonable', indeed they are actually in a poor condition due to damp penetration. These buildings require more than the minor repair work and maintenance described at paragraph 11.01.

The KLPA has repeatedly complained about the unhealthy condition of these buildings since 2016 and there have been periodic closures to carry out ad hoc remedial works, with limited success. The issues have included condensation, poor drainage, rising damp, cold bridging, rotting cladding and black mould. Failure to address this properly before the proposed works in 2022 will be self-defeating as any adaptations are likely to fail if these problems are not resolved first. The buildings are likely to remain non-compliant if these adaptations fail. This appears to breach the aims of the Camden Local Plan in respect of accessibility.

It looks like the proposed new WC-shower room will still not comply with Changing Spaces standards. The plans submitted with the application are ambiguous about any measurements. Without such measurements it is not even possible to tell if this room will comply with the Building Regulations Approved Document M (volume 2, page 57). We have raised our concerns about this in recent discussions with the City of London Corporation.

The combined WC-shower will also reduce the availability of an accessible toilet when it is in use as a shower and changing room. The City of London Corporation plans to put grab rails in an existing WC cubicle in the main toilet block which will be of limited use, and may not meet accessibility standards. Without the measurements it is not possible to tell if this room will comply with Building Regulations Approved Document M either (volume 2, page 52).

The current arrangements are non-compliant with building regulations in respect of disability access and the proposed arrangements are at risk of continuing this non-compliance. Camden Councils Building Control Department should consider investigating this further.

Overall, the failure to address accessibility in a logical order appears to be a breach of the requirements of the Camden Local Plan in respect of accessibility.

Stewards Hut

The City of London Corporation did not consult the user group, the KLPA, about the erection of a permanent stewards hut, and only admitted to it reluctantly when details were seen in committee papers by KLPA members. This appears to breach Camdens policy on pre-application consultation.

In the Covering Letter to the application the City of London Corporation refers only to a new slab under the

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stewards) cabin at the entrance and one new shed for storing equipment. However, in the Design and Access Statement at section 6.04 they refer to a 'New black timber shed on new concrete slab for steward at the main entrance'. These two documents are contradictory and reflect the misleading information given earlier to the KLPA that there was only the intention to create a storage shed set back from the main path. No dimensions are provided in the drawings to give a clear idea of the scale either.

The proposed stewards hut is wholly unacceptable and is a product of no meaningful consultation with the KLPA to understand the issues experienced by the users of the pond. There are two particular issues, namely the permanent nature of the construction and the proposed location.

Firstly, a permanent construction is neither necessary nor desirable. Any permanent structure will have a negative impact on the natural environment that defines the character of the Ladies Pond. Previously, the City of London Corporation has mentioned the need for a temporary shed for the stewards welfare which they considered wholly sufficient. After the application for a permanent hut was made (without any consultation the KLPA) there was no opportunity to raise this change to a permanent hut with the City of London Corporation. Indeed, the reason given for upgrading the current temporary trailer was for accessibility, so stewards were at eye level with users, including those with disabilities. This could be achieved simply by retaining the current hut and lifting it off the wheeled trailer to sit on a simple low impact base. There can be no valid reason to support the new permanent structure with negative impacts, such as invasive permanent concrete foundations.

Secondly, the position currently proposed for any stewards hut must be re-considered as it presents a health and safety risk to those with mobility or visual impairments. This ill-considered position was selected without consultation with the KLPA, and users' needs were not taken into consideration. It would simply replace the existing temporary trailer. The current arrangements pose a significant obstruction to disabled swimmers, especially when temporary crowd control barriers are in use in summer (e.g. for mobility or visually impaired swimmers). Any new installation will need to address these shortcomings too. This point is addressed in The Code of Practice BS8300.2 (Section 16.8). The location of the current temporary stewards hut, in conjunction with temporary barriers, creates congestion. Any future hut, if approved by Camden Council, should not be located in this position adjacent to the entrance to the large meadow, but closer to the changing rooms area.

If such a hut is to be accessible to disabled staff as well as swimmers, a significant increase in size would be needed, compared to the current temporary trailer (which did not require planning permission). It should not be possible to make a planning decision about a permanent hut without clear evidence of its proportions or details of its layout (e.g. ramp access, wheelchair turning space, counter height, induction loop). Details of the standards which should be met in this new installation can be found in The Code of Practice BS8300.2 (Section 16). Failure to consider the potential needs of disabled staff may also constitute a failure to make reasonable adjustments under the 2010 Equality Act. The current temporary trailer has avoided the need for the City of London Corporation to meet such standards.

There is no information about drainage around the proposed hut or from its roof in the drawings. There is however a reference to the use of bitumen for the roof, something which has been identified by the WHO International Agency for Research on Cancer as potentially carcinogenic to humans (<https://www.iarc.who.int/news-events/iarc-monographs-occupational-exposures-to-bitumens-and-their-emissions/>). Its use should be avoided therefore in staff accommodation and in this natural environment.

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The proposed permanent stewards hut will harm the natural aspect of the Heath which the City of London Corporation is obliged to maintain under the 1871 Hampstead Heath Act, and it will create an ugly approach to the Ladies Pond.

When the Hampstead Heath, Highgate Woods and Queens Park Management Committee took the decision to enforce charges in March 2020 this expressly excluded the option of a gate entry system. The City of London Corporation is now proposing to erect a permanent stewards hut near the entrance area, at very least breaching the spirit of the decision made by their own Management Committee in March 2020. Having such a permanent hut in place will make it easier to install a gate entry system in future, by stealth.

The permanent stewards hut will further enforce social and financial exclusion at the Ladies Pond which should be of concern to Camden Council. Access to the bathing ponds on the common land of Hampstead Heath was entirely free until 2005 and based on voluntary charges until 2020. The Heath is being monetised increasingly and this creates exclusion in the borough. This appears to contravene the aims of the Camden Local Plan.

#### Rear Fence and Gate

The City of London Corporation did not meaningfully consult the user group, the KLPA, about the rebuilding of the rear fence and gate, which has only been made explicit in the planning application registered on 11 July 2022. This appears to breach Camden's policy on pre-application consultation.

The proposed new fence and gate at two metres height will have a significant and increased visual impact facing onto the main body of Hampstead Heath, giving this area a fortified appearance. This goes against the requirements of the 1871 Hampstead Heath Act to preserve the natural aspect of the Heath. Such a fence will be ugly and intrusive, and will send out further messages about exclusion on Hampstead Heath.

#### Concluding Remarks

We urge Camden Council to refuse planning permission for the permanent stewards hut and back fence/gate as currently described. We also urge Camden Council to investigate the proposed adaptations to the changing rooms as these still appear to fall short in respect of disability access and Building Regulations. The changing rooms went up in 2016 and should have complied with disability access needs from the start. The City of London Corporation has failed to meet its legal obligations since erecting the new buildings in 2016.

Yours faithfully

Mary Powell  
Chair  
Kenwood Ladies Pond Association