

RE: Applications 2018/3672/P & 2016/5868/PRE – 55 Fitzroy Park, N6.

1. Missing information / documentation:

i. LBC listed consultees omissions:

- a. Kenview, Ashridge, 53 Fitzroy Park and Fitzroy Lodge have not been included as listed Consultees despite their property curtilages having direct boundaries with the development site.

ii. BIA omissions:

- a. Contrary to LBC policy, a full BIA has not been provided despite the proposal for 60% of the site (circa 0.75 acres) to be excavated by 2.5-3m to basement level;
- b. What has been submitted is at best described as a HIA "Lite". It does not "equate" to a full BIA as:
 - i. No existing or proposed foul water and surface drainage plans have been submitted. It is not acceptable for this Applicant to state: "*a full (detailed) drainage design will only be completed as a pre-commencement condition of any planning approval*". This is contrary to Camden policy that requires drainage as part of a full BIA. Failure to provide such detail at this time also prevents full assessment of arboricultural and ecological impacts;
 - ii. No details (scaled plans with invert levels) have been provided or an assessment made of any of the 15 varied drainage proposals – swales, SUDs, gallery drains, linear drains, foul and surface water drains that will inevitably criss-cross the site or how these will impact retained vegetation along boundaries;
 - iii. Proposals to connect to the Kenwood sewer across Millfield Lane and into the Bird Sanctuary Pond are not in keeping with the provisions of the Hampstead Heath 1871 Act but no alternative solution has been proposed;
 1. Both Applicants are aware that the existing foul water sewer that runs at a shallow depth under proposed Plots 4 & 5 serving the Lodge (the developer's current house), plus the North London Bowling Club, Fitzroy Farm, the Wallace House and the Water House will need to be redirected and replaced;
 - iv. Proposals to install a pipe under Millfield Lane to carry potentially increased ground water flows from basement mitigation on the development site into the Bird Sanctuary Pond Nature Reserve are not in keeping with the provisions of the Hampstead Heath 1871 Act but no alternative solution has been proposed;
 - v. No slope stability details have been provided despite proposals including significant heavy engineering solutions across the site with various references for slope stabilisation (including Fitzroy Park), sheet piling, slopes and bunding;
 - vi. None of the original geotechnical data has been provided for boreholes, window samples and so on;

- vii. No borehole monitoring logs have been provided;
- viii. No cumulative impact assessment of basement works in relation to neighbouring basements has been modelled;
- ix. Little if any meaningful information relating to the extensive temporary works has been provided; and
- x. No water samples have been provided to evidence the claim, repeated at least a dozen times in various documents as a justification for development, that the pond is currently polluted by run-off from the FP carriageway.
 - 1. This statement ignores 3-5" continuous kerb running along the entire frontage of the development site and existing storm drains that services all carriageway run-off.

iii. Structural Engineering omissions:

- a. no drawings or supporting calculations have been provided by the project structural engineers, Coyle Kennedy despite the significant engineering challenges of this highly constrained site;
- b. Piles of up to 25m (potentially precast) have been referenced for Plots 4 & 5 suggesting extremely unstable ground has been found on site along the boundary with Millfield Lane but no details have been provided; and
- c. No details if extra volume of spoil created by such large piles has been included in projected 2000m³ excavation calculations and total muck away movements.

iv. Plot Ratios:

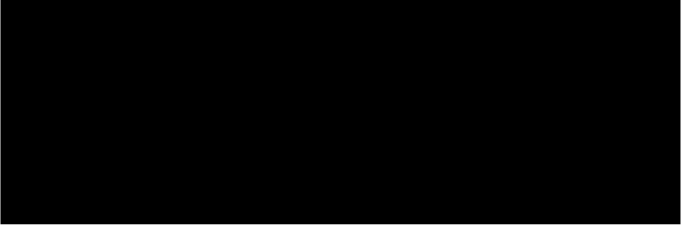
- a. How the plot ratios have been calculated has not been provided;
 - i. Appears the pond has been included to reduce percentages and tennis court has been interpreted as existing built space;
 - ii. Comparative ratios with neighbouring properties has been distorted by including dwellings outside POS designation;
 - iii. The site is not brownfield as suggested by SM Planning; and
 - iv. No mention or discussion of impact of 3-fold increase of habitable space from 4575ft² to 14,470 ft² other than in CILs application for relief;
- b. Opinion for the Council has not been provided. (Charles Thuairé email dd 29 January 2018)
 - i. Counsel's opinion for the Applicant by Nathalie Lieven QC was only obtained by virtue of a Freedom of Information request.

v. Arboricultural report omissions

- a. No assessment of existing orchard being a "Habitat of Principle Importance in England" has been made;
- b. Initial tree constraints plan together with comprehensive summary of all expected construction impacts across the site has not been submitted;
 - i. As a consequence, AIA fails to address any of the major construction impacts proposed for the site;

- c. No off-site trees have been surveyed along Fitzroy Park or Millfield Lane and potential impacts on RPAs have not been discussed;
 - i. The same is true for two trees in 53FP, and the many trees along the Water House and Fitzroy Lodge boundary; and
 - d. The very low CBR ratio of 2-3% for Fitzroy Park has not been assessed in the context of the risk of compression by the very high numbers of HGVs on RPAs along the site access route.
- vi. Ecological report omissions:**
- a. No assessment of construction impacts & post construction impacts has been made in relation to the Bird Sanctuary Nature Reserve which, remarkably, is barely mentioned or discussed in the ecology assessment;
 - b. No reference or impact of works on rare and varied birds found in the area such as kingfishers, tawny owls, sparrow hawks, grey herons. These are not “local common garden birds and woodland bird species”;
 - c. No Phase 2 Habitat survey has not been completed despite the site being an “Unlisted Heritage Asset”;
 - d. City of London was not contacted and their extensive archive of ecological reports not referenced in assessing impacts. For example, there is no mention of spike in grass snake numbers in 2017;
 - e. The report fails to address the potential impacts likely to be caused by significant earth works on site; and
 - f. Appendix 6 (DNA testing for great crested newts) is missing in its entirety.
- vii. Landscaping:**
- a. Site sections are schematic and many of the drawings are not to scale (with no levels or invert levels for the pond) so an accurate assessment of the true change in topography and character of the site cannot be made; and
 - b. No accurate width dimensions post-construction have been provided for “pedestrian path” or “access driveway” (depends on which document you read) to plots 4 or 5.
- viii. Noise Impact omissions:**
- a. Two contradictory reports are submitted by Royal HaskoningDHV and WYG as part of the CMP;
 - b. Neither take account of the Bird Sanctuary Nature Reserve or the proximity of the Kenwood Ladies Pond or North London Bowling Club in their construction noise assessment; and
 - c. Only increase in noise during construction was modelled. Evaluation of increase in baseline noise post construction with 4 new dwellings and associated plant is missing.
- ix. Transport report omissions:**
- a. Trip generation impacts post development do not address real time vehicle movements in FP of 500 /day;
 - b. SWA for parking bays do not show large cars leaving in both directions north to the Grove and south to Merton Lane;

- c. No assessment has been made of impacts on neighbours opposite of new two driveways and an enlarge driveway opposite Ashridge;
- d. No discussion of how extensive ownership of cars and visitor parking will be managed post development if only 5 bays are available on site.

- i. 
- ii.
- iii.

x. Elevations and Plans omissions:

- a. Architectural drawings are inadequate as they fail:
 - i. to provide comparative heights for existing elevations compared to new elevations loosely estimated to be in excess of 5m in total; and
 - ii. to provide comparative distance from carriageway – in fact all three houses will be much nearer the road than previously.

xi. CMP omissions:

- a. Quite remarkably no consideration of damage to the Fitzroy Park carriageway has been included. This is a very serious omission given the very low CBR for the road and very high number of HGV movements;
- b. Appendix L & M SWA fails to show full extent of HGV manoeuvre as it is not to scale;
- c. Appendix O fails to show how manoeuvre to reverse HGVs into site post demolition will impact with the existing driveway at Ashridge;
- d. No information has been provided on the extent of construction lighting that will be necessary to facilitate working hours to 6pm in the winter months;
- e. WYG air quality assessment dated June 2018 fails to mention or take account of adjacent Bird Sanctuary Nature Reserve and Ladies pond in its assessment; and
- f. Clarification is needed as a WYG noise impact report (only included to the rear of the CMP) contradicts RH DHV stand-alone noise impact report.

2A. Community Involvement – Neighbourhood Boards

Introduction:

- Fails to acknowledge concerns of Camden Design Review Panel that even with amendments site cannot sustain 5 dwellings.
- Makes no mention of 3 PreApp process dating back to 2016.

Construction Programme:

- Fails to provide exact numbers for HGVs.
- No information was provided for LGVs.

Construction Management Plots 1/2/3:

- Categorically states “vehicles will not be reversing down Fitzroy Park”.
 - No mention of HGVs doing 3-point turn at busy Merton Lane junction and then reversing along Fitzroy Park to site during demolition phase.
- Presented as a no basement/no swimming pool development by both Applicants.
 - No mention of reducing 0.75 acres by 2.5-3m = 60% of site becomes basement level.

Hydrology & Basement Impact Assessment:

- Wrongly states pond on site – and the Heath - is at present at risk of pollution from Fitzroy Park Carriageway run off.
 - Fails to acknowledge continuous 3-5 inch curb that runs the entire length of the curtilage and a double storm drain that discharges all run off into the main sewer.
- States – wrongly - Corporation of London has agreed to pipe surface discharge of pond under Millfield Lane. Any such proposal would not be in keeping with the provisions of the Hampstead Heath 1871 Act.

Site Plan & Plot Ratios:

- Comparisons are not made with like for like Private Open Space plots locally,
 - Eg: Dormers is not POS. Nor is Fitzroy Close or Sunbury/Ashridge/Kenwood.
 - Pond appears to have been included as part of total buildable space.
 - Tennis court appears to have been included as part of existing built space.
 - No mention of 3-fold increase of habitable space from 4575ft² to 14,470 ft².

Ecological/Arboricultural Strategy:

- No mention of creation of up to 1.5m bund around entire pond and along Millfield Lane boundary and impacts on ecology connectivity (corridors) and sustainability of the very few trees that are to be retained.

Fitzroy Park view:

- Fails to provide comparative heights for existing elevation compared with new elevations or comparative distance from carriageway – in fact it would appear all three houses will be much nearer the road than before.

5. Quatro – Statement of Community Involvement dd July 2018

- **No mention made of 3 Pre-Applications with Camden.**
- **Presentation Boards were extremely misleading as detailed above:**
 - omission of critical information
 - misrepresentation of other critical information.
- **Misrepresents extent of consultation engagement:**
 - There are 70+ households in Fitzroy Park not 53.
 - An invitation was not sent to households in Highfields Grove (24)
 - 30 residents attending does not equal “half the local residents” as many came in pairs from one household.
 - FRPA has never received a “drainage report” which in any event is missing in Application documents.
- **Suggestion “many” attendees were “at ease and satisfied with the proposals”.**
 - 7 out of 30 is not “many” - its half a dozen.
 - Nor is it reliable to conclude because the other 23 failed to leave feedback they were in any way supportive. It is therefore extremely misleading (and incorrect) to make such a statement.
- **Feedback commentary:**
 - States poor PTAL score of 1b makes site unsustainable but this is directly contradicted by SM Planning stating that despite this, the site is sustainable para 2.4) Executive summary.
 - Car parking: no mention of where the 13 cars currently privately owned by the 2 families (as registered with the FPRA parking scheme) will be parked post development - let alone all the visitors’ cars for 5 new houses. The two families alone have a total of 16 regular visitors registered on the FPRA parking white list.
 - Plot ratios have been wrongly calculated (apparently including the pond) and not compared like for like with neighbouring POS sites only.
 - Building footprints for Plots 1/2/3 are nearer Fitzroy Park than before so visual impact is greater, not less.
 - Building heights have not been minimised. The ground levels have been reduced so 60% of the site (0.75 acres) will be at “basement level”.
 - Plots 4 and 5 are designed to be “virtually” invisible but in fact will be visible during winter months when light spillage will be much greater than currently through wire chain fence and hedge.
 - The pond (and the Heath) is at present at risk of pollution from Fitzroy Park carriageway is an entirely false statement.
 - Transparent attempt to create a perception post construction will be an improvement on current status quo.
 - Fails to acknowledge continuous 3-5” kerb along entire frontage of 55 Fitzroy park draining into double storm drain or providing water quality evidence to support such a statement.
 - Loose schematic drainage plans (gallery drains, trenches, SUDs etc) are described but not backed up with a drainage plan.
 - Fails to report accurately the proposal to pipe ground water under Millfield Lane is not in keeping with the provisions of the Hampstead Heath 1871 Act.

- Fails to mention existing sewer under plots 4 & 5 (serving the Applicant's existing property at the Lodge, the NLBC, Fitzroy Farm, The Wallace House, the Water House) will need to be diverted and plans to connect with the Kenwood sewer located on the Heath in BSP are not in keeping with the provisions of the Hampstead Heath 1871 Act.
 - No mention of failure of Montway to repair construction damage to carriageway for 4 months during works at the Lodge in 2012.
 - No mention that Applicant previously refused to contribute to general repair of Fitzroy Park when redeveloping the Lodge.
 - Wrongly states all HGVs will not be reversing down FP when in fact HGVs will be required to undertake 3-point turn at the busy 3-way Merton Lane junction and reverse to site during demolition.
- **Conclusions & Next Steps:**
 - Exhibition was NOT a "clear steer" given serious omissions and misrepresentation of information.
 - "Many" people did not give feedback – only 7 people out of a total number 70 households left written feedback.
 - Based on this number it is not correct to state "most" people were at ease and satisfied with the proposals.
 - Quatro responses to concerns are factually incorrect or, at best, incomplete with critical information omitted.