
From: Kieran Rafferty <kieran@krplanning.com>
Sent: 03 October 2015 19:27
To: Taylor, Raymond
Subject: Re: STATEMENT/PLANS APP/X5210/W/15/3135102: 10-14 Belmont Street, NW1 8HH
Attachments: Belmont 10-14 Statement of Case PINS 3135102.pdf; A(GA)090 Basement Floor Plan.pdf; A(GA)100 Ground Floor Plan.pdf; A(GA)110 First Floor Plan.pdf; A(GA)120 Second Floor Plan.pdf; A(GA)130 Third Floor Plan.pdf; A(GA)140 Roof Plan.pdf; A(GA)300 Section AA.pdf; A(GA)301 Section BB.pdf; A(GA)400 Proposed West Elevation.pdf; A(GA)401 Proposed East Elevation.pdf; A(GA)403 Proposed North Elevation.pdf; Arbo Plan 8614-01 24 10 14.pdf; Belmont Street AIA 231014.pdf; L1440 - 10-12 Belmont Street Camden L1 Council.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir

Please find attached attached the Appellant's Statement of Case, along with the approved drawings.

I will send the superceded drawings and design and access statement via a second email

We will submit the costs application upon receipt of the Borough's Statement of Case.

KR

On 29 September 2015 at 12:30, <Raymond.Taylor2@pins.gsi.gov.uk> wrote:

The Planning Inspectorate (England)
Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Planning Inspectorate (Wales)
Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

<http://www.planningportal.gov.uk/planninginspectorate>

Twitter: [@PINSgov](https://twitter.com/PINSgov)

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Kieran Rafferty
Chartered Town Planner
07545 264 252

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1. INTRODUCTION

- 1.1. This appeal follows the failure of the London Borough of Camden to determine an application under S73 of the Town and Country Planning Act 1990 to delete and or vary certain conditions on planning permission reference 2014/3924/P

2. THE SITE AND SURROUNDING AREA

- 2.1. The site is a three storey end terrace of three houses of late Victorian / Georgian era, next to the former piano factory at 10A Belmont Street, which is currently undergoing major redevelopment works to form commercial and residential premises.
- 2.2. The site falls outside the boundaries of both the Conservation Area and the Special Policy Area for Camden. The area is primarily a residential part of Camden with a mixture of 3-storey Victorian houses, post-war 8 to 22-storey housing blocks, garages and warehouses.
- 2.3. The site is located in Haverstock, an area and electoral ward in the centre of the London Borough of Camden. More specifically, the site is situated with Haverstock Hill to the west and Chalk Farm Road to the south, and is close to the Grade II* listed Roundhouse. It also lies within a short walk from the vibrant Camden Town Market, with the Regent's Canal to the south-east and Primrose Hill to the south-west.

3. THE PROPOSAL

- 3.1. To enable the beneficial redevelopment of the site, and the on-going enjoyment of the eventual occupiers, my Client has instructed that an application be made to delete conditions imposed by the Borough, and in circumstance where they were advised that the now Appellant did not agree they were appropriate.

4. LEGISLATION

- 4.1. I begin this commentary by recalling the sage words of Lord Denning in *Pyx Granite Company Limited v Ministry of Housing and Local Government* (1958) 1 QB 554

The planning authorities are not at liberty to use their powers for an ulterior motive, however desirable that object may seem to them in the public interest."

- 4.2. S72 of the Town and Country Planning Act 1990 contains a general power to impose conditions on a planning permission regulating the development or use of land for which planning permission is granted. This power is in wide terms but has been curtailed by judicial decisions and for a condition to be lawful it must satisfy the tests set out in *Newbury DC vs. SSE* 1981 A.C. 578 and other cases. In summary these are that a planning condition must be imposed for a planning purpose, it must be fairly and reasonably relate to the development permitted by the planning permission and should not be so unreasonable that a reasonable planning authority could not have imposed it.

5. PLANNING POLICY FRAMEWORK

- 5.1. This section of the Statement reviews relevant planning policy in relation to the Proposed Development

National Planning Policy Framework (NPPF), March 2012

- 5.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and supersedes previous national planning guidance setting out the Government's economic, environmental and social planning policies. The NPPF outlines a presumption in favour of sustainable development as being at the heart of the planning system. The NPPF sets out key policies on delivering sustainable development, which include:

- Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- Planning policies and decisions should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- All development that generates significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness. Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

- In determining planning applications, local planning authorities should expect new development to: comply with adopted Local Plan policies on local requirements for decentralised energy supplies unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy.
- 5.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination under the Planning Acts, should be made in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan for London Borough of Haringey comprises:
- The London Plan
- 5.4. The London Plan was formally adopted in July 2011 and is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. Within the London Plan, the site lies within the Inner London area.
- 5.5. The London Plan contains a number of key policies relevant to the development proposals including: -
- 5.6. The Government published the NPPF in March 2012. This was a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.
- 5.7. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

6. ASSESSMENT

- 6.1. The first issue arises out of the Borough's refusal to alter the description of development to reflect what was approved. The development is plainly not replacement dwellings, and an identical application was described by them as:

Erection of additional storey to roof, full height rear extensions, and associated elevation alterations to front and rear.

- 6.2. The NPPG advises that:

The local planning authority should not amend the description of development without first discussing any revised wording with the applicant or their agent.

- 6.3. The Appellant wrote to the LPA prior to the determination to raise the issue of the description but the Borough has not deigned to respond.

6.4. The irony of the situation is that Officer advised against this application only to come full circle and agree with the Appellant that this was the best way to increase floor area was to extend the existing dwellings. The financial applications of their 'efforts' include a £90000 CIL bill from an application that was submitted 16 months before any CIL liability arose.

6.5. Condition 4 – Cycle Storage

necessary	The first three can be considered under one commentary. Condition 2 already refers the same plan so the Appellant cannot understand why a second reference is necessary.
Relevant to planning	
To the development permitted	
	DP24(b) which is the policy relevant to extensions to existing buildings doesn't require cycle parking as a requirement.
enforceable	The condition is unenforceable, as the dwellings have been lawful for more than 100 years, and can and are, occupied.
	Furthermore, if the occupier was to remove the cycle standard these works would not be development as defined by S55 of the Act.
precise	There are no new units
Reasonable in all other respects	See above

6.6. Condition 5 – Lifetime Homes

necessary	The ministerial statement of 25 th March 2015 advises: <i>From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, <u>any additional local technical standards</u> or requirements relating to the construction, internal layout or performance of new dwellings</i>
Relevant to planning	
To the development permitted	

	Lifetime Homes no longer has a role to play in the Planning System, as internal layouts are now a building control matter
enforceable	The condition is unenforceable, as the any internal works would be exempt from planning control pursuant to S55(2) of the Act
precise	Lifetime Homes used to sit within Code for Sustainable Homes, which has been cancelled. There is no longer a referable document by which to make a judgment.
Reasonable in all other respects	See above

6.7. Condition 6 – Green Roofs

necessary	Maintenance conditions are inappropriate in almost every circumstance.
Relevant to planning	
To the development permitted	
enforceable	The condition is unenforceable, as the dwellings have been lawful for more than 100 years, and can and are, occupied.
precise	
Reasonable in all other respects	See above

6.8. Condition 8 - Engineer

necessary	The BIA scoping report identified no hydrological issues in the vicinity of the site. The construction of the basement under the existing houses is Permitted Development. There are no party wall issues, as the three dwellings are within ownership of the applicants. It will be an additional expense to protect no known interests and where prejudice isn't possible. Conditions shouldn't seek to duplicate controls under other legislation, and the condition refers to building control.
Relevant to planning	
To the development permitted	
enforceable	Unenforceable, as the consent permits works as extension which wouldn't require an engineer and therefore it doesn't go to the heart (Whitely) of the works proposed.

precise	The condition should be restricted to only restrict those relevant components – eg work should not start on the basement element until...
Reasonable in all other respects	See above

6.9. Condition 9 - Construction Method Statement

necessary	There is no demolition involved in the scheme, as defined by <i>Shimizu</i>
Relevant to planning	
To the development permitted	
	DP 26 doesn't require any CMP. The amplification states that at 26.10 that it may require them. SOS advice against that imposing a condition to protect amenities has been longstanding for good reason.
	Works on-site are permitted development, pursuant to Part 4 of the GPDO 2015. Works off-site cannot be controlled by a condition.
	The Borough has control via other legislation in relation to hoarding (licensing), wheel washing (Section 149 of the Highways Act), Control of Pollution Act 1974
enforceable	The condition is unenforceable, as restrictions seek controls on land outside of the Appellant's control. If a complainant was to ring up, they'd speak to Highways or EHO not planning
precise	What does 'opportunity to voice' mean? It has no place in a condition!
Reasonable in all other respects	See above

6.10. Condition 10 – Highways Re-instatement

necessary	The land is off-site and not within the control of the Appellant.
Relevant to planning	
To the development permitted	

	S278 are a creature of the Highways Act
enforceable	The condition is unenforceable, as the dwellings have been lawful for more than 100 years, and can and are, occupied. The agreement provides a bond for the Highways Authority to do the works. The Appellant cannot compel them.
precise	
Reasonable in all other respects	See above

6.11. Condition 11 – Water Restrictions

necessary	The ministerial statement of 25 March 2015 advises that this is now a matter for building control as of 30 September 2015.
Relevant to planning	
To the development permitted	
enforceable	The condition is unenforceable, as the dwellings have been lawful for more than 100 years, and can and are, occupied.
precise	
Reasonable in all other respects	See above

6.12. Condition 12 – Sustainability Statement

necessary	The ministerial statement of 25 March 2015 advises that this is now a matter for building control. The Borough were advised before the issue of the decision that it was no longer lawful for them to impose such a condition.
Relevant to planning	
To the development permitted	
enforceable	The condition is unenforceable, as the dwellings have been lawful for more than 100 years, and can and are, occupied.
precise	The condition lacks in precision as there are no targets to aim against as Code & BREEAM residential has been cancelled. http://www.bre.co.uk/page.jsp?id=3442 It is a matter to be discharged via building regulations, as the Government has mandated

Reasonable in all other respects	See above
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6.13. Condition 13 – Energy

necessary	The ministerial statement of 25 March 2015 advises that this is now a matter for building control.
Relevant to planning	
To the development permitted	
	LPA could impose a condition if the Local Plan included a target, but DP 22 does not have any. The Ministerial Statement is clear that it is Local Plan, not Development Plan, that must have the target.
enforceable	The condition is unenforceable, as the dwellings have been lawful for more than 100 years, and can and are, occupied.
precise	They have applied the wrong part of building regs for extensions.
Reasonable in all other respects	See above

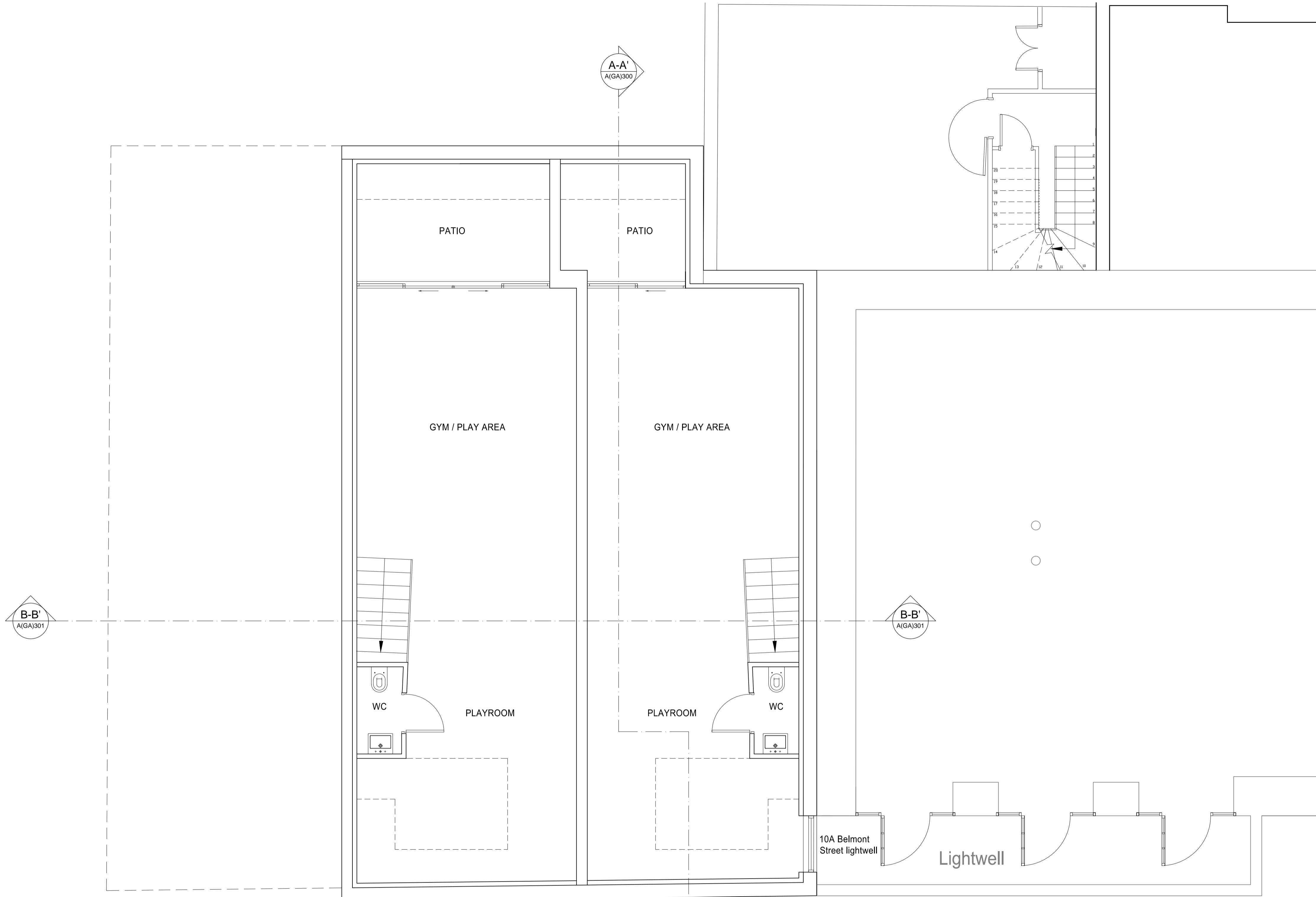
7. CONCLUSIONS

7.1. The imposed conditions are all

- Unnecessary
- Irrelevant to planning
- Dealt with via other legislation
- Imposed on land outside of the Appellant's control.
- Unenforceable

7.2. The decision making has been so very very poor that it constitutes unreasonable behaviour and as such a further application will be made. For these reasons, the Appellant respectfully submit that the appeals be allowed.

REVISIONS		
Rev.	Date	By



14 BELMONT STREET

12 BELMONT STREET
 GIA= 65.20 sqm
 PATIO AREA= 11.35 sqm

10 BELMONT STREET
 GIA= 62.60 sqm
 PATIO AREA= 7.20 sqm

PROPOSED BASEMENT FLOOR

TOTAL GIA= 127.80 sqm
 TOTAL PATIO AREA= 18.55 sqm

PLANNING APPLICATION
 ALL DIMENSIONS TO BE CHECKED ON SITE
 WORK TO FIGURED DIMENSIONS ONLY
 REPORT DISCREPANCIES TO THE ARCHITECT
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Contemporary Design Solutions

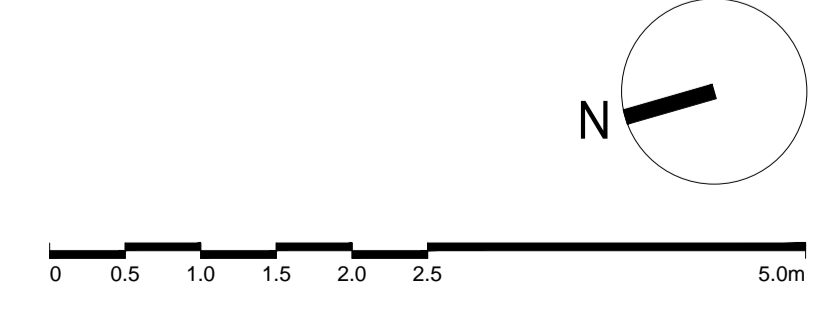
46 Great Marlborough Street
 London
 W1F 7JW
 Telephone: 020 7494 9000 Fax: 020 7494 4944

Client
WARMHAZE LTD

Project Title
 Basement and 4 Storey Residential Townhouses
 at 10-14 Belmont Street
 LONDON NW1

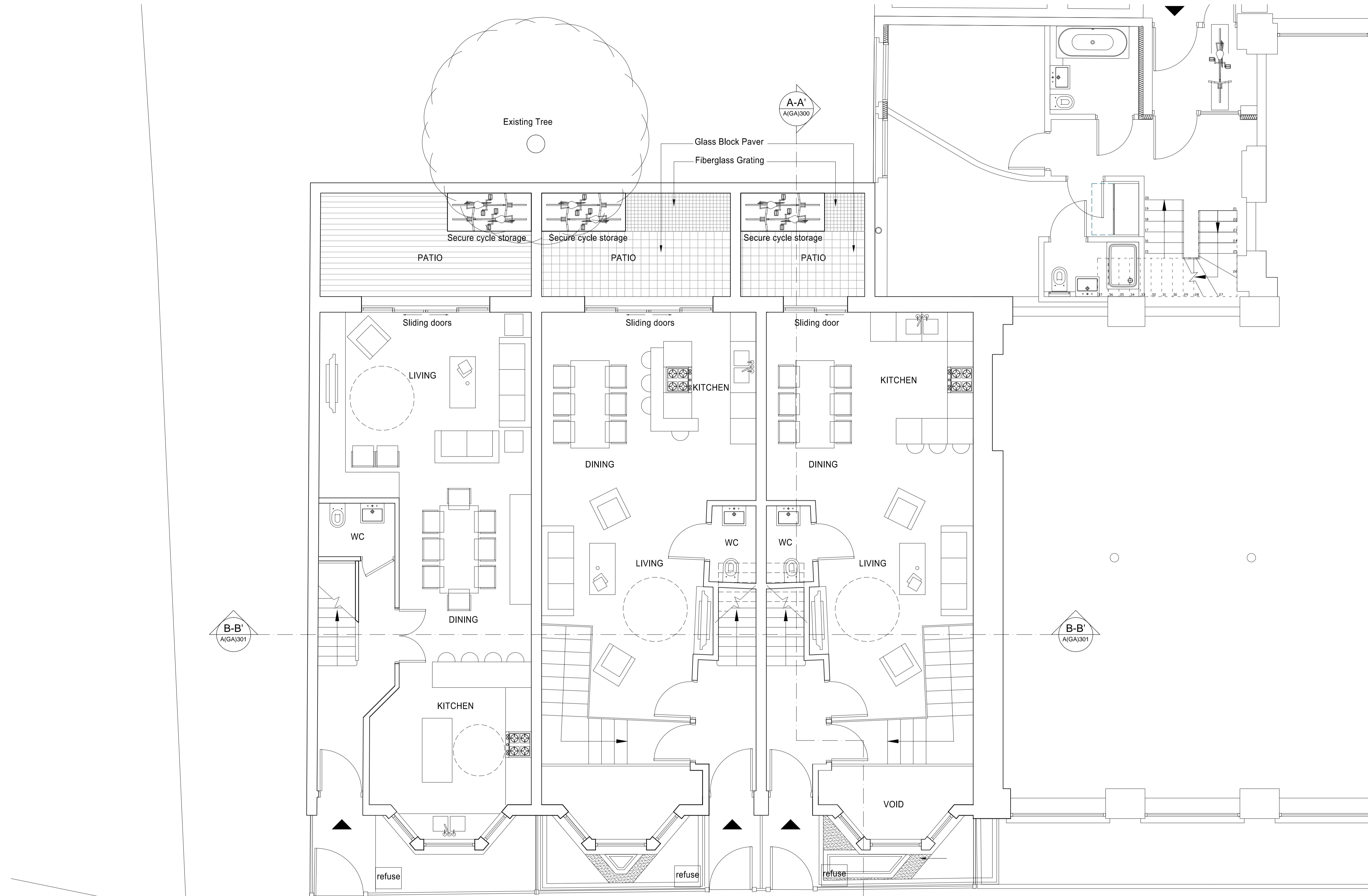
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Proposed Basement Floor

Scale 1: 50@A1, 1:100@A3 Date FEBRUARY 2015
 Drawn SN Checked DL
 Drawing No. Rev.
150209-A(GA)090



REVISIONS

Rev.	Date	By



14 BELMONT STREET
 GIA= 58.5 sqm
 PATIO AREA= 11.90 sqm

12 BELMONT STREET
 GIA= 53.6 sqm
 PATIO AREA= 10.70 sqm

10 BELMONT STREET
 GIA= 51.7 sqm
 PATIO AREA= 7 sqm

PROPOSED GROUND FLOOR

TOTAL GIA= 165.8 sqm
 TOTAL PATIO AREA= 29.60 sqm

PLANNING APPLICATION

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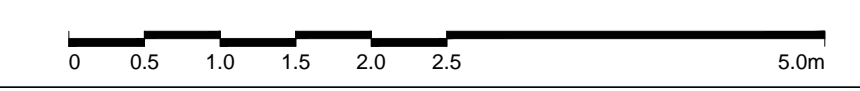
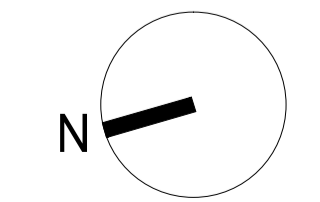
Drawing Title

Proposed Ground Floor Plan

Scale: 1:50@A1, 1:100@A3 Date: FEBRUARY 2015

Drawn	SN	Checked	DL

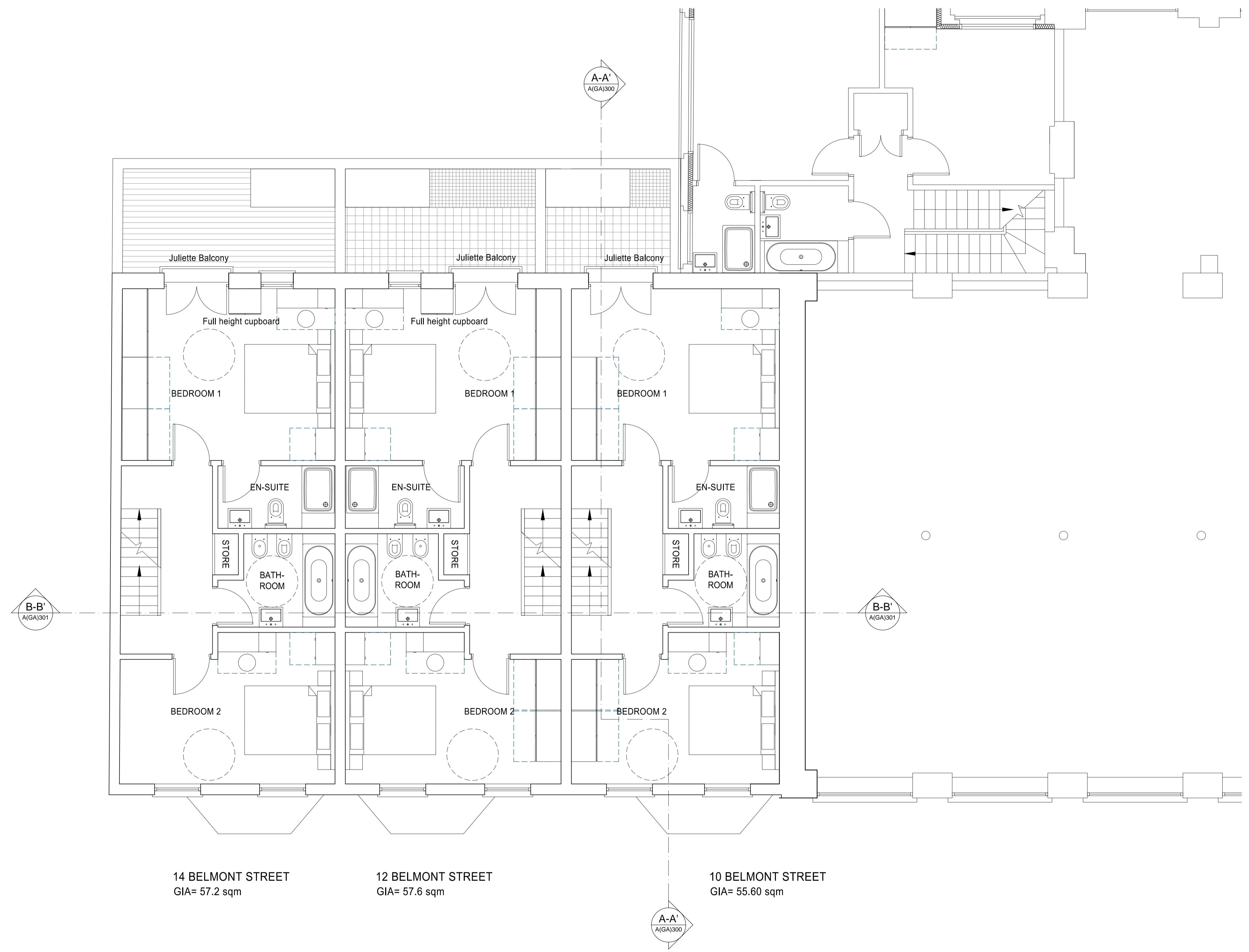
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PLOT DATE - 2/10/2015 2:15 PM

REVISIONS

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14 BELMONT STREET
GIA= 57.2 sqm

12 BELMONT STREET
GIA= 57.6 sqm

10 BELMONT STREET
GIA= 55.60 sqm

PROPOSED FIRST FLOOR

TOTAL GIA= 179.15 sqm

PLANNING APPLICATION

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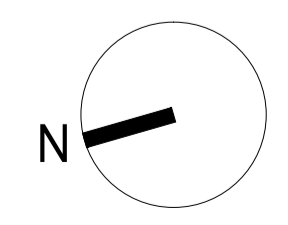
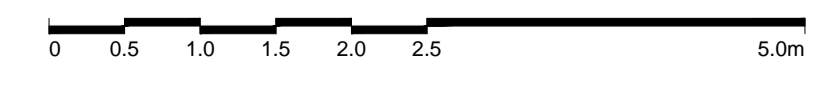
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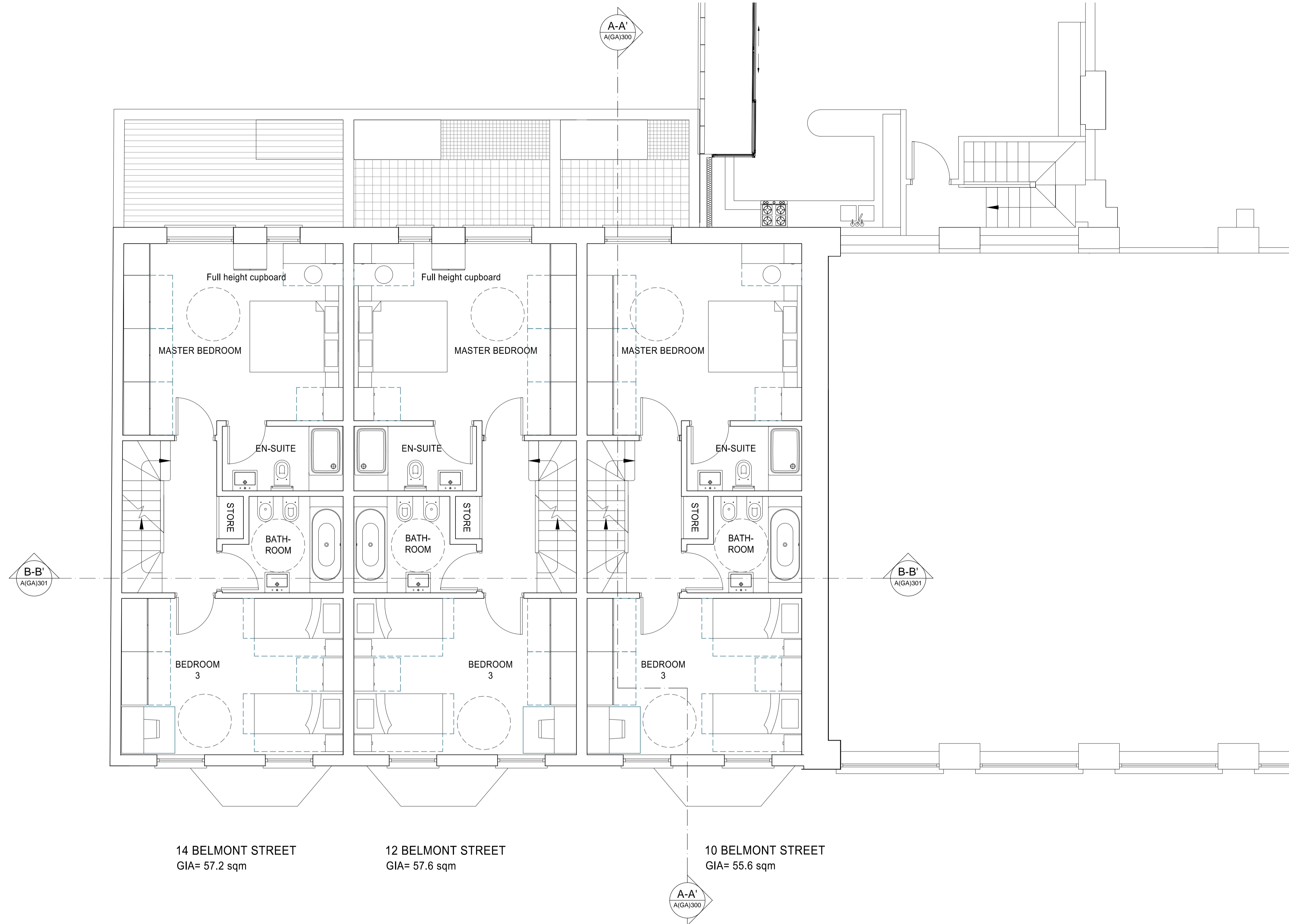
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Basement and 4 Storey Residential Townhouses
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LONDON NW1

Drawing Title
Proposed First Floor Plan

Scale: 1:50@A1, 1:100@A3 Date: FEBRUARY 2015
Drawn: SN Checked: DL
Drawing No. 150209-A(GA)110 Rev.



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14 BELMONT STREET
GIA= 57.2 sqm

12 BELMONT STREET
GIA= 57.6 sqm

10 BELMONT STREET
GIA= 55.6 sqm

PROPOSED SECOND FLOOR

TOTAL GIA= 179.15 sqm

PLANNING APPLICATION

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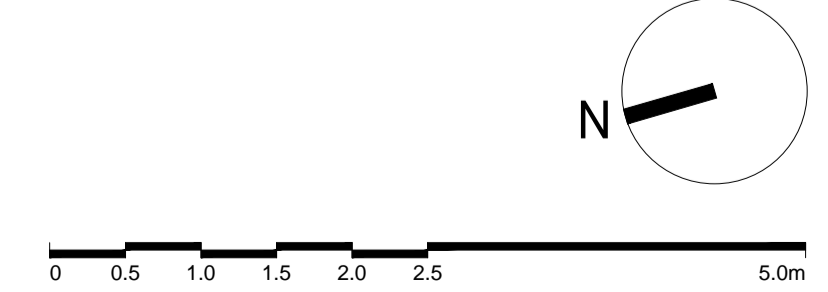
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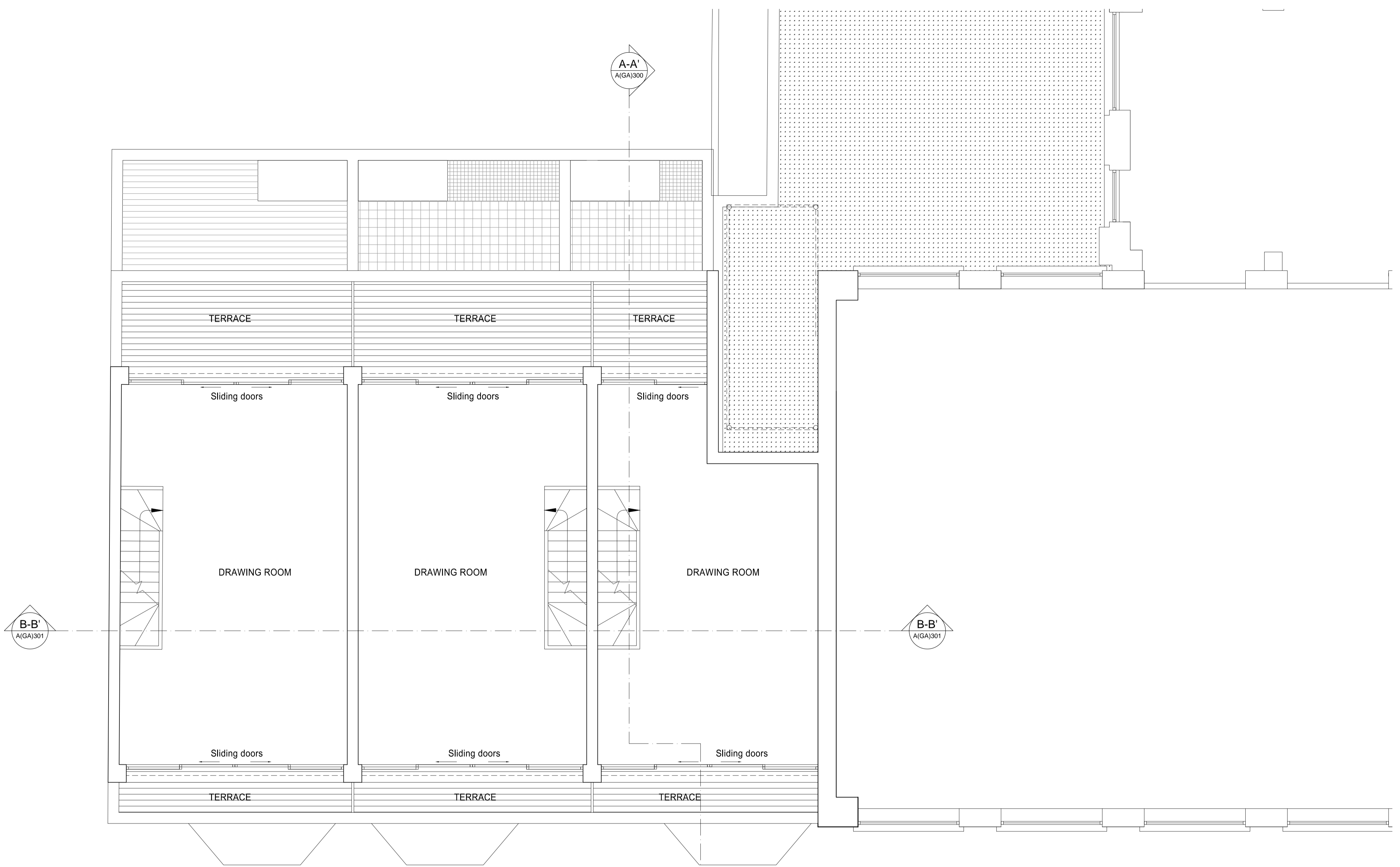
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Proposed Second Floor Plan

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Drawn: SN Checked: DL
Drawing No. 150209-A(GA)120 Rev.



REVISIONS

Rev.	Date	By



14 BELMONT STREET
 GIA= 41.5 sqm
 TERRACE AREA= 14.2 sqm

12 BELMONT STREET
 GIA= 41.8 sqm
 TERRACE AREA= 14.6 sqm

10 BELMONT STREET
 GIA= 36.0 sqm
 TERRACE AREA= 9.0 sqm

PROPOSED THIRD FLOOR

TOTAL GIA= 119.3 sqm
 TOTAL TERRACE AREA= 37.8 sqm

PLANNING APPLICATION

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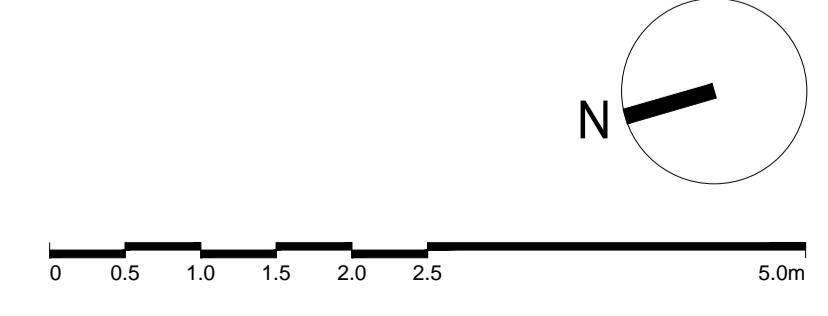
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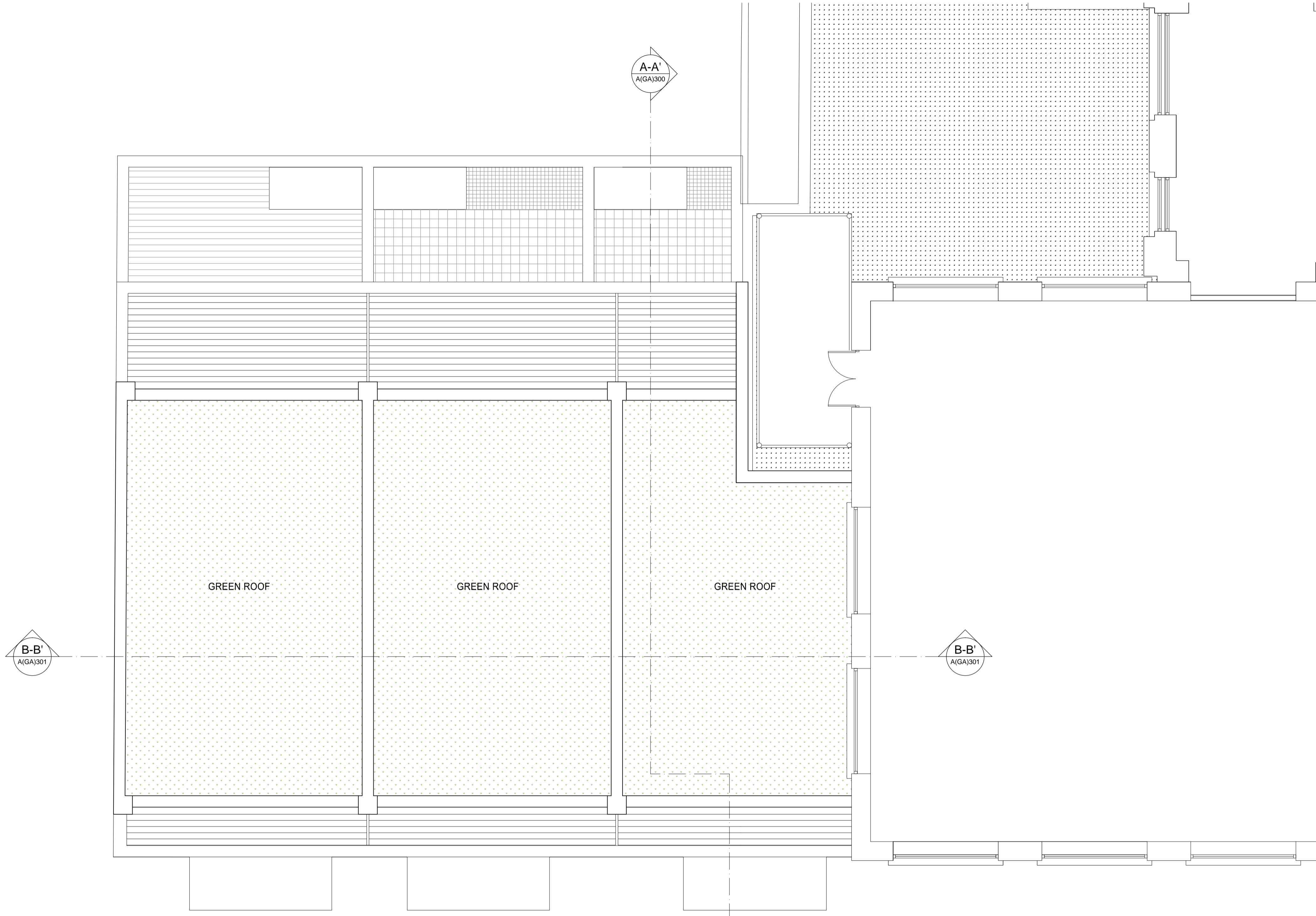
Drawing Title
Proposed Third Floor Plan

Scale: 1: 50@A1, 1:100@A3 Date: FEBRUARY 2015
 Drawn: SN Checked: DL
 Drawing No. Rev.
150209-A(GA)130



REVISIONS

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14 BELMONT STREET
GREEN ROOF AREA= 47.1 sqm

12 BELMONT STREET
GREEN ROOF AREA= 46.3 sqm

10 BELMONT STREET
GREEN ROOF AREA= 39.9 sqm

PROPOSED ROOF PLAN

TOTAL GREEN ROOF AREA= 133.3 sqm

PLANNING APPLICATION

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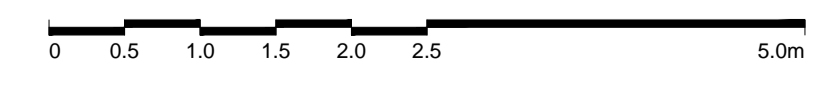
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Drawing Title
Proposed Roof Plan

Scale: 1:50@A1, 1:100@A3 Date: FEBRUARY 2015
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REVISIONS

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PROPOSED SECTION AA'

PLANNING APPLICATION

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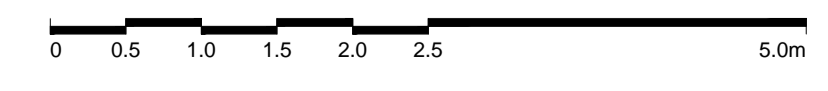
Project Title
 Basement and 4 Storey Residential Townhouses
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Drawing Title
Proposed Section AA'

Scale: 1: 50@A1, 1:100@A3 Date: FEBRUARY 2015

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Drawing No. 150209-A(GA)300 Rev.



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PROPOSED SECTION BB'

PLANNING APPLICATION

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Project Title

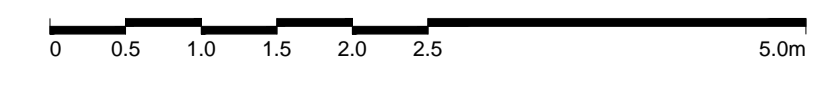
Basement and 4 Storey Residential Townhouses
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Drawing Title

Proposed Section BB'

Scale: 1:50@A1, 1:100@A3 Date: FEBRUARY 2015

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Drawing No.	150209-A(GA)301		Rev.



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PROPOSED WEST ELEVATION

PLANNING APPLICATION

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Project Title

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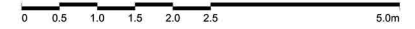
Drawing Title

Proposed West Elevation

Scale 1: 50@A1, 1:100@A3 Date February 2015

Drawn	SP	Checked	DL

Drawing No. 150209-A(GA)400 Rev. -



10A Belmont St.

REVISIONS

Rev.	Date	By
-	-	-



Outline of 21A Ferdinand St.

10 Belmont St.

12 Belmont St.

14 Belmont St.

Mead Close

PROPOSED EAST ELEVATION

PLANNING APPLICATION

ALL DIMENSIONS TO BE CHECKED ON SITE
WORK TO FIGURED DIMENSIONS ONLY
REPORT DISCREPANCIES TO THE ARCHITECT
AT ONCE BEFORE PROCEEDING

Contemporary Design Solutions



46 Great Marlborough Street
London
W1F 7JW
Telephone: 020 7494 9000 Fax: 020 7494 4944

Client

WARMHAZE LTD.

Project Title

Basement and Four Storey Townhouses
at 10 - 14 Belmont Street
London NW1

Drawing Title

Proposed East Elevation

Scale	1:50@A1, 1:100@A3	Date	February 2015
Drawn	SP	Checked	DL
Drawing No.	150209-A(GA)401	Rev.	-

150209-A(GA)401

0 0.5 1.0 1.5 2.0 2.5 5.0m

REVISIONS

Rev. Date By



PLANNING APPLICATION

ALL DIMENSIONS TO BE CHECKED ON SITE
WORK TO FIGURED DIMENSIONS ONLY
REPORT DISCREPANCIES TO THE ARCHITECT
AT ONCE BEFORE PROCEEDING

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Client

WARMHAZE LTD.

Project Title

Basement and Four Storey Townhouses
at 10 - 14 Belmont Street
London NW1

Drawing Title

Proposed North Elevation

Scale 1: 50@A1, 1:100@A3 Date February 2015

Drawn SP Checked DL

Drawing No. Rev.

150209-A(GA)403 -

21 Ferdinand St.

21A Belmont St.

14 Belmont St.

PROPOSED NORTH ELEVATION

0 0.5 1.0 1.5 2.0 2.5 5.0m









Note:
The original of this drawing was produced in colour - a monochrome copy should not be relied upon.

Proposed Basement and Ground Floor plan based on Contemporary Design Solutions drawing numbers 141005-A(GA)090 & 141005-A(GA)100.

SURVEY OF TREES AT 10-14 BELMONT STREET, CHALK FARM, LONDON																					
Tree No.	Species	Ht (m)	Branch Spread (m)			Stem diameters (cm)					Height of crown clearance (m)	Height of first branch (m) and direction (compass point)	Age class	Category grading	Estimated remaining contribution (yrs)	Condition Physiological / Structural	Preliminary management recommendations	Root protection radius (m)	Root protection area sq.m		
			N	E	W	Single Stem	2-5 stems														
			Stem 1	Stem 2	Stem 3		Stem 4	Stem 5	Mean dia	No. stems											
1	Aspen	13	6	5	5	22	29						2.5	55	Y	C1	>10	Broad spreading tree having been reduced in the past to circa 7 metres above ground level. Tight fork formation at 1.5 metres above ground level liable to failure in future years.		4.37	60

Key:

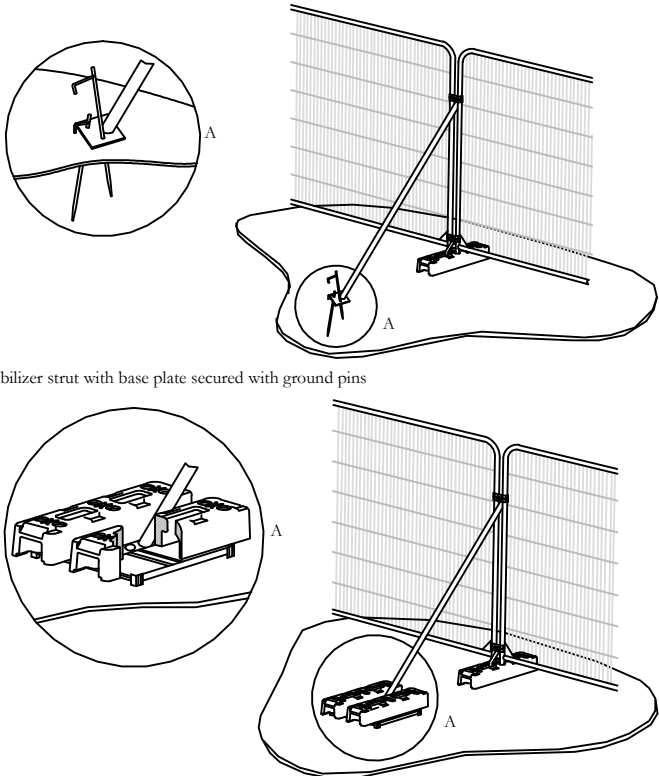
-  Existing site features
-  Extent of basement
-  Proposed ground floor plan
-  Trees retained
-  2.0m high barrier as detail in Fig 3
-  Root Protection Area (RPA)

Column Heading	Explanation
TPO No	If applicable and where known
Tree No.	Unique number corresponding with number on plan
Species	English names
Ht (m)	Height in metres
Branch Spread	Crown radius in metres to cardinal points of the compass
Stem Dia	All measurements conform to Annex C of BS 5837:2012
	Single stem - Stem diameter in centimetres measured at 1.5m above ground level.
	Multi-stemmed tree with 2 to 5 stems - Diameter of each stem
	Multi-stemmed tree with more than 5 stems - Average stem diameter and number of stems
Height of crown clearance	Height in metres between the ground and underside of canopy
Height of first major branch and direction of growth	Height in metres from level to base of first major branch and the approximate direction of growth
Abbreviations as suffix to a dimension	Suffix 'e' denotes an estimated dimension
Age Class	Suffix 'av' denotes an average dimension
	Age Class definitions:
	Y = Young: recently planted or self-sown trees.
	S = Semi-mature: establishing, usually with good vitality, but of limited stature.
	E = Early mature: established, with good vitality and approaching mature height.
	M = Mature: fully established trees; retaining vitality and achieving mature height. Crowns still spreading.
	O = Over mature: fully mature trees; declining vitality.
	Summary of BS 5837: 2012 categorisation:
Category grading and Estimated remaining Contribution (yrs)	1. Trees unsuitable for retention: U = those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years
	2. Trees to be considered for retention:
	A1, 2 or 3 = trees of high quality (substantial contribution >40 yrs)
	B1, 2 or 3 = trees of moderate quality (significant contribution >20 yrs)
	C1, 2 or 3 = trees of low quality (but adequate, i.e. >10 yrs or young trees - until new planting can be established)
Estimated remaining contribution	Useful estimated remaining contribution of the tree or tree group
Condition	Brief description including physiological and structural defects
Preliminary management recommendations	Describes current arboricultural requirement for the tree in its current context
Root Protection Radius	Radius of minimum root protection area in metres calculated from section 4.6 and Annex D
Root Protection Area	Total area of minimum root protection area extrapolated from root protection radius

Site hoarding or protective detail as figure 3

Tree No 1
Aspen

Figure 3 Example of a protective barrier including above-ground stabilizing systems




a) Stabilizer strut with base plate secured with ground pins

b) Stabilizer strut mounted on block tray

Reproduced from BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations



CLIENT:	Hallmark Property
PROJECT:	10-14 Belmont Street, Chalk Farm, London
TITLE:	Arboricultural Plan
DRAWING NUMBER:	8614/01
STATUS:	For Information
DATE:	Oct 2014
SCALE:	1:100 @ A3
DRAWN BY:	ML
CHECKED BY:	JTK
Do not scale from this drawing. All dimensions to be checked on site.	
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 IAN KEEN LIMITED Consultants for Trees, Landscapes and Nature Conservation Redlands Farm, Redlands Lane, Epsom, Surrey GU10 5AS Telephone: 01252 850096 Facsimile: 01252 851702 Email: mail@iankeenconsultants.co.uk	

I A N K E E N
LIMITED



**ARBORICULTURAL IMPACT
ASSESSMENT**

**RELATING TO PROPOSED
DEVELOPMENT
UPON LAND AT**

**10-14 BELMONT STREET
CHALK FARM
LONDON
NW1 8HH**

**Our Reference
JTK/8614/so**

**CLIENT
Hallmark Property Group
46 Great Marlborough Street
London
W1F 7JW**

1.0 Introduction

1.1 Instructions were received from Hallmark Property Group to undertake an assessment of the impact upon or from trees of the construction of dwellings and associated infrastructure at 10 to 14 Belmont Street, London, NW1 8HH.

1.2 This assessment has been made by Jago Keen, MSc, Dip. Arb., MArborA, MICFor on the 23rd October 2014.

1.3 This assessment will consider the impact upon trees of implementing the proposals and, vice versa, the effect of trees upon the proposals shown on the drawings, and with reference to the documents, listed below.

1.4 Drawings upon which this assessment has been made:

Originator	Drg No	Title	Scale
Contemporary Design Solutions	141005-A(GA)100	Proposed Ground Floor	1:50 @ A1
Contemporary Design Solutions	141005-A(GA)090	Proposed Basement Floor	1:50 @ A1
Ian Keen Limited	8614/01	Arboricultural Plan	1:100 @ A1

1.5 Documents referred to in this report:

Originator	Title/Reference
British Standards Institute	<i>BS5837:2012 Trees in relation to design, demolition and construction – Recommendations</i>
Trees and Design Action Group	<i>Trees in the townscape: A guide for decision makers</i>
Department for Communities and Local Government	<i>National Planning Policy Framework</i>

1.6 A tree survey was undertaken by Ian Keen Limited on the 21st October 2014. A schedule of trees was used as the basis to prepare the Ian Keen Limited Arboricultural Plan numbered 8614/01. Shown on that drawing are root protection areas for category A, B and C trees as defined by *BS5837:2012 Trees in relation to design, demolition and construction – Recommendations*.

1.7 There are no trees within the site but a single tree stands within the curtilage of the Ferdinand Street housing estate to the east of the property's brick-built wall,

2.0 General overview of development proposals

- 2.1 Contemporary Design Solutions' drawings as listed at 1.4 above set out the proposals for the alteration of existing dwellings, including the provision of basements.
- 2.2 The proposals do not require the removal of trees but removal and replacement of the tree is an option that could ensure the character of the area is enhanced and maintained in the long-term.
- 2.3 Retaining existing trees and introducing new trees ensures a resource of trees in places where residents and visitors alike will enjoy multiple benefits provided by the tree stock. In so doing the tree stock will be able to withstand climate change, protecting and enhancing the resources of soil, air, water, landscape, amenity value, culture and biodiversity, and increasing the contribution that trees make to the quality of life. In that respect the proposals are in line with the very latest guidance, in terms of integrating trees with built form, contained in *Trees in the townscape: A guide for decision makers* produced by the Trees and Design Action Group.
- 2.4 The proposals do not require the removal of, nor impact upon, 'aged or veteran trees' nor 'ancient woodland' as defined in the *National Planning Policy Framework*.
- 2.5 The retention of trees adjoining the proposals safeguards their intrinsic contribution to biodiversity, the support of biodiversity, the contribution to the landscape and ecological network, and the wide provision of ecosystem services attributable to trees.
- 2.6 With regard to paragraphs 2.4 and 2.5 above, combined with any new tree planting, the proposals can provide sustainable development in accordance with the *National Planning Policy Framework*.
- 2.7 The relationship between proposals and trees is discussed further below.

3.0 Relationship of proposals to the trees

- 3.1 The proposed basement extends to the full extent of the garden at 10 and 12 Belmont Street. As such it intrudes within the notional root protection area of the tree by some 20%.
- 3.2 Due to the presence of the brick wall it is uncertain what influence its foundations will have on the actual rooting pattern of the tree. With this species, in this setting, it is likely that roots will be biased to the east of the wall but that some roots will have penetrated below the wall and be present within the curtilage of the gardens.
- 3.3 The excavations to form the basement therefore have the propensity to sever roots from the tree. Consideration needs to be given to the impact this will have on the tree's health and vitality.

- 3.4 The tree exhibits a major defect in the fork formation at circa 1.5 metres above ground level. These tight forks, with included bark, are highly susceptible to failure, especially with this species of tree. It is probably for that reason that the crown of this tree has been reduced to circa 7 metres above ground level in the recent past. Repeat pruning will be required shortly and thereafter at between 5 and 10 year intervals subject to rate of growth.
- 3.5 The pruning regime required will alter the tree's appearance and deny opportunity for it to develop to the proportions ordinarily achieved by this species. The pruning regime also results in the need for a diminished rooting system to sustain the tree.
- 3.6 Given the necessary pruning regime I therefore consider the intrusion within the notional root protection area can be tolerated by the tree and the tree retained. I do not consider the excavations will encounter structurally significant roots that if severed would compromise the stability of the tree, especially given the pruning regime required.
- 3.7 The remainder of the proposals, i.e. the patio to 14 and the extension to its rear elevation, will not have further deleterious impact upon the tree given the necessary pruning regime and presence of the existing wall.
- 3.8 In light of the tree's defect and the need for repeated pruning it is worth considering the removal and replacement of the tree. A new tree, free of significant defect would offer a better long term prospect to contribute to the tree cover of the area.
- 4.0 **Opportunities for new tree planting**
- 4.1 Whilst the construction of these proposals does not require the removal of the trees it can provide opportunity to regenerate the tree cover and overcome the need for onerous maintenance to the tree.
- 4.2 There is ample scope to plant a new, replacement tree in the vicinity of the current one and there is opportunity, if the applicant is so minded, to plant additional trees in the spaces nearby. The nearby childrens' play area, to the north east, is devoid of trees and would benefit from the addition of 3 or 5 new trees.
- 4.3 In offering a new age cohort of diverse trees, including many more forms of tree, both in terms of species and of provenance, the contribution to the overall quality of tree stock in the area is substantial, results in a gain of biodiversity within the tree population and of the biodiversity supported by the trees. Diversity within the tree population provides resilience in the face of current, and future, pressures and ensures continuity of attributable ecosystem services. In essence, it is sustainability in tree cover.

4.4 A scheme of planting, that could include both native and non-native species that are large at maturity, would represent a significant contribution to the amenity of the area, that has seen little new tree planting in recent years, whilst fully observing the Government's planning policies contained in the *National Planning Policy Framework*, as well as current guidance to provide multiple benefits from trees in *Trees in the townscape: A guide for decision makers* produced by the Trees and Design Action Group.

4.5 Those multiple benefits of this new tree planting, as part of the site's green infrastructure, include contribution to open space, enhancement of sustainable drainage systems, and enhancement of biodiversity. In addition, as those new trees develop, so they will further contribute to local climatic regulation and, where they stand within the sun path of proposed buildings or surfaces within the re-development, they will minimise solar gain during summer months, and provide an accessible choice of shade and shelter.

5.0 Effect upon the amenity of the trees and their surrounds

5.1 Retaining and pruning the tree would provide limited amenity value over the long term.

5.2 Replacement of the trees within, or nearby, the site would offer a better long term contribution to amenity.

5.3 Planting additional new trees would offer a substantial long term contribution to amenity and, through careful selection of tree species, maximise the provision of ecosystem services, including the support of biodiversity, that are known to provide human-wellbeing.

6.0 Relationship of proposed drainage, mechanical and electrical installations upon the trees

6.1 The location and route of underground service corridors or drainage runs are not shown on the proposed layout, however these should be routed outside the optimum root protection area of retained trees.

6.2 Where such services and drainage, that might ordinarily require trenching, cannot be located outside optimum root protection areas specialist techniques such as moling, thrust-boring, broken trench or excavation by AirSpade can be considered

6.3 No other installations, including mechanical and electrical equipment, are proposed in an area that would be of detriment to trees.

7.0 Requirements of the construction process and its relationship to the trees

7.1 Guidance within *BS5837:2012: Trees in relation to design, demolition and construction* requires us to consider the effect of the construction process upon the retained trees and the spaces in which new trees will be incorporated.

7.2 Application of *BS5837:2012: Trees in relation to design, demolition and construction*, through careful construction management, can ensure the construction process has the minimum effect upon the trees

7.3 As an integral, and vital, part of that construction management it will be necessary to protect the retained trees within, and adjoining, the application site. Such schemes of temporary protective measures, devised with reference to *BS5837:2012: Trees in relation to design, demolition and construction*, are achieved through adoption of the protective measures shown on the Ian Keen Limited Arboricultural Plan listed at 1.4 above.

8.0 Conclusions

8.1 The proposal to alter the existing dwellings and provide the basement can be achieved without material harm to the tree however it is a more prudent act to replace the tree and offer better long term tree cover in the area.

8.2 The planting of additional trees, enhances the sustainability of the site, adding to the extant species diversity, contributing to the green infrastructure and enhancing the biodiversity within, and supported by, the tree stock.

8.3 Construction management will include schemes of protection for the retained trees, the detail of which can be developed to achieve the site layout.

8.4 The proposals do not impact upon the special categories of trees that are given prominence within the *National Planning Policy Framework* and make provision for new tree planting as part of the ecological network. The proposals therefore accord with national planning policy.

Signed:



Date: 24th October 2014

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Hallmark Property Group
46 Great Marlborough Street
London
W1F 7JW

Date : 25th February 2014
Our Ref : L1440/L1/SP-J
Your Ref : -
Email Copy :

Attention Dyar Lally

Dear Dyar,

10, 12 & 14 BELMONT STREET, CAMDEN LONDON

I refer to the Basement Impact Assessments issued for 10 and 12 Belmont Street and your request for clarity regarding the structural impact of the larger basement.

PJCE issued a Basement Impact Assessment report in April 2013 covering the various stages required by Camden Council. This included the following:

- Stage 1 - Screening;
- Stage 2 - Scoping;
- Stage 3 - Site investigation and study;
- Stage 4 - Impact assessment; and
- Stage 5 - Review and decision making.

The proposed basement development is not located within an area of concern regarding slope stability, surface water or groundwater flow and the increased size of the basement (plan only) would not alter this situation.

As a result, we do not anticipate any changes to that already submitted to Council.

I would be pleased to discuss this further if Council considers this necessary.

Yours sincerely,

Sean Pringuer-James
(For Pringuer-James Consulting Engineers Ltd)