



MJO/DJB/LN2982

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10 November 2015

London Borough of Camden  
2nd Floor, 5 Pancras Square  
c/o Town Hall,  
Judd Street  
London WC1H 9JE

F.A.O: Charles Thuaire

Dear Charles

**Objection to Planning and Conservation Area Consent Applications  
The Waterhouse (Ref: 2011/4390/P and 2011/4392/C)**

I write on behalf of my client The City of London Corporation (The City), who manages Hampstead Heath, to submit a further objection to the planning and conservation area applications (ref: 2011/4390/P and 2011/4392/C) regarding re-consultation by Camden Council regarding the latest Arboricultural Report submitted on behalf of the applicant. We also take this opportunity to flag up again that there are still a number of outstanding unresolved issues, which mean that the City cannot support the application proposals.

**Arboriculture**

The City's own Conservation and Trees Manager has reviewed the most recent version of the Arboricultural Report carried out by Landmark Trees (26.10.2015). In this regard I attach a copy of an email from Jonathan Meares dated 4 November 2015, which states:

*"I note that in the most recent version of the Arboricultural Report carried out by Landmark Trees on 26.10.2015, they now recognise the tree T5 as a Veteran tree. The reference is within the 'Trees with the potential to be affected' section on page 4 of the report. There is also some change of emphasis on the condition of the tree in section 3.2.7 of the recent report, with more reference to its vitality.*

*Having confirmed the status of the tree this places much greater emphasis on avoiding any ingress into the tree's RPA.*

*This change is significant, and should be noted by Camden's Planning Team. It is constant source of frustration to me to see how many veteran trees in the Highgate area are being lost due to property development and poor management. These trees are irreplaceable and sadly often overlooked. For a property like the Waterhouse that is in such a desirable location a tree of the status and age of this old oak is an asset of great value, and should be treated accordingly."*

Whilst there have been some small changes i.e. Landmark Trees now recognise T5 as a Veteran tree, the City is concerned that this recognition is *not* reflected throughout the report in terms of the proposed level of protection in accordance with British Standards for tree protection during demolition and construction. The City is also still in dispute regarding most other trees that are reviewed in the Landmark Trees report (details of which are outlined in the attached previous tree reports by the City).

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Please also find attached a photograph showing the proposed access route for the Water House development construction traffic. The photo shows how poor the surface of the lane is with pockets of concrete where repairs have been made in the past and the puddles indicate an infill of aggregate and erosion. The photo also shows how close the two veteran oak trees are to the lane and clearly indicates that they will be put at considerable risk and possible stress if the route is used for large vehicle heavy movements.

It is the City's view that the important landscape character of Millfield Lane, which forms an important buffer to Hampstead Heath itself are significant material considerations which the applicant has overlooked in terms of the wider adverse impacts to trees and the effect on this important landscape setting. In this regard the proposals fail to accord with Development Policy DP25 – Conserving Camden's Heritage, which requires the Council to *"preserve trees and garden spaces which contribute to the character of the conservation area and which provide a setting for Camden's architectural heritage"*.

#### **Stormwater and groundwater impacts on the hydrology of the Heath ponds**

There are still significant outstanding issues regarding the proposed drainage strategy.

As noted in the previous detailed review by Alan Baxter Limited;

*"there are a series of fin drains to pick up the flow of groundwater which occurs at the interface of the impervious London Clay and the overlying fill or Head Deposits. These drain to a soakaway which is in the impervious London Clay and so will be ineffective. This means that the flow will discharge via a gravel filled trench passing under Mill Hill Lane onto the Heath. This would result in an overland flow towards the Bird Sanctuary Pond. This discharge needs to be agreed by the City of London as it is very unusual to discharge groundwater onto an adjoining owners land... ..if there is a significant flow of water, it will result in overland flooding towards the Bird Sanctuary Pond with the accompanying risks that it could pollute the pond by washing fines towards the pond".*

The City would like to emphasise, however, that an agreement to discharge water into the Heath, and the ecologically sensitive ponds in particular, would certainly **not** be possible. This is a serious issue that the applicant has failed to address as it is unreasonable to discharge into the City's ponds in this way.

In the absence of an outflow to Bird Sanctuary Pond the theoretical drainage proposals for the basements and swimming pool are not feasible i.e. the basement cannot be constructed without causing harm to the local environment. Consequently the application should be refused for failure to accord with Policy DP27 of the London Borough of Camden Local Development Framework Development Policies, which states *"The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity..."*

#### **Access / Health & Safety Risks**

The City would like to take this opportunity in addition to our concerns to flag up that there are still a number of unresolved objections as detailed in various previous reports and letters, which have not yet been adequately addressed.

A key concern relates the health and safety impacts this proposal will have on visitors to the Heath, and the Ladies Pond in particular, during the construction phases. In this regard, it is considered that the proposals are contrary to Policy DP17 – Walking, cycling and public transport, DP20 (movement of goods and materials) and DP26 (impact on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.



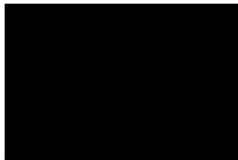


### Summary

In summary the application proposals are still not in accordance with planning policy and do not constitute a high quality proposal specific to its use, site, conditions, opportunities and constraints. The aforementioned paragraphs have clearly demonstrated that the proposal will have detrimental impacts on the landscape character and arboriculture of Hampstead Heath (Metropolitan Open Land); the ecological value of the Heath and the ponds; and the safety of pedestrians using Millfield Lane to access the Heath during the construction phases in particular.

It is, therefore, respectfully, but strongly, requested that the Council refuse permission for the development of the site for the reasons that have been provided in this letter and previous objections; and any other reasons the Council considers appropriate. The proposed development is clearly contrary to planning policy and there appears to be no material considerations that mitigate this.

Yours sincerely,



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Regional Director  
**For Signet Planning**  
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Enc.

c.c. Bob Warnock, City of London Corporation



## Mary-Jane O'Neill

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**From:** Mary-Jane O'Neill <mary-janeoneill@renaissance-planning.com>  
**Sent:** 04 November 2015 17:45  
**To:** Mary-Jane O'Neill  
**Subject:** Fwd: Waterhouse planning application  
**Attachments:** Waterhouse objections April 2015.docx; ATT00001.htm; Waterhouse veteran oak tree report October 2013.docx; ATT00002.htm

Begin forwarded message:

**From:** "Meares, Jonathan" <[Jonathan.Meares@cityoflondon.gov.uk](mailto:Jonathan.Meares@cityoflondon.gov.uk)>  
**Date:** 4 November 2015 at 17:00:25 GMT  
**To:** "'[mary-janconcill@renaissance-planning.com](mailto:mary-janconcill@renaissance-planning.com)'" <[mary-janconcill@renaissance-planning.com](mailto:mary-janconcill@renaissance-planning.com)>  
**Cc:** "Radusin, Katherine" <[Katherine.Radusin@cityoflondon.gov.uk](mailto:Katherine.Radusin@cityoflondon.gov.uk)>, "Warnock, Bob" <[Bob.Warnock@cityoflondon.gov.uk](mailto:Bob.Warnock@cityoflondon.gov.uk)>  
**Subject:** Waterhouse planning application

Hi Mary- Jane,

I have attached the previous report as agreed. Just following up on yesterday's conversation about the Waterhouse application. I note that in the most recent version of the Arboricultural Report carried out by Landmark Trees on 26.10.2015, they now recognise the tree T5 as a Veteran tree. The reference is within the 'Trees with the potential to be affected' section on page 4 of the report. There is also some change of emphasis on the condition of the tree in section 3.2.7 of the recent report, with more reference to its vitality. Having confirmed the status of the tree this places much greater emphasis on avoiding any ingress into the tree's RPA.

This change is significant, and should be noted by Camden's Planning Team. It is constant source of frustration to me to see how many veteran trees in the Highgate area are being lost due to property development and poor management. These trees are irreplaceable and sadly often overlooked. For a property like the Waterhouse that is in such a desirable location a tree of the status and age of this old oak is an asset of great value, and should be treated accordingly.

I have included some references to the treatment of Veteran Trees extracted from BS:5837 2012(see below).

### **BS:5837 Trees in relation to design, demolition and construction – Recommendations**

#### **4.5.11 (page 10)**

The tree survey might identify the presence of veteran trees on the site. The implications of their presence on the use of the surrounding land should be assessed at the earliest possible stage of the design process. Where such trees are to be retained, particular care should be taken in the design to accommodate them in a setting that aids their long-term retention.

*NOTE Whilst veteran trees typically provide a range of niche habitats, they are especially valuable if ancient, due to their scarcity and high habitat values for associated species of fungi, lichens and saproxylic invertebrates, including some which are rare or endangered and occur only where such trees have been continuously present for centuries. These trees will therefore almost always be included in the A3 category.*

#### **7.4 Permanent hard surfacing within the RPA (page 25)**

*NOTE This subclause does not apply to veteran trees, where it is recommended that no construction, including the installation of new hard surfacing, occurs within the RPA.*

My main concern remains with the proposed ingress into T5's RPA. I would also like to add that I did make a recommendation to Camden's Tree Section on the 3<sup>rd</sup> October 2013 that T5 would merit the protection of a Tree Preservation Order and sent the short report enclosed below to reinforce the request. As far I am aware this recommendation was not followed up.

Please let me know if you need any clarity on the above.

Regards,

Jonathan


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**Notes on Landmark Trees Arboricultural Impact Assessment Report (AIA) for Waterhouse, Millfield Lane, London, N6 6HT**

Summary page 5, 1.1.4

The Consultant states that tests carried out on Millfield Lane show that it is highly compacted and therefore suitable for heavy vehicles. No ground protection would be required. This is contrary to other assessments; the overall construction of the road is highly variable with patches of compacted aggregate and strips or patches of concrete infill. With multiple heavy vehicle movements this construction will very likely start to break up and compaction damage to underlying tree roots will be inevitable. There are a number of significant trees growing in very close proximity to the road on City of London Land including three boundary veteran oaks which will be seriously impacted by the proposed vehicle movements.

The issue of pedestrian safety has not been referred to in the report.

Observations page 11, 3.1.1

The oak tree (T5) which should be referred to as a veteran tree, is probably a survivor of a remnant of woodland that still existed in the 1870's. In previous documents commenting on the earlier planning application this was pointed out and an ordnance survey map from the period was included showing the possible tree marked on the map. From the size of the main stem (1300mm) the tree is somewhere between 200 to 250 years old but could possibly be older. Aging trees is a notoriously difficult exercise due to misunderstanding about differences in environmental conditions. An oak tree growing in woodland will grow at roughly half the rate of a tree growing in parkland or woodland pasture. If the tree in question spent its early developmental stage in a woodland environment it is likely to be 250 years or older. The oak tree should be recognised as veteran status but this is not mentioned and this is failing to recognise its heritage and conservation value. See map below.

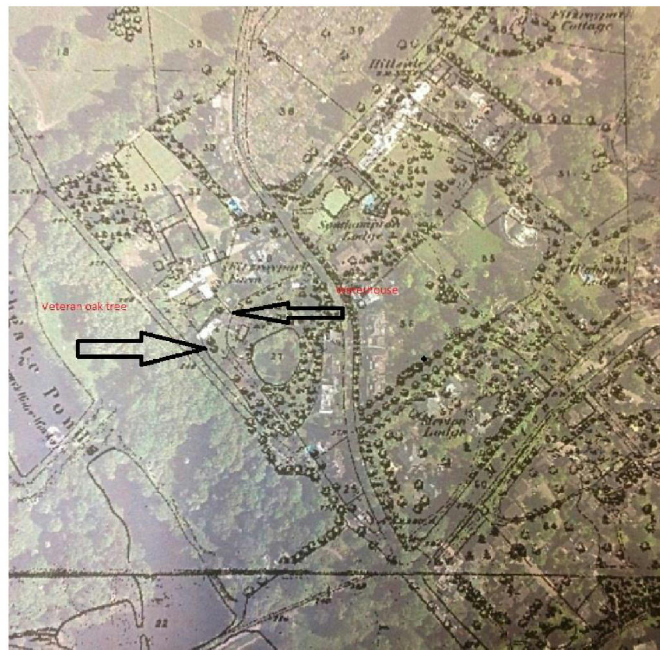


Figure 1: Circa 1860's ordnance survey map of Millfield Lane showing existing trees superimposed over current aerial photograph (2009) with Waterhouse and oak tree marked with arrows.

### 3.2.11

T17 the large hornbeam growing to the rear of the existing property is possibly also an old woodland tree. The diameter of the tree's main stem (640mm) suggests a tree of 120-140 years, and hornbeam would probably have made up the woodland species composition that still survived into the late nineteenth century. It is clearly not as old as the veteran oak but merits some recognition as historically important. Sadly this tree has honey fungus which the consultant considers to be significant, with die back visible in the crown. Hornbeam do not always respond well to pollarding although it is commonplace to manage them as pollards. A staged reduction over a three year period might be a better option with soil improvement around the RPA of the tree and careful monitoring of the progress of the Honey fungus. Clearly if the tree rapidly declines and becomes structurally unsafe removal may be the only solution.

### Development Constraints

#### 4.1.5

Given that the oak T5 has been recognised in the report as the most significant tree on the site it does not receive the focus and attention that it deserves in the rest of the report. In the section about RPA's there should be some reference to veteran trees and their rooting environments. Trees of this age often have highly localised root systems feeding specific parts of the tree. They seldom comply with the conventional concept of a circular rooting environment. They also are often surprisingly small in area and what viable roots still exist are all the more critical for the tree's long term survival. It would seem more appropriate that the veteran oak has a prescriptive management plan given it's significance.

One of the important differences between the old BS:5837 (2005) and the revised 2012 version was the definition of what the Root Protection Area (RPA) represents. The RPA should be seen as the minimum rooting area required for the tree to survive. See below extracts from BS:5837

#### **3.7 root protection area (RPA)**

*layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority*

**5.2.4** *Particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed within the new development (see 4.5.11). Where such trees are retained, adequate space should be allowed for their long-term physical retention and future maintenance.*

BS:5837 (2012) Trees in relation to design, demolition and construction – Recommendations.

There is also no direct reference to the potential conservation and wildlife benefits that the oak and possibly some of the other trees provide. T5 has a number of cavities and possible microhabitats containing dead wood and associated species. There is no mention of bats, an essential consideration with all older trees with voids and other possible roosting sites; given the close proximity to the Highgate Pond chain and the recorded presence of bats.

### Mitigation of Impacts

#### 6.1.10

This quote (Thomas 2000) of trees tolerating 50% root removal is a contentious reference, especially in the context of the point made above concerning RPA's and T5. The point is made again in section 7 7.3 of the report.

### References Section

No mention of Helen Read (2000) 'Veteran Trees: A guide to good management'



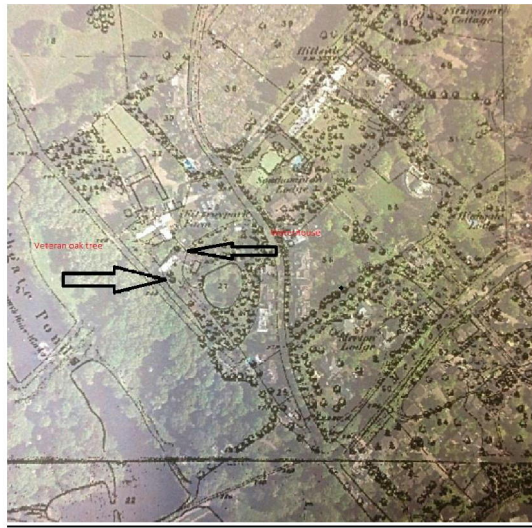
or

David Lonsdale (2013) 'Ancient and other Veteran Trees: further guidance on management'

### Waterhouse veteran oak on Millfield Lane.

#### Historical Context of Millfield Lane and tree scape.

The image below provides evidence of the treescape in the 1860's and allows identification of the trees that have survived from that period including a number of what are now classified as Veteran Trees. In the 1860's these trees were part of remnant woodlands and old field boundaries. The map is overlaid over a recent aerial photograph (2010) and the existing properties in the Millfield Lane area can be seen including the Waterhouse (marked). This information is provided to give some historical reference to the area and to highlight the importance of the remaining veteran trees still growing along Millfield Lane and also in a number of the properties, including the fine oak growing in the garden of the Waterhouse. Hampstead Heath has approximately 800 Veteran trees scattered across its 275 hectares, many of which are old field boundary trees, dating back to the nineteenth century and earlier when the Heath was still farmland.



**Figure 1: Circa 1860's ordnance survey map of Millfield Lane showing existing trees superimposed over current aerial photograph (2009) with Waterhouse and oak tree marked with arrows.**

The Waterhouse oak is probably about 250 years old, as it appears as a mature tree in the 1860's. The tree has a number of veteran features including decay pockets in the base and the crown break ;both mentioned in the BS:5837 survey carried out by Landmark Trees. It has a DBH of 1290 which compares with some of the largest veteran trees on the Heath and although it clearly has some structural issues it is in good physiological condition, with a large extended crown and good crown density with no sign of any significant die back.

Unfortunately the tree is difficult to see from Millfield Lane and is surrounded with a number of assorted other trees which provide some protection but also screen it from view. It is possible to get glimpses of the main stem and crown from the lane preferably in the winter. It is very likely that the tree can be seen from the Heath due to its size as well as number of the properties nearby.