

Highfields Grove Management Ltd

23rd November 2016

Kate Phillips
Regeneration and Planning Development Management
London Borough of Camden
Town Hall
Judd Street
London WC1H 9JE

Also by email : planning@camden.gov.uk ; kate.phillips@camden.gov.uk

Dear Kate Phillips

4 The Hexagon, Fitzroy Park London N6 HR
Planning Application Ref : 2016/3252/P

OBJECTIONS TO APPLICATION

We wrote to you on 28th July 2016 setting out our objections to the above numbered application on behalf of the owners of the 24 houses that form Highfields Grove (HG).

We are aware of the additional material the applicants have recently presented. We have also read the further advice from Landscape Planning Ltd given in their letter of 10th November 2016 (copy attached).

It is clear to us that the applicants' proposal continues to put at considerable risk the trees on our land bordering The Hexagon access lane. The importance of those trees is not only for the privacy, security and screening between properties of Highfields Grove and those within The Hexagon but also for the character and amenity of the area.

Further, with regard to para 12.g of the architect's (SOUP) letter of 18th October 2016 we strongly object to the suggestion that lorries may access the site via The Grove end of Fitzroy Park.

Specifically:

1. Apart from being the main exit point for most HG residents, The Grove is a fairly busy cut through for many cars. At particular times of the day The Grove already becomes bottlenecked just with cars and small vans, especially when entering from Hampstead Lane, with a knock on effect into Hampstead Lane itself. A steady stream of large lorries is likely to create much greater chaos in the road and especially at the barrier where, inevitably, there will be confusion regarding the code for entry and exit, as we often see with smaller delivery vehicles as it is.
2. We assume that residents of The Grove would also need to be consulted on this proposal too.
3. The use of the barrier is bound to compromise security of the road, from the much more wider distribution of the code to the greater possibility of "follow through" vehicles, and possibly to the need to keep the barrier permanently lifted to facilitate greater access.

4. In particular from a HG perspective there is a significantly increased chance of being completely blocked in, in the event of one lorry trying to enter/exit/unload at the Hexagon whilst another is approaching down the narrow stretch of the road coming down from The Grove, or from a bottleneck in The Grove itself.
5. HG is unique in having one entrance for 24 houses so if, for any reason, the entrance is blocked 24 homes and their visitors are affected simultaneously. We already have approximately 100 vehicular visits per day ie 200 entries and exits.
6. We already have a situation where lorries try and use the wider space outside our gate to try and effect turns and this is bound to increase further with even greater disruption.

On the basis of the above we continue to maintain our objections to this application

Yours sincerely,

pp. 

The Directors of Highfields Grove Management Limited

c/o Patricia Barham
Director
D & G Block Management, 192-198 Vauxhall Bridge Road, London SW1V 1DX





10 November 2016

**Our Ref: 68925/ No 4 The Hexagon
Council Ref: 2016/5232/P**

Mrs A Beare
49 Fitzroy Park
London
N6 6HT

Dear Mrs Beare

Re: No 4 The Hexagon, Fitzroy Park, London, N6 6HR

Summary

Further to my recent instructions I have reviewed all new material in relation to 2016/5232/P on LB Camden's website from the Alan Baxter Associates letter to the Fitzroy Park Residents Association [FPRA] dated 17/08/2016.

I am not going to repeat the observations I have already made earlier in the statutory determination period. I have focused on reviewing the additional material for new or supplementary information which demonstrates a real improvement in recognizing the significant constraints posed by the redevelopment proposals..

I find nothing at this late stage that leads me to suggest anything other than this proposal will cause demonstrable harm to the sylvan character afforded by the trees in the immediate vicinity of the access road to the site.

Review

I am asked to review a number of specific areas in the additional documents uploaded by the Council in October. Notably:

- 1] Crown Consultants email of 23rd August
- 2] Motion Response of 21st September paras 1.15 to 1.21
- 3] SOUP letter of 18th October :para 3 ; para 10(b)(ii) and para 13
- 4] Elliottwood Report of October paras 3.9 ; 3.10 and drawing S-090

A Limited Company Registration: 05141850
Registered Office: 4 The Courtyards, Phoenix Square,
Wyncalls Road, Severalls Park, Colchester, Essex, CO4 9PE

VAT Registration Number: 666574437





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1] Crown Consultant's e-mail 23 August 2016

Crown Consultant's observations in their original June 2016 report on the access road trees can be found at their report para 5.9:

5.9. Trees Along the Access Road

5.9.1. Along the entrance road known as The Hexagon into the site grow a row of trees. If planning approval is granted, and this route is used for access, some facilitative pruning and protective fencing or ground protection may be required.

The August e-mail appears to be a response requested by SOUP in light of the cbr test results submitted by FPRA at the end of July 2016.

2] Motion Response of 21 September paras 1.15 to 1.21

The response is not particularly innovative and paras 1.19 to 1.21 inclusive simply repeat Crown Consultant's own e-mail.

Beyond this para 1.15 refers to the concrete driveway both not being up to a designed standard but expected not to fail.

By 1.16 the roadway could fail and by 1.17 its hoped that the roadway could be kept in a usable condition.

3] SOUP letter of 18 October :para 3 ; para 10(b)(ii) and para 13

Assertions made under the particular paragraphs noted above are to be seriously doubted

A Limited Company Registration: 06141850
Registered Office: 4 The Courtyards, Phoenix Square,
Wyncolls Road, Severalls Park, Colchester, Essex, CO4 9PE
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4) Elliottwood Report of October paras 3.9 ; 3.10

The belief that damage can happen and be rectified later links to aspects of the Elliott Wood report:

See the wording at 3.9" *As far as practicable*" – how is this aspiration translated into a "SMART" planning condition as per the use of planning conditions in the NPPF and its Guidance.

Discussion

It is unacceptable at this stage in the planning process for Crown Consultants to have not completed the survey of all the Highfields Grove trees as a very necessary part of a review of construction impacts of the proposal on directly affected trees.

In addition I suggest a rather more critical review should have been advised by Crown in conjunction with Elliottwood of the need to carry out their own cbr testing of the concrete roadway in June 2016.

The excerpt below is taken from an accessible commercial web site commentary on the use of road plates :

- i) *For wheeled or tracked construction traffic exceeding 2t gross weight, an alternative system (e.g. proprietary systems or pre-cast reinforced concrete slabs) to an **engineering specification** designed in conjunction with arboricultural advice, to accommodate the likely loading.*

The entire redevelopment scheme has to be facilitated by a never before experienced intensification of use of the driveway by loaded vehicular weights including 18 tonnes concrete delivery vehicles.

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We read that the sum total of independent assessment at this stage is " *if the existing road were to be retained there would be no need for additional ground protection measures*" [para 1.20 Motion]

There are too many references to detail being supplied later by condition. This is a request for full planning permission and no engineering assessment of the driveway and the nature of the upgrade anticipated by the use of road plates has been carried out.

It is unacceptable for the Applicant's team to suggest that so many tree related matters are post-application issues I quote from BS5837 2012 at 4.4.1.3;

" Where proposed development is subject to planning authorisation should be taken into account when influencing design, potentially resulting in uncontrolled arboricultural impacts"

It is interesting to note that Paragraph 203 of the National Planning Policy Framework states

"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions"

Paragraph 206 of the National Planning Policy Framework states

"Planning conditions should only be imposed where they are

- necessary;*
- relevant to planning and;*
- to the development to be permitted;*
- enforceable;*
- precise and;reasonable in all other respects."*

A Limited Company Registration: 05141850
Incorporated in England and Wales
Registered Office: The Courtyards, Fenix Square,
Fitzroy Park, Colindale, London, Essex, CO4 9PE

VAT Registration Number: 566574437

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The Elliott Wood reference at their 3.9 to "foundations will be kept within the building footprint as far as practicable to reduce the impact on tree roots" is not acceptable. It amounts to unacceptable because unquantifiable pressure that cannot be controlled by conditions once Planning permission has been issued.

It is factually incorrect for Crown to state there will be fewer tree roots under the road so the trees will not be affected by an intensification of use. I would refer you to "Tree roots in the Built Environment in the Research for Amenity Trees series issued by the DCLG I quote:

" Contrary to popular belief the soil environment beneath paved areas often favours tree root growth { Day 1991;Wagar & Franklin 1994}Favourable conditions close to the surface can encourage rapid growth of roots below paved surfaces"

The use of road plates primarily to stop the degradation of the surface of the road do little to address the unacceptable compaction of the top 500mm subsoil.

Why else do these companies require an engineering specification: without the road being reengineered to a standard that can be demonstrated to handle the substantial weight loading of the construction process [acknowledged by Motion at their para 1.15] the tree roots will be permanently damaged. But the requirement to reengineer the road will in itself cause unacceptable damage to these tree roots and the long term viability of them.

Conclusion

It is very disappointing to see that so little has been done by way of simple steps like presenting a complete tree survey covering all trees and hedges impacted by the development proposal.

It is clear that that this proposal will cause unacceptable loss of high value trees to the area with associated loss of amenity to the Conservation Area..

We trust that the above information is of assistance: If you have any further queries regarding this matter then please do not hesitate to contact us.

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VAT Registration Number: 566574437





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Yours sincerely

**Margaret MacQueen BSc CBiol MRSB MICFor CEnv MAE
Principal Consultant Arboriculturist
Expert & Legal Services
OCA UK Limited
On behalf of Landscape Planning Group**



Copy: Mr Bernard Carnell

A Limited Company Registration: 05141850
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VAT Registration Number: 566574437

