

The Fitzroy Park Residents' Association

Please reply to: Dancers End
Fitzroy Park
Highgate
London
N6 6HT

07900606031
zskarli@btinternet.com

29 July 2017

Gideon Whittingham
Senior Planning Officer
London Borough of Camden
5 Pancreas Square
London N1C 4AG

Dear Gideon

RE: 2017/3426/P – 53 FITZROY PARK, LONDON N6

By means of this letter and the associated supporting documents as listed below, the Fitzroy Park Residents' Association wishes to object formally to the above Planning Application.

FPRA recommends the Council refuses the Application primarily on the grounds of unacceptable construction impacts on trees and a factually flawed CMP that has once again been proven to be unworkable, grossly misrepresenting the reality on site, and for which no reasonable mitigation exists other than a significant reduction in footprint and plot:build ratio, as discussed in the numbered sub-sections detailed below.

Despite four or five bites at this CMP cherry, this Applicant and her huge team of professional consultants, has been unable to demonstrate how they can manoeuvre over 400 HGV deliveries on and off site without relying on factual anomalies or misrepresenting the physical limitations of the site. Surely if this building was so easy to build, then why would they need to do this?

While we might no longer have "shortened" HGVs capable of "jumping" 0.5m to the side to leave site, we still have SWAs that do not provide for a normal safety buffer zone for manoeuvres, and furthermore rely on dry steering, despite the Highways Agency considering it a wholly inappropriate practice and fleet owners prohibiting it because of damage to HGV tyres.

We also have a newly enlarged split-level loading zone positioned within inches of a large sycamore tree T2. This new platform appears to rely on a retaining wall that does not exist, a wall that is also needed to support the road from subsiding, with SWAs showing HGVs successfully reversing into its non-existent dog-leg, but only when the platform is empty of anything else, including the vital UNIC spider crane that at a minimum takes up 40% of the available space.

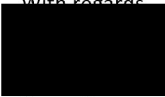
Nor has the Applicant addressed how the road would cope with these massive HGV construction impacts (despite a recent 30% reduction impacts are more than double anything Fitzroy Park has seen before) or how trees along the access route to site from Merton Lane might be affected, despite Adam Hollis, the arboricultural consultant, himself admitting such an extended survey is a British Standards requirement in such circumstances.

As a consequence of these omissions and failures by the Applicant, FPRA commissioned a variety of independent reports as detailed below. With regard to the capacity of Fitzroy Park to sustain the enormous 15,000 tonne HGV only weight loading for the project, Soil Consultants found a 2-3% CBR weight loading value for Fitzroy Park (normal highway has a 20-30% CBR) suggesting a real risk of subsidence of services unless some sort of engineered upgrade along the entire access route can be agreed.

Following this discovery, FPRA commissioned Landscape Planning Ltd to map the root protection areas of any high amenity trees adjacent to the access route. LPL found 15 high amenity trees owned by Fitzroy Park residents (plus at least another 10 trees owned by Haversham Place that were not surveyed). Given the very low CBR values coupled with the very high HGV weight-loading, LPL consider all will be seriously impacted by unreasonable sub-surface compaction of their RPAs putting them at risk of failure. It also means any engineering solution to strengthen the road will need to be "no-dig" to avoid their RPAs.

Based on our detailed analysis of these proposals, FPRA considers the proposed CMP to be an unprofessional work of fiction. Given this is not the first time FPRA has found such serious factual CMP anomalies, it begs the question if this is a case of ongoing unconscious incompetence or something more sinister. Given the very many factual anomalies and omissions we have raised in this letter, all supported by independent professional reports, we would hope the Council will reject this draft CMP and consequently direct this Applicant to withdraw her Application without wasting any further time and public money.

With regards


Karen Beare
Chair – FPRA
07900 606031

Attachments:

1. BIA review by Alan Baxter dated April 2017.
2. Arboricultural review by Landscape Planning dated July 2016. Additional letter to follow with regard to Phase 1 loading platform to be issued in next 7 days.
3. CTMP review by WSP Parsons Brinkerhoff dated 28 July 2017.
4. Soil Consultants Fitzroy Park engineering report dated May 2016.

1. Review of the overdevelopment of the site:

- 1.1. Members seeking reassurance from Neil MacDonald, who presented the 2015 application at the early 2016 Development Control Committee meeting, were potentially misled by his statement justifying the over-development of this site, citing that the neighbouring Water House had been granted permission for a replacement dwelling of a similar size when it had not, and has not. We all know that over-development, not dissimilar to the proposals here, was in fact refused a couple of months later.
- 1.2. While FPRA recognises the Application here is based largely on the above-ground conditional consent granted in 2016, it believes the unprecedented increase in footprint of 120% from existing and the doubling of plot:build ratio to 43%, when the local average in neighbouring Private Open Space is less than 30%, is the primary reason this Applicant has been unable to come up with a workable CMP or an Arboricultural Impact Assessment that do not rely on factual anomalies and misrepresentations.
- 1.3. While FPRA, in principle, welcomes the recent reduction in quantum, by virtue of the removal of the lower 1.5 basement storeys, it remains firmly of the opinion the only workable mitigation to resolve the unacceptable tree and CMP impacts is to reduce the footprint to a 30% plot ratio and orientate it much further away from the road. This would facilitate a fully restricted construction platform that is neither restricted by the new dwelling as it comes out of the ground, or the use of mobile cranes positioned on it, nor detrimentally impacts on the few remaining trees on site.
- 1.4. A further planning anomaly at the DCC was Neil MacDonald answering a specific question from Cllr Adam Harrison, that the proposed building will be only 14 metres away from the neighbouring dwelling at No51. This is at least 4 metres nearer than it should be based on the Council's own planning guidance, which the Council confirmed at the DCC is 18 metres.
- 1.5. The key issue is not overlooking, as was suggested by Neil MacDonald (the proposed window directly opposite is opaque), it is the fact that the entire bulk of the building is 4 metres too close to a neighbouring property and should be moved back into the site away from it. This of course would be possible if the footprint/plot:build ratio was reduced as suggested.
- 1.6. On the same point, because of the proximity of the new dwelling to the neighbouring property at No51 Fitzroy Park, a 20 metre viewing window from Fitzroy Park across to Hampstead Heath will be lost to the very many pedestrians using Fitzroy Park.
- 1.7. We would hope that just because this breach of planning policy was over-looked when considering the merits of the previous Application, that should not prohibit a reassessment of the facts this time round and a different conclusion reached with recommendations that the building be moved away to the normal minimum distance.

1.8. In response to questions from Members asking for clarification of the weight given to the nature of Fitzroy Park, and the fact it is Private Open Space adjacent to the Heath, Neil MacDonald stated at the DCC "*well, we wouldn't for instance approve the development of the site for a housing development*". Regrettably, in real quantum terms, that is exactly what the Council is doing. This new dwelling, despite being reduced in depth in this Application, remains the equivalent of the Council approving 8 or so averaged-sized houses on a single plot within sight of Hampstead Heath. As such it represents a clear over-development of the site.

2. BIA – slope stability, hydrology and associated matters:

Please refer to supporting report from Alan Baxter Associates dated April 2017.

- 2.1. Despite the loss of the 1.5 lower storeys, the proposals still cut into the natural ground slope in an area very close to a neighbouring historic pond that drains into the Bird Sanctuary Pond. While the proposals are to divert rainwater/surface water to a sump on site, and then into a Thames Water sewer, this process will need to be very carefully managed as there is a risk the pond and Heath could easily get contaminated.
- 2.2. On the same point, but elsewhere in the Application, it is stated waste water from wheel washing is to be allowed to flow into the site, potentially causing a further risk of contamination.
- 2.3. There are at least two key areas of stability risks/subsidence for the road:
 - i) The contiguous bored piles will need to be supported by horizontal props to prevent a risk of deflection which could result in horizontal movement and damage to the road. If permission is granted this should be conditioned; and
 - ii) The retaining wall shown at right angles to the road boundary “to be strengthened to support road” does not exist as drawn. so the road, or the newly enlarged loading platform above, can be supported as stated,
- 2.4. The physical topography of the site slopes from the road to the main site levels 4m lower by approximately 30 degrees, yet no assessment has been made, or details provided, of exactly how the road edge will be strengthened to protect it from subsiding (particularly now the critical retaining wall does not exist) or how operatives will safely access welfare and other services down that slope.
- 2.5. The proposals are to raise significantly the garden levels to the west, but no slope stability assessment has been made and how the new higher levels will relate to neighbouring properties (retention and overlooking).
- 2.6. The Structural Engineering Design and Construction Method Statement report states that, even though the proposals represent a significantly larger footprint with extensive additional hard landscaping, there will be no increase in drained area. It is highly unlikely that all existing paved areas are positively drained, so this statement is seriously questionable. Given the environmental sensitivities and location of the site and the importance of maintaining the catchment feeding the Bird Sanctuary Pond, further justification of this assertion should be provided.

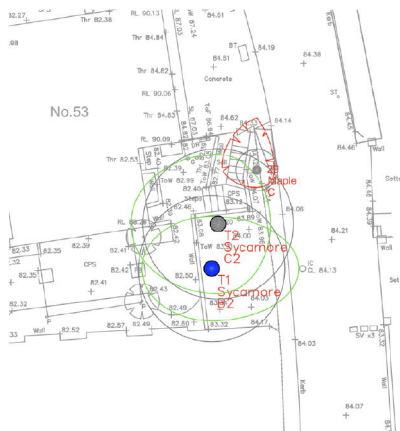
3. Arboricultural impacts:

Please refer to supporting report from Margaret MacQueen BSc CBIol MRSB MICFor CEnv MAE. Principal Consultant Arboriculturalist, Landscape Planning Ltd dated July 2016.

NB: An additional letter referencing the detrimental impact of the split-level loading platform and missing retaining wall will be issued early next week.

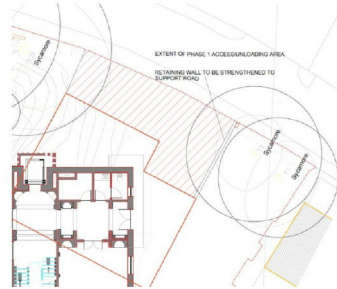
- 3.1. Extended Arboricultural Survey that incorporates significant trees between the site and Merton Lane has not been done.
- 3.2. This is despite Mr Adam Hollis of Landmark Trees (who is the arbo consultant for this project) admitting at a recent meeting to discuss the Water House development (where he is also the arbo consultant) that such a report was a British Standards requirement in these circumstances and should be included as part of the pre-determination documentation. His admission was witnessed by Harley Atkinson (FPRA) and Stuart Minty (Agent). As such, an extended report for the Water House has now been "front loaded" and is now available for comment on the Council's web portal. There is no reason why the Council should not require this of 53FP in such similarly environmentally sensitive circumstances.
- 3.3. In the absence of the Applicant providing such a report, FPRA commissioned their own and found 15 individual trees that make a significant contribution to the tree scape of Fitzroy Park on the fringes of the Heath in this part of the Highgate Conservation area. It should be noted this FPRA commissioned survey did not include at least an additional 12 high amenity trees opposite Apex Lodge that are owned by residents in Haversham Place so the total number of trees at risk is circa 25.
- 3.4. Of the 15 trees surveyed by FPRA, 2 are BS 5837:2012 Category A, 9 are Category B and 4 are Category C. The RPAs of all these trees, plus those belonging to Haversham Place will be directly impacted by the huge intensification of HGV traffic using Fitzroy Park that quantitatively, despite a 30% reduction due to the reduction of the basement development, has been conservatively estimated to be in the region 15,000 tonnes or the equivalent of 40 fully laden Jumbo Jets.
- 3.5. No attempt has been made to assess impact of this total HGV weight loading for the project on the affected 25 RPAs in the context of a 2-3% CBR value for the road.
- 3.6. We would also draw your attention to the fact the impact of the Phase 1 loading platform has been misrepresented. The vital retaining wall does not exist as drawn on either the AIM, or as referenced in the AIA narrative. The latter contradicts the AIA survey, which shows the trunk of sycamore T2 inches from the edge of the proposed loading platform.
- 3.7. The consequence is that no accurate assessment of the construction impact of the proposed Phase 1 platform on T2 has been provided. This is a significant oversight. Out of circa 33 original trees on site this is one of only a handful of mature trees that is to be retained to maintain critical screening to Fitzroy Park.

- 3.8. This is also despite personal assurances given to FPRA that these mature few trees along the site frontage would be given special priority and attention to ensure they were not impacted in any way by the 18 months+ construction process.
- 3.9. Neither has any account has been taken of the relationship of the loading platform to the lowest crown branches of T2 in the context of the newly created platform level being 2.2m higher from existing ground conditions and the base of T2.
- 3.10. Nor has any assessment been made of the air space clearance for T2's canopy or other trees on site, given proposed use of two UNIC "mini" spider cranes positioned on this newly created loading platform (to facilitate loading and unloading from HGVs) that have respectively 31m and 17 boom heights.
- 3.11. Specifically, no mention has been made of how existing ground levels will be raised at least 2.2m to "marry-up" with the existing drive level and how this might impact T2.
- 3.12. AIA survey drawing (below) shows T2 trunk inches from proposed loading platform with wooden steps, not a retaining wall that does not exist.



- 3.13. AIM narrative and drawings rely on vital retaining wall that does not exist. As mentioned above, the AIM gives no indication of how existing ground levels will be raised 2.2m to existing drive level and how this might impact RPAs.
- 3.14. Annotation of T2 in the AIM (and in the CMP) is grossly misleading as neither shows the actual proximity of this retained tree to the edge of the proposed loading platform, or its relationship with the existing split ground levels.


1.3.4 The impact of the temporary loading platform has also been considered. The strengthening of the retaining wall (see Extract 1 below) will be undertaken with caution, ensuring that any roots behind the existing structure are not disturbed. The piling required to support the platform is outside the RPA (see Extract 2 below), with the remaining structure founded on hand-dug piers, as shown in the CTMP.



Plan Extract 1: Phase 1 Loading Platform (Plan Ref: KB53FP-LOG-001)

Outline Arboricultural Method Statement: 53 Fitzroy Park, London N6 8JA
 Prepared for: Smarter Building and Construction Limited, 17 Willfield Way, London, NW11 7XU
 Prepared by: Adam Hollis of Landmark Trees, 20 Broadwick Street, London W1F 8HT

3.15. AIA narrative also wrongly suggests RPAs restricted in terrace bed that does not exist as drawn.



Landmark Trees

Site: 53 Fitzroy Park, London N6 4JA
 Date: 12 09 2013

Landmark Trees Ltd
 Tel: 020 7851 4544
 Surveyor(s): Adam Hollis
 Ref: WFA/53FZP/AIA

BS5837 Tree Constraints Survey Schedule

Tree No.	English Name	Height	Crown Spread	Ground Clearance	Clear Stem Height	Stem Diameter	Age Class	Protection Radius	Growth Vitality	Structural Condition	B.S. Cat.	Sub. Cat.	Useful Life	Comments
1	Sycamore	16	23x4	2.0	2.0	300.0	Early Mature	4.6	Normal	Fair	B	2	20-40	Leaning (slightly) W Restricted rooting in terrace bed
2	Sycamore	16	32x3	3.0	3.0	430.0	Early Mature	5.2	Normal	Fair	B	2	20-40	Restricted rooting in terrace bed FMaple 6h/100dm/3204sp/Cat C to NE: sparse crown / lean to W

4. CTMP:

Please refer to supporting report from WSP Parsons Brinkerhoff dated 28 July 2017 and Soil Consultants report dated May 2016.

- 4.1. Steve Cardno (Transport Officer) on close questioning from Cllr Flick Rea stated “the CMP had not been approved yet” and agreed “there are some things about the CMP which are not quite right, so we need a more detailed construction programme from the contractor once appointed.” Despite this requirement in January 2016 and despite more than 4 or 5 attempts by the Applicant to produce a workable draft CMP, the latest version in support of the current Application remains untenable and once again factually misrepresents the actual conditions on site.
- 4.2. The position of the Council has consistently been contradicted by the Agent. Please see screen shot of email below. If it now transpires the Council has approved the draft CMP for the 2016 consent, and the Agent is hoping to “piggy-back” the 2017 version on it without further scrutiny, then the Council will need to provide a written explanation as to how this was allowed to proceed, despite FPRA providing Camden’s transport officers with significant independent evidence that the CMP data, and information on which it relied, had been falsified in what appears to be a blatant attempt to mislead the planning process.

Grant Lock

Inbox - btinternet.com 7 March 2017 at 13:12

RE: No. 53 Fitzroy Park - Proposals for Revised Development - Download of Consultation Documents [NLP... [Details](#)



To: Karen Beare, Cc: Harley Atkinson, Declan Carroll

Dear Karen,

It is correct that no new additional survey has been undertaken. This is because the swept path diagrams and access arrangements to the site do not change from the draft arrangements that were previously approved by the Committee. Only the number of vehicle movements changes because of the reduction in the volume of spoil and materials that need to be transported to and from the site.

The Committee has approved a draft CTMP, it is listed on the approved documents on the planning permission. Notwithstanding this we are fully aware that a Final CTMP still has to be discharged against the S106 for the previous approval, as it would similarly need to be for any S106 agreement resulting from an approval of the forthcoming revised application on which we are undertaking consultation.

We appreciate there are still items that the FPRA are unlikely to be satisfied with in the revised Draft CTMP, but the Council's Officers and Committee were content to approve these in draft previously, pending the formal appointment of a contractor to work up a final version when that permission, or indeed this revised proposal, is taken forward for implementation. There is no reason, or material consideration, that would suggest this approach should be departed from now. As a result we are at loss to understand why you consider it would be necessary to undertake a new survey now. Such a survey was not required previously, and the items of the submission to which the topic you are raising relates do not alter between the last submission and this.

We have been quite clear about the changes that are being made to the scheme (removal of the basement level), and the areas of the submission they affect (total vehicle movements reduction, revisions to the engineering and structural design). The purpose of this consultation is to respond to any new commentary the FPRA has arising out of those changes prior to us making a new submission. Notwithstanding the fact that you will have other comments that have been previously raised, the Council did not hold these to be relevant to the determination of a draft CTMP for the purposes of planning permission subject to conditions and a Section 106 agreement.

Rather than simply go over old ground now for items it is clear we are not going to alter as there was no requirement to do so last time, would it not be more productive to focus the FPRAs initial response on the elements of the scheme that have a actually changed and on which we are consulting. As you have clarified before, there is still the opportunity for you to raise all the other matters that you consider remain contentious as the formal public consultation during the application determination.

Best

Grant

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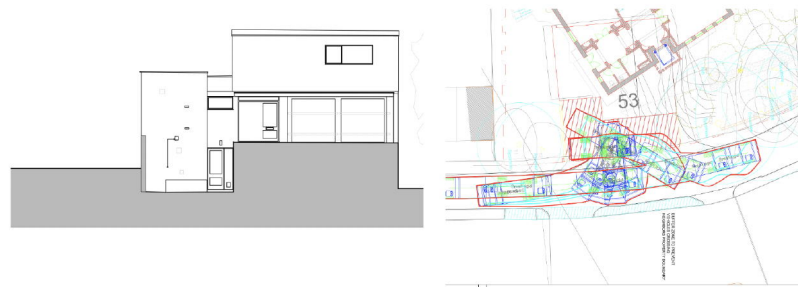
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- 4.3. Critical SWAs were manually manipulated to show a 6-wheel 24t concrete mixer 0.6m short (7.8m instead of its real length 8.4m) making a 7-point turn, but only when having miraculously “jumped” 0.5m to one side: two fundamental points that the Council failed to raise with Members at the DCC.
- 4.4. When WSP|PB independent SWAs for FPRA applied the correct length of the concrete truck and had it leaving from where it arrived, the number of manoeuvres was over 40, yet the Transport Team, on behalf of the Council, made no reference to these issues at the DCC despite being fully informed of these significant irregularities.
- 4.5. In the most recent CMP, critical details of the loading platform have been misrepresented in what appears to be yet another blatant attempt to demonstrate the construction process is tenable, when it is not. See detailed discussion and evidence below. Given these very serious circumstances, the FPRA considers the Council has a duty of care to take appropriate action against the Applicant and Agent in this regard.
- 4.6. We note that Cllr Rea persisted with her concerns about the CMP at the DCC, pointing out that the Council is *“not normally dealing with areas that are quite as sensitive as this.”* Her point being that a more comprehensive and workable CMP should be required up-front and that the Applicant should demonstrate the dwelling can be built without causing unacceptable construction impacts, as was the case with the Water House. She voiced her concerns despite not being informed of the serious anomalies with the SWAs by Steve Cardno, who rather chose to characterise them as things that *“were not quite right with the CMP”*. FPRA considers this to be an astonishing understatement of the facts.
- 4.7. Despite FPRA raising the huge intensification of HGVs with the Applicant, an increase that remains more than double any previous development in Fitzroy Park (despite a new 30% reduction in this Application) the Applicant has made no effort to investigate the engineering capacity of this privately-owned road.
- 4.8. Again, this is despite the Council insisting on this for the Water House Application, along Millfield Lane where we see many parallels. This common-sense position is in direct conflict to Steve Cardno’s extraordinary statement at the DCC where he confirmed: *“From a transport point of view we [the Council] would focus on number of vehicles per day. We are not too concerned about the number of vehicles over a two- or a three-year period.”*
- 4.9. Mr Cardno may not be concerned by the cumulative impact on Fitzroy Park, but I can personally assure him those residents who own the road are extremely concerned and disturbed that their services could collapse and their trees die from avoidable sub surface compaction that the Council has to date shown no interest in addressing.
- 4.10. In the absence of the Applicant providing any such road engineering report, FPRA commissioned their own by Soil Consultants. They confirmed a 2-3% CBR value for Fitzroy Park outside the site and along the access route to Merton Lane. They confirmed the tarmac surface is underlain by a thin band of a non-specific conglomerate, and directly outside the site, this is mixed with oyster shells, probably

dating back to the original carriageway in Charles II times. In comparison, a standard highway has a CBR value of 20-30% with a significant depth of Type 1 acting as a base layer to absorb extreme weight loading and prevent compaction at depth.

- 4.11. This 2-3% CBR value is the same as Millfield Lane where significant efforts are now being explored to protect the various tree RPAs and services.
- 4.12. Clearly Fitzroy Park (in its current condition) cannot cope with the total HGV weight loading that this development demands (conservatively estimated at 15,000 tonnes) without some sort of engineering solution being proposed to protect the underlying services such as drains, gas main etc., but also very importantly to protect the RPAs of the 25+ trees whose root systems will be compressed by the number and weight of the HGVs passing over them.
- 4.13. Given proximity of so many RPAs, a no dig solution will be required. However, as the Council is well aware, surface Ground Guards are only effective to protect the surface of the road from degradation. They do not mitigate compression of tree roots at depth and Terms & Conditions of ground guard manufacturers specifically require engineering investigations to determine weight loading of subsoil and suitability of the product being used in specific circumstances.
- 4.14. Despite further recent CMP documentation from the Applicant, independent scrutiny of the proposals by WSP and ABA, paying particular attention to the loading platform and SWAs, demonstrate these are not reliable as shown.
- 4.15. As an example, WSP independent analysis of the swept path analysis of an 8.36m concrete mixer, that allows for a 0.5m safety buffer, shows it will take as many as 48 movements for it to turn around fully and depart from site, a process that will take up to 13 minutes to complete. Furthermore, we understand this manoeuvre is proposed up to ten times daily for 25 weeks under Phase 2 and up to 5 times a day for 41 weeks under Phase 3. These are not "one offs".
- 4.16. The Transport Officers' response to these standard SWAs being presented by WSP|PB was to instruct the contractor to use "dry steering" to reduce movements, even though under the Highways Code it is actively discouraged. Neither is it adhered to by operatives as HGV fleet owners do not allow this practice as it rips up the HGV tyres, let alone the road surface beneath. Dry steering is therefore not a reasonable or reliable mitigation to resolve the multiple manoeuvres caused by severely restricted site access. Nor should it have been championed by the Council as a positive way forward.
- 4.17. Despite numerous reassurances from the Applicant that the carriageway will not be obstructed at any time during the development, the proposed loading platform is untenable. Realistically HGVs, particularly during enabling works and demolition, will block the highway for unreasonable periods. Eg: based on WSP|BP analysis estimated 200 concrete deliveries will result in the carriageway being blocked for a total of 44 working hours.

- 4.18. The loading platform is not representative of actual conditions on site. For example, during Phase 1 the side dog-leg will need to be built up by 2.2m leaving only a very small front driveway for all loading/deliveries.
- 4.19. Screen shot of architects drawing below shows the existing drive level to the right and 2.2m drop to the left where the critical dog-leg extension is proposed to facilitate a space for HGVs to reverse into to leave (as shown by their SWA) but no mention that the platform is in actuality split-level. Shaded wall drawn to the left is only a short stub wall extending from existing building by circa 2m. As previous photos show it does not exist as drawn on Applicant's CMP and AIM drawings.



- 4.20. There are no structural design details of the extended Phase 2 loading platform that are loosely described as "piled with a steel superstructure" and how this will be dismantled (and reduced in size) safely as the new dwelling comes out of the ground.
- 4.21. The proposed Phase 2 loading platform covers much of the new footprint, yet as WSP|PB point out, the Applicant has not shown how HGVs will continue to access site as the new building comes out of the ground surrounded by scaffolding. Realistically it will only be useable for a fraction of the time as proposed, increasing further the number of movements required for HGVs to leave site obstructing the carriageway.
- 4.22. No details of where on the limited loading platform two cranes will be positioned and how they will further limit HGV turning manoeuvres or impact on adjacent tree canopies.
- 4.23. The minimum set up dimensions for UNIC cranes (based on details provided in Applicant's own CMP) are 5.2m x 5.5m with a maximum boom height of 31m and 4.0m x 4.7m with a maximum boom height of 17m. A conservative estimate is that the use of just one crane during Phase 1 will reduce the available space on the HGV turning platform by at least 40%, yet no such SWAs have been produced to show how a working UNIC spider crane in position will impact HGV site accessibility.
- 4.24. No details of where the welfare cabins will be placed given 30 degree slope from road to main site levels or how operatives will access them. Or indeed where brick crusher will be located and where all the demolition and recycling materials will be stored.

- 4.25. The CMP states a 5-minute call up for HGVs and deliveries but gives no indication of how they will coordinate this without HGVs parking up somewhere. The question remains if the Applicant will need to use the 4 suspended Merton Lane parking bays on a long-term basis rather than just to facilitate the unloading of the 2 UNIC cranes and mini piling rig because these HGVs are too big to access Fitzroy Park.
- 4.26. Fitzroy Park oversees a strict parking scheme that prohibits contractor parking, but the CMP makes no provision for the huge number of LGVs that will inevitably visit site during fit out. The unanswered question remains: where exactly will they unload or park up for the day during the construction process?

5. Summary – key issues

5.1. Overdevelopment

- As a precedent, neighbouring Water House had a similar Application refused, not granted as wrongly stated at DCC.
- Plot:build ratio of 43% in Private Open Space is a quarter more than local average. Leaves less than 50% of the plot undeveloped when taking account of extensive additional hard landscaping.
- Development represents the equivalent of an estate of 8 average sized 3-bedroom houses on a single site on fringes of Hampstead Heath.
- Proposed footprint breaches Camden Planning Policy bringing significant bulk of new dwelling 4m too close to neighbouring property at 51 Fitzroy Park.

5.2. BIA issues

- Unresolved risks of contamination of neighbouring historic pond that drains directly into Bird Sanctuary Pond eg: wheel washing protocols
- Contiguous piles not propped risking significant lateral movement and subsidence of road and neighbouring land.
- Retaining wall, vital to support road does not exist as drawn.
- Retention and overlooking impacts by raising garden levels has not been addressed.
- Significant increase in hard-landscaping will result in reduction of local catchment into Bird Sanctuary Pond.

5.3. Arboricultural issues

- Failure to provide extended tree survey for access road from site to Merton Lane is in breach of British Standards as admitted by Adam Hollis (arbo consultant) himself.
- Estimated number of significant tree RPAs in Highgate Conservation Area at risk from construction impacts (total quantum of loading circa 15,000 tonnes combined with 2-3% CBR) is at least 25.
- Failure to cross-reference accurately CMP with Arboricultural Impact Assessment (AIA) or Arboricultural Method Statement (AIM).
- Failure to assess impact of Phase 1 split-level loading platform on T2 with trunk inches away from edge of platform.
- Failure to protect T2 RPA (2.2m lower than existing drive) given vital retaining wall (as above) does not exist so root system will not have been contained as claimed.
- AIA drawings and AMS drawings contradict each other in this regard leading to serious anomalies in vital evidence and consequential misrepresentation of real construction impacts.

5.4. CMP issues

- 2016 draft CMP included two significant factual anomalies leading to a misrepresentation of the real construction impacts. This information was not shared with Members at DCC despite Council being fully apprised of this manipulation and close questioning by Cllr Rea.

- SWA anomalies showed concrete mixer (of which there are 200 deliveries) being 0.6m too short and miraculously “jumping” 0.5m to the side to leave site by means of a 7-point turn.
- Comparative independent WSP|PB SWAs based on Applicant’s own topographical survey demonstrate full length concrete trucks require 48 manoeuvres to leave site taking at least 13 minutes each time.
- Applicant’s 2017 SWAs still fail to include 0.5m safety buffer in breach of H&S.
- Consequence is 200 concrete deliveries alone will block road for 44 hours despite repeated assurances by Agent the carriageway would be kept clear at all times.
- No assessment has been made of real impact of 220 HGVs removing spoil on residents’ access.
- 2017 revised draft CMP details a newly extended Phase 1 loading platform along entire frontage of existing building, not just outside double garage as before. New “dog-leg” has been added to the side to assist HGVs reverse which, on paper, looks reasonable but in fact bears no resemblance to site topography. NB: All the Applicant’s SWA rely on it.
- Striking omission is any mention that the new loading platform is split-level with 40% of it being 2.2m lower than existing drive.
- Nor does an associated critical retaining wall exist as drawn that is relied on to support the road from subsidence.
- Nor has construction impact on T2 been accurately assessed.
- No assessment has been made on impact of HGV access once building comes out of ground with scaffolding reducing loading platform for majority of Phase 2.
- No assessment has been made on impact of HGV access with one UNIC crane in position on Phase 1 loading platform. Use of such a crane is critical from Phase 1 given 30 degree slope on site with more than a 4m change in levels from road to garden.
- WSP|PB have shown Applicant’s SWAs over-run proposed site hoarding.
- Consequence is HGV access to site has once again been grossly misrepresented.
- Suggested use of dry steering to mitigate excessive HGV manoeuvres is contrary to Highway Agency and actively prohibited by HGV fleet owners due to tyre damage. Real number of HGV manoeuvres are exponentially greater than suggested by Applicant.
- Cumulative impact on road has not been assessed by Applicant or Council.
- Soil Consultants’ engineering analysis for FPRA found a weight loading value of 2-3% CBR when standard highway CBR value is circa 20-30%.
- Given HGV only weight loading estimate for project of 15,000 tonnes (40 fully laden Jumbo Jets and which is more than double any previous development in Fitzroy Park) such a low CBR value risks road subsidence, damage to services and sub-surface compaction of at least 25 tree root protection areas (as detailed above).
- No details have been given for location of welfare facilities, storage of plant and recycled materials given 50% footprint and retained trees.
- No details on where huge number of LGVs will access site and park up during fit out given FPRA no parking scheme.
- WSP|PB have raised further concerns about risk to public caused by over-run of HGVs at 3-way junction with Merton Lane.