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Dear Sir / Madam,

RE: The Water House, Millfield Lane, London N6 6HQ

Application Ref.: 2017/3692/P

Nexus Planning is acting on behalf of the City of London Corporation and makes the following representations in relation to the above application. Whilst the City has no objections in principle to the proposed works, and is sympathetic to the applicants proposals to adapt the house to their needs, the City is concerned about the impact the proposed development could have on the trees along Millfield Lane.

Background

The City of London Corporation ('the City') owns and manages over 10,700 acres (4,330 hectares) of Open Space in and around London, which are enjoyed by more than 23 million visitors each year. The open spaces owned and managed by the City include Hampstead Heath, the Hampstead Heath Extension, Golders Hill Park, Highgate Wood, Queen's Park, Epping Forest, and West Ham Park.

The open spaces managed by the City are important wildlife habitats but also provide many services and facilities, including outdoor swimming, sports pitches, tennis courts, play areas, fishing and much more.

This role was established in the 1870s, when the City was concerned that access to the open countryside was being threatened by development and therefore promoted two Acts of Parliament. The Epping Forest Act and the City of London (Open Spaces) Act received assent in 1878 and enabled the City to acquire and protect threatened Open Spaces from future development. Since this time, the City has acquired further open spaces, including Hampstead Heath.

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The City is statutorily obliged, by virtue of various Acts of Parliament, and specifically by the provisions of the Hampstead Heath Act, 1871, to:

- for ever to keep the Heath open, unenclosed, unbuilt upon and by all lawful means prevent, resist and abate all encroachment on the Heath and attempted encroachment and protect the Heath and preserve it as an open space;
- at all times preserve as far as maybe the natural aspect of the Heath and to that end protect the turf, gorse, heather, timber and other trees, shrubs and brushwood thereon;
- not to sell, lease, grant or in any manner dispose of any part of the Heath; and
- to provide active and passive recreational facilities and information for members of the public.

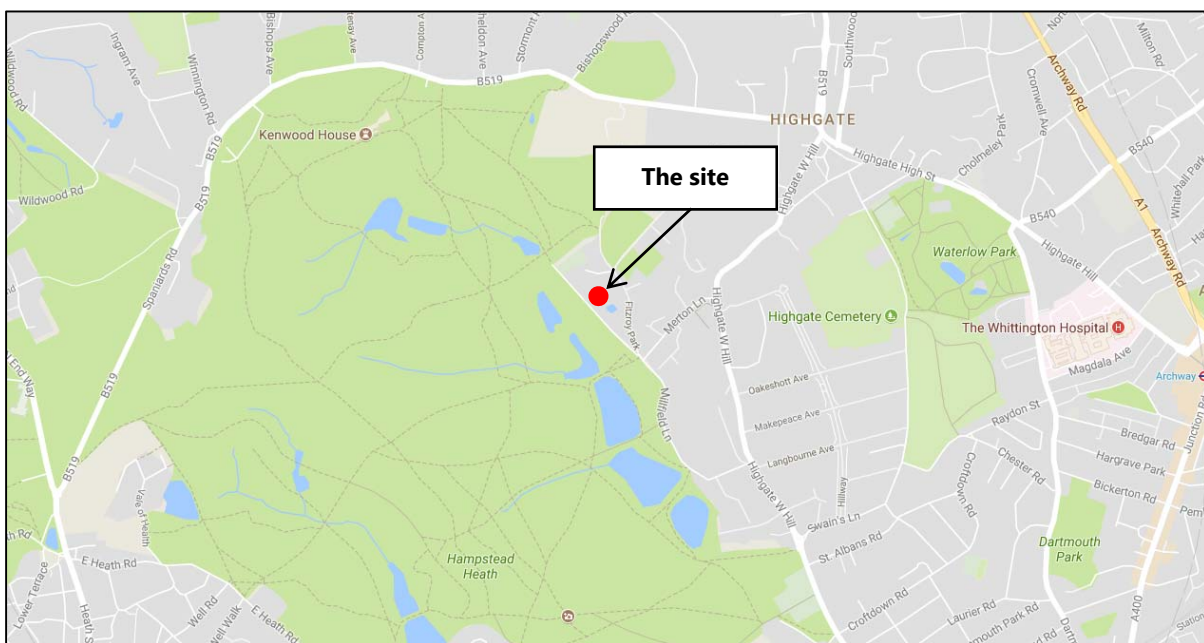
In total, the City owns and manages over 10,700 acres (4,330 hectares) of Open Space in and around London. The sites are used and enjoyed by millions of visitors each year. They are important wildlife habitats but also provide many facilities for visitors, including swimming and other sports, play areas, fishing and much more.

The City took over title ownership and the responsibility for the management and protection of Hampstead Heath in 1989, and for making it available as open space. In addition, the Local Government Reorganisation (Hampstead Heath) Order 1989 establishes a Trust Fund, the proceeds of which may be used to defray, in part, the cost of enhancing or replacing amenities on the Heath. The balance is met out of the City of London funds, at no cost to the public.

Site Context and Proposal

An indicative site location plan is shown below.

Figure 1: Site Location



The Water House site consists of a detached dwelling and out building in very close proximity to Hampstead Heath. The site has pedestrian access from Fitzroy Park, but the main frontage and vehicle access is via Millfield Lane. Millfield Lane adjoins the eastern boundary of Hampstead Heath, and is partly owned by the City of London Corporation.

The site is situated within the Highgate Conservation Area, and is also designated within an area of Private Open Space.

Proposal

The current application is for the following aspects of development:

- Refurbishment of the existing house and outbuilding;
- A side extension to the house on ground floor to accommodate the hydro therapy pool and rehabilitation gym;
- An extension at the rear on ground floor to accommodate level access and the required internal areas;
- A 3.75m rear extension on 1st floor;
- To align existing full height glazing to the front of the property with the existing glass canopy; and
- For the existing pool house to be used as family space.

The proposal also involves moving the main access to the building to the western elevation, and incorporating a pedestrian entrance to allow disabled access from the main site access.

To undertake these works, significant disruption is likely to Millfield Lane and the eastern parts of Hampstead Heath for the duration of the construction works. The Ladies' Pond in particular, is located in close proximity to where the works will take place. Further, there are a number of veteran trees located along Millfield Lane which are of great importance to the local environment.

Key Issues

While the City does not have an objection to the overarching principle of development on this site, the City is seeking to ensure that any development that occurs has minimal impacts on the adjoining Hampstead Heath, with particular attention to the trees along Millfield Lane. Large numbers of construction vehicles are expected along Millfield Lane for the duration of construction works, which may result in damage to the root systems of trees along this lane.

The City's main concerns and recommendation relating to the proposed development are identified below:

- The Arboriculture Impact Assessment Report (AIAR) prepared and submitted as part of the application does not accurately categorise the Veteran Trees along Millfield Lane in accordance with BS5837 standard;
- The requirements of root protection along Millfield Lane is discussed in the AIAR, but not the CMP and the CMP fails to go to enough lengths to ensure the protection of root systems along the lane. The City's main objective is to prevent root compaction along Millfield Lane; and
- The Community Working Group should be notified of all planned deliveries and particularly larger one off delivery loads.

These issues are discussed in further detail below.

Arboriculture Impact Assessment Report

The City's Tree and Conservation Manager has reviewed all information submitted with the application and has provided the following comments:

- Page 8, 3.3: The veteran oak tree T5 was subject to a provisional Tree Preservation Order (TPO) confirmed by email by the Tree and Landscape Officer 01.02.2017. Unfortunately, the order was not confirmed within the 6 month review period and has subsequently been revoked.
- Page 10, 4.1.9: Given the condition of the tree as confirmed by the Picus test and the many veteran features, a diameter of 1.32 metres and its probable presence on c1860 Ordnance Survey maps, this tree falls comfortably into the category of a veteran tree.
- Page 15, 6.1.12: These references to P Thomas and suggestions that up to 50% of a tree's roots can be removed are ill-advised and outdated. The tree may survive such extensive damage but would be significantly compromised in terms of stability, and exposed to high risks of fungal infection.
- Page 16, 6.3.4: This Tree Radar survey picked up roots at 150mm and below, not 200mm. This section on Millfield Lane and root protection measures for the 25 City of London trees on the south eastern side of Millfield Lane would be better moved to the Tree Constraints Report which deals specifically with Millfield Lane.
- Appendix 2, and T5: The report is very helpful in mapping out the condition of the main stem and the various cavities. There is very little information offered in the recommendations other than a crown reduction of 2.5 metres and a further inspection in two years. The tree is noted as having 'Poor' structural condition and 'Normal' growth vitality in the Tree Constraints Survey Schedule. For a tree that is arguably the most significant on the Water House site, and in terms of historical and habitat value very valuable, the arboriculture advice seems inadequate. One of the really notable features of this tree is the crown density and strong callus growth around previous failure points especially the old major 'tear out' from the main crown break. There are also sign of the lower crown 'retrenching' which provides a good opportunity for a careful crown reduction to reduce loading on the old pollard unions and the main stem.

Construction Management Plan

While the requirement for root protection is discussed in the AIAR, it is not discussed within the submitted Construction Management Plan. As such, the City believes that there is lack a commitment and clarity on exactly what the Developer is proposing to protect these trees.

The City's main concern and objective is to prevent root compaction along Millfield Lane. To do this, they recommend that the applicant be required to construct a root protection system from the Merton Lane junction up to the development site. This root protection system will need to provide for a higher level of protection for the three veteran trees that have been identified by the City's Tree and Conservation Manager.

In the CMP summary (paragraphs 7.4 and 7.5), the developer explains that the use of vehicles will be minimised to ensure no unusual wear or detriment to Millfield Lane. This contradicts the Arboricultural Method Statement dated 17th July 2017 (paragraph 2.3.2) which identifies that 3-D cellular confinement system will be installed on top of the existing surface to provide protection against construction vehicles.

In addition, to this, there is concern that the CMP makes reference to the number, size and payload of the proposed vehicles but does not provide an overall assessment of the total weight loading along the lane.

The City recommends that to ensure the protection of all trees along Millfield Lane, a comprehensive root protection system should be employed. Further, the City seeks clarification around what root protection system will be implemented.

Community Working Group

Representatives from the City of London have been invited to participate in the Water House Community Working Group (CWG). The CWG is recognised as being a positive initiative for ensuring a smooth and appropriate construction process. The following recommendations are made for the CWG regarding tree protection and construction management:

- A detailed advance schedule of planned deliveries should be provided by the Developer on a monthly basis to representatives of the CWG. In addition, the representatives of the CWG and all adjoining properties should be notified in advance when a large, heavier load is scheduled for delivery.
- The CWG should be sent a record showing all deliveries that have been made with comparison against those that were planned. This should be undertaken on a weekly basis.
- Updates and notices of deliveries and vehicles should become a standing item on the agenda for all CWG meetings.

Conclusion

While the City does not have an objection to the overarching principle of development on this site, the City is seeking to ensure that any development that occurs has minimal impacts on the adjoining Hampstead Heath, with particular attention to the trees along Millfield Lane. Large numbers of construction vehicles are expected along Millfield Lane for the duration of construction works, which may result in damage to the root systems of trees along this lane. The following recommendations have been made:

- The AIAR should be updated to ensure the accuracy of references to veteran trees with reference to the notes made above by the City of London's Tree and Conservation Manager;
- A comprehensive root protection system should be employed along Millfield Lane for the entirety of the construction process;
- A detailed schedule and record of all deliveries and construction vehicles should be kept and provided to all members of the CWP.

The City requests that the application is not determined until these issues have been addressed and incorporated into updated AIAR and CMP reports that will form part of the decision notice to ensure the development is implemented in accordance with these updated measures.

Yours faithfully,

A handwritten signature in blue ink that reads "Nexus Planning". The signature is written in a cursive, slightly slanted style.

NEXUS PLANNING