

**6<sup>th</sup> September 2017**

**Karen Beare - Consultation comments:  
2017/3692/P: Water House, Millfield Lane**

Overall, these new development proposals appear appropriate for one of the most sensitive sites adjoining the Heath in Highgate. In particular, the efforts of Mr & Mrs Lewis to engage in a meaningful way with the local community, into which they ultimately wish to be integrated, has been extremely welcome.

In addition, the decision of the Council to take account of the long and contentious planning issues that have blighted the site in the last decade and insist on a detailed CMP and various arboricultural reports to be “front-loaded”, rather than packaged up in a S106 to be considered at a later date, is also very much appreciated.

## **1. CMP**

**CANNON CONSULTING: August 2017**

Having met with Chris Mead from Cannon Consulting, I was not surprised by the quality of the document which attempts to address many of the issues that were raised by various stakeholders. Of course, the decision by Mr & Mrs Lewis to take a leap of faith and instruct the 800 Group as their contractors at this stage, assisted the development of the more detailed CMP. This has been another huge bonus.

I personally know Matt Elms of the 800 Group very well, as he oversaw the 3-year development of Fitzroy Farm and co-ordinated with the Fitzroy Park Residents' Association during this long and stressful period. I have no doubt that Matt will follow through on all the proposed marshalling and various health & safety issues described in the CMP.

The proposal to use the 800 Group fleet of smaller vehicles, limited to 3.5t, is another benefit and the schedule of vehicles provided goes some way to reassuring stakeholders access along the Lane will not be adversely limited. However, after all this effort it was very disappointing that no meaningful assessment of cumulative impacts has been attempted by any of the consultants.

It may be the policy of Camden's Transport Officers only to concern themselves with daily delivery numbers and working hours, but the need for the cumulative impacts of total vehicle numbers needs to be considered carefully and construction impacts assessed in the context of the sensitive access along Millfield Lane to site.

Based on the figures provided by Cannon for the various construction periods for a 6-day working week, I have calculated the estimated total number of deliveries for the project will be 3,240. This equates to 6,480 movements along the Lane over a period of 62 weeks. This is not an insubstantial figure.

Based on an average un-laden weight loading of 3.5t per vehicle, a figure also provided by Cannon, this equates to a minimum additional loading of approximately 22,680t along the Lane. Yet this figure, or indeed any other figure that ideally should also take account of exceptional loads that have not been detailed, has not been considered when discussing the possible impact on the roots of the trees along Millfield Lane or the engineering suitability (or not) of Wreakin's products as a realistic mitigation measure to protect them.

It is as if all the pieces of the puzzle were available, but no-one chose to put them together to assess the real construction impacts on the Lane. Without these cumulative figures, a reliable engineering assessment of the performance of the Wreakin products, Landmark propose using along Millfield Lane, cannot be made. And without such an assessment it cannot be stated that the RPAs of the trees along the access route will not be harmed by all this additional activity as Landmark suggest, particularly as they have wrongly stated the roots are at 200mm below ground, when they are in fact at 150mm. These linked issues are discussed further in the Arboricultural comments below.

There are three other points to make with regard to the CMP:

- i) KLPA have raised concerns about winter working along the Lane when it is dark and I support their comments.
- ii) Saturday working is another area where the 800 Group might need to reassess their proposals given the increased pedestrian numbers along the Lane during the weekend and the impact the works will have on them.
- iii) The CMP contradicts the arboricultural reports in two significant ways.
  - Cannon suggests the use of ground guards might not be necessary because of the nature of the 800 Group fleet of 3.5t vehicles. This is despite the cumulative additional weight loading on the Lane of 22k tonnes. This also directly contradicts Landmark's AMS where Mr Hollis proposes the use of various Wreakin Products.
  - Cannon state no pruning of privately owned trees along the Lane will be necessary but Mr Hollis details significant works in 2.1.2 of his AMS. Which one is it?

## **2. ARBORICULTURAL REPORTS**

### **LANDMARK TREES: AIA - June 2017; AMS- July 2017 & TREE CONSTRAINTS MILLFIELD LANE – July 2017**

Given the key reason for refusing the previous planning application at this site related to the unacceptable construction impacts on trees, the importance of the AIA and AMS produced by Landmark Trees cannot be overstated. Yet, despite the need for an accurate and professional appraisal of the situation by Mr Hollis, regrettably what has been presented in this regard is anything but. The reports are inaccurate, contradictory and as such, unreliable. Significant further work is needed to reassure Mr & Mrs Lewis, let alone local stakeholders,

that the development works will be possible without damage to trees along the Lane or to trees on their site or on neighbouring sites.

The key areas of concern for trees are as follows:

- i. Mr Hollis is a Registered Consultant and Fellow of the Arboricultural Association with 20 years field experience, so it is extraordinary that the Arboricultural Method Statement is simply tagged onto the Arboricultural Impact Assessment, that itself is, by his own admission, incomplete. There are two different stages in BS5837 process and this British Standards protocol should have been followed on this occasion.
- ii. AIA - 1.0 Summary Recommendations: Wrongly states that the Proposal will not result in significant root damage to retained trees yet later in the report Mr Hollis describes impacts of more than 20% in RPA of T15 which I understand is the British Standards “significant” benchmark.
- iii. AIA – 2.3.1 Scope of Survey: Admits the survey relied on in the AIA is incomplete.
- iv. AIA – 2.3.4 Scope of Survey: Admits the survey does not cover the arrangements required for underground services, so these are not assessed. As a consequence, the AIA fundamentally contradicts the AMS where no fewer than 6 trees will be directly impacted by new foul water drains and manhole chambers and new surface water drains including the veteran Oak, T5 (AMS: 3.4.1)
- v. AIA – 3.1.3 Site Description: Describes clay soils are prone to compaction during development with damage to soil structure potentially having a serious impact on tree health, yet makes no reference to this fact when detailing significant construction impacts on RPAs.
- vi. AIA – 3.3.1 Planning Status: States no TPOs on site but makes no reference to the previous proposal for T5 to be protected with a TPO given its veteran status.
- vii. AIA – 4.1.4 Development Constraints: Wrongly states trees are rooting c200mm below Millfield Lane based on City of London radar study, when in fact the roots were noted at only 150mm below the surface. This is a potentially very significant error if and when the reliability of the Wreakin Products were assessed.
- viii. AIA – 4.1.9 Development Constraints: States the design team has taken on board the concerns regarding the veteran status of T5 and has sought to reduce impacts. Yet in the AMS we discover the new surface drainage run with manhole will be within the RPA plus significant new hard landscaping. I understand given the status of T5 a more appropriate RPA would be x15 RPA not x12 RPA and this measure should be adopted here.
- ix. AIA – 5.0 Table Summary:  
T5 – Veteran Oak - Path construction in RPA 34.4m<sup>2</sup> (4.36%)

T15 – Silver Birch - Demolition & Rebuilding of Outbuilding in RPA 23.7m<sup>2</sup> (25.87%)  
T17 – Hornbeam – Demolition & Rebuilding of Outbuilding in RPA 27.4m<sup>2</sup> (14.79%)  
T18 – Beech in No49 – Patio construction within RPA 9.9m<sup>2</sup> (12.4%)

Interestingly T17 is described as having moderate vitality but elsewhere it is described as having active honey fungus which makes it significantly more vulnerable to works, but this fact is not mentioned in the AIA Summary.

Nor is the fact that Birch trees have a particularly low tolerance to root disturbance and by Mr Hollis's own admission the impact on T15 exceeds the BS benchmark of 20% but no mention is made of this here.

- x. AIA: 6.1.3 Discussion: Using the previous planning application as a base line for assessing acceptable impacts is extraordinary. Anything compared to that application would appear to be more acceptable given unacceptable tree impacts was a key reason for refusal. It is not acceptable here to wave away the significant impacts on a number of key trees in the light of the previous application.
- xi. AIA: 6.1.7 Discussion: Wrongly states any services within the RPA of a retained tree will not affect the sustainability of the affected tree(s) yet in the AMS states the new foul water drains will require a trench dug numerous RPAs including veteran Oak T5, but no depth is given.
- xii. AIA: 6.1.8 Discussion: While the far more modest approach to the development of the site is welcomed, for Mr Hollis to state the impact on the Lane is "essentially addressed by the scaling down of the project" is unprofessional. Until such time as the engineering numbers have been crunched in the context of a 2-3% CBR with roots at 150mm and, furthermore Wreakin have confirmed in writing confirmation that their product(s) are appropriate for the job, the jury will remain out.
- xiii. AIA: 6.1.11 Discussion: Mr Hollis categorically states that the trees in question on site and neighbouring [suffering encroachment of their RPAs] *"are healthy specimens of species with good resistance to development impacts and quite capable of tolerating these low impacts."* Yet elsewhere we are told T15 is suffering from severe honey fungus and during the previous application Mr Hollis himself proposed felling it. The health of the T5 Oak is an ongoing cause for concern and T15 Birch is one of the species that least tolerates root disturbance. Such a broad-brush stroke might sound reassuring but, in actuality, it is entirely unreliable. The only practical mitigation to protect these trees is to re-route the drainage away from the RPAs and also reduce the hard landscaping proposals.
- xiv. AIA 6.3.4 Mitigation Impacts: This paragraph addresses the provision for a cellular confinement system for Millfield Lane. Mr Hollis again wrongly states the rooting was found at 200mm rather than at 150mm. How this factual error will affect the *"placement of a suitable web and wearing course within existing levels"* is unclear as no technical details are provided. Nor does Mr Hollis provide references to any

meeting with Wreakin (assuming he had one, and if not why not?) and what information they were provided to assess in detail the suitability of their products for the site conditions and mitigation required for cumulative weight loading for the construction project.

- xv. AIA 7.0 Conclusions & Recommendations: Both sections are unreliable given factual inconsistencies highlighted above. We remain very concerned about T18 which is a Common Beech within our curtilage. Mr Hollis has previously stated no roots from our Beech were found within the Water House in a trial pit dug in the autumn when it is well known roots are suppressed for the winter months. Nor was this trial pit independently observed. Having lost 3 Ash trees to neighbouring works where we were assured a similar “limited” RPA was constrained by a wall/fence, only to find subsequently massive roots had been cut to facilitate development, we are not inclined to take any chances with unnecessary works within the RPA of our cherished Beech tree.
- xvi. AIA Appendix 2: Pinus Sonic Tomography. Hornbeam Observations. It is noted that although not currently visible fungal brackets of *Amillaria mellea* have been reported at base by Mr Hollis, but no photographs have been provided and in any event it does not fruit in June/July when surveyed.

Having lived at the neighbouring property for over 12 years now, the vitality of the trees has ebbed and flowed throughout this period and we were surprised to read Mr Hollis considers the tree canopy to have deteriorated in the past year with an increase in deadwood. Our experience is quite the contrary. This spring the tree canopy was particularly lush compared to some previous years which is not surprising given its veteran age [noted on late C19th tree maps].

- xvii. AMS 2.1.2: Further crown lifting works are proposed to T15 in addition to encroachment of almost 25% in RPA. Almost a dozen trees are to be cut back along Millfield Lane in direct contradiction to the CMP. Are these works necessary or not and if they are, has the agreement of the landowners been sought?
- xviii. AMS: 2.3.2: Use of 3-D cellular confinement system to be used but no technical details have been provided with weight loading calculations.
- xix. AMS: 3.3.2: Pruning works along the Lane are again described to facilitate the smaller 800 Group fleet, but no mention is made as to how concrete trucks will access site to pour concrete as mentioned in the CMP? I understand the KLPA have also raised this issue.
- xx. AMS: 3.4.1: New Drainage works. Despite assurance and recommendations in the AIA a whole new tranche of impacts are described further affecting 6 significant trees including Oak T5, Hornbeam T17, Birch T15 and Beech (No49) T18. No depth of trenches has been given so the real impact cannot be addresses as stated by Mr Hollis. I also understand the use of air spades directly impacts the fine/fibrous

feeding roots that feed the structural roots of the affected tree so their use is not a solution to digging such trenches.

- xxi. AMS: 3.7.3 & 3.8.2: Directly contradict each other. In one paragraph we are told the hard landscaping will require excavations to a maximum of 750mm but in the other paragraph we are assured “*replacement hard landscaping will require a no-dig construction technique*”. Which one is it?
- xxii. AMS: 3.8.3.iv: As part of the method statement for the use of “no-dig” paving construction along Millfield Lane the following exclusion is stated: “unless the existing ground conditions are very soft and have a low CBR”. Soil Consultants survey results for the CoL with CBR values of 2-3% renders this method statement irrelevant as it is not appropriate for Millfield Lane conditions.
- xxiii. AMS Appendix 1: Recommended Tree works is not consistent with details in other parts of the documents. For example T17 Hornbeam no mention is made of the Crown Reduction to be limited to 1m only as per the specialist Pinus Sonic Topography report.
- xxiv. TCR Recommendations: These are deemed not applicable despite the fundamental need for the report is based on whether the proposals will provide adequate tree protection measures to the Millfield Lane RPAs.
- xxv. Tree Constraints Schedule only notes one Veteran Oak, not three.

### **3. SUMMARY & CONCLUSIONS**

Despite all the positive work achieved by Mr & Mrs Lewis, there remain several key issues that must be resolved before this application can be safely determined in keeping with the previous applications that was refused for this site.

In a nutshell, the CMP and Arbo reports need to be integrated so that they present consistent documentation that accurately reflects the construction proposals.

The key outstanding issue is for the cumulative engineering impacts of the construction process on Millfield Lane to be assessed in detail. If Wreakin products are to be used, then written confirmation should be provided by them that, in the first instance, they have been provided with all the correct information (2-3% CBR, 150mm rooting depth, 20,000t+ total weight loading for the project) and secondly, they provide technical details they have a product that is appropriate for the project that will not cause harm to the character of the Lane, both in the short-term and long-term.

How exceptional loads, such as use of 4m<sup>3</sup> concrete trucks, are to access the site must also be resolved, along with realistic working hours that take account of seasonal light limitations and increase in pedestrians.

As for the tree reports, an accurate review of the total construction impacts on each of the affected trees needs to be produced in an updated AIA document. This must take account of all the information available, rather than the piecemeal approach adopted by Landmark which is full of inaccuracies and inconsistencies, leading to a lack of confidence and trust in the process.

Given the veteran status of T5, it would seem sensible to increase the RPA to x15 and revisit the proposals to cut surface water trenches (at an unknown depth) plus installation of an associated manhole in its RPA. This is in addition to a significant m2 of hard landscaping.

Reconsideration of the route of new foul water drains through T17 & T18 would be welcome given the health of T17 (Hornbeam) and T18 (our Beech) given previous experience of our trees being catastrophically damaged by similar neighbouring works as described above.

Reconsideration of the cumulative impact on T15 (Birch) given the species intolerance of root disruption, 25% encroachment of its RPA plus demolition impacts, and proposed crown lifting.

Clarification is needed on whether extensive pruning along Millfield Lane is needed or not.