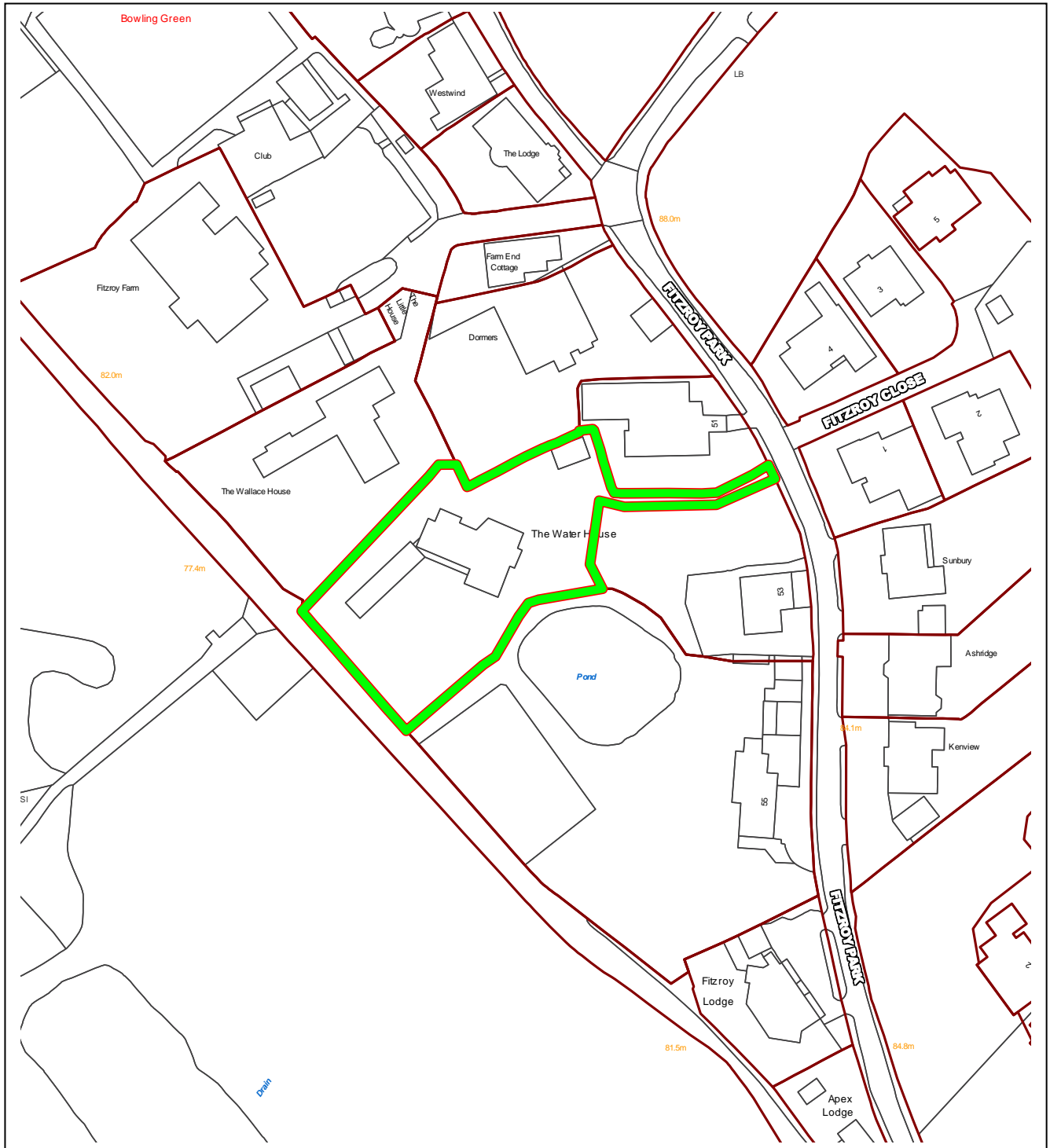


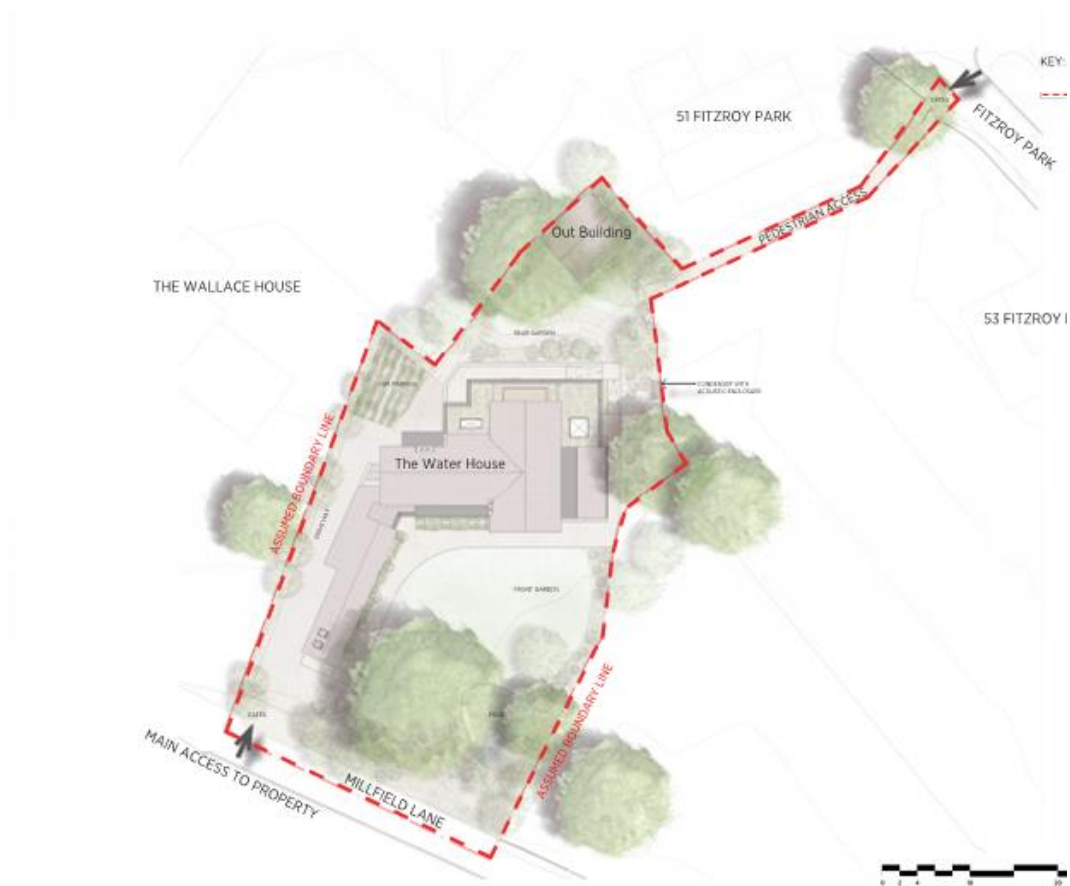
The Water House Millfield Lane N6. 2017/3692



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1. Aerial view northwards showing Water House, Wallace House to north and 49 Fitzroy Park to NW



2. Proposed site plan (<- north)



3. View southwards along Millfield Lane showing entrances to site (left) and Ladies Pond (right)



4. View further south along lane



5. Front of house



6. Front pool wing



7. Rear of house



8. Front drive adjoining pool wing

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	23/08/2017
		N/A / attached		Consultation Expiry Date:	10.8.17
Officer			Application Number(s)		
Charles Thuairé			2017/3692/P		
Application Address			Drawing Numbers		
The Water House Millfield Lane London N6 6HQ			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a single storey side extension, 2 storey front infill extension, and part single part two storey rear extension, including facade and roof alterations to main house and front wing; erection of a side extension to outbuilding in rear garden to be used as ancillary habitable accommodation; erection of pergola carport at end of driveway; and landscaping works including external ramps.					
Recommendation(s):		Grant permission subject to S106			
Application Type:		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	15	No. of objections	03
Summary of consultation responses:	Press advert and site notice expired 10.8.17					
	4 Supports (from nearby residents) good architecture, modest in size compared to previous scheme; minimum effect on environment and open space; construction nuisance is minimised and only short term; appreciate community engagement and care for neighbour and pond users.					
	3 Objections- Significant development (more than doubling of floorspace) needing more construction traffic, latter's impact on use and character of lane, need investigating alternative access from Fitzroy Park, needs of one disabled person should not override numerous others' needs using lane, risk to health and safety of lane users, increased damage to lane surface.					
	<i>(Officer response- This site has its sole vehicular access from Millfield Lane so it is unrealistic to require alternative access; the construction methodology and CMP has been carefully designed to ensure there is minimal harm to users of the lane, its road surface and vegetation. See paras 4.13-26 regarding construction impacts on lane)</i>					
	7 Comments- welcome more open consultative approach by applicant; much more modest than previous refused scheme and understandably related to disabled needs of new owner; need to minimise and manage construction traffic; need to minimise disruption to Lane users with active traffic marshalling system; ensure no impact on users of Ladies pond nor use of entrance as turning area; protect surface and vegetation of private Lane and minimise congestion on adjoining public roads; need to see detailed CMP which must take account of specific issues.					
	<i>(Officer response- these comments were made before a more detailed CMP was submitted and placed on the web in August. See paras 4.13-26 regarding construction impacts on lane)</i>					
	Neighbour at 49 Fitzroy Park comments- welcomes new approach and front-loading crucial documents (CMP and Arboricultural) at early stage; however raises numerous detailed concerns on CMP (eg. cumulative impact of traffic on lane and trees, discrepancies with arbo report) and Arbo reports (inaccurate, contradictory and unreliable) which need revising and integrating to properly reflect construction process.					
	<u>Revision R2-</u> Structural engineering report of boundary structures along Millfield Lane has useful recommendations for protecting adjoining properties and need conditions to secure this; report by Single Joint Expert (SJE) commissioned by City and applicant is still awaited to advise on need and nature of protective webbing along lane.					
	<u>Update 5.3.18-</u> Agrees with recommendations of the final SJE report and consider that the					

	<p>CMP should adopt its recommendations for a cellweb system to protect the 3 veteran trees in the lane. Objects to Council officers not agreeing to this approach by requiring it in a S106, and thus requests that the case is referred to full Committee.</p>
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(Officer response- the CMP and arboricultural report have been revised several times and are now coordinated. See para 4.6 on trees. See paras 4.13-26 regarding construction impacts on lane. Recommendations in the Structural Assessment report will be incorporated in the CMP. A final SJE report dated 23.2.18 has now been provided and sent by the applicants to interested stakeholders- see paras 4.25-26.

Update 5.3.18- The applicant has now agreed to adopt the recommended cellweb system for protection, thus the CMP will be revised to refer to this- see Update in paras 4.27-29 and conclusion)

(these following responses were made after revised documents were submitted in August 2017)

Highgate Society comment-

shares concerns expressed by others to ensure all matters are resolved regarding CMP impact on pedestrians and on trees in lane and site itself.

Revision- no response

Update 5.3.18-

Agrees with recommendations of the final SJE report and consider that the CMP should adopt its recommendations for a cellweb system to protect the 3 veteran trees in the lane. Objects to Council officers not agreeing to this approach by requiring it in a S106, thus requests that the case is referred to full Committee.

(Officer response- see paras 4.13-26 regarding CMP and construction impacts on lane.

Update 5.3.18- The applicant has now agreed to adopt the recommended cellweb system for protection, thus the CMP will be revised to refer to this- see Update in paras 4.27-29 and conclusion)

Highgate CAAC comment-

acceptable but is essential that CMP is submitted before any permission is granted.

Revision- no response

Update 5.3.18-

Agrees with recommendations of the final SJE report and consider that the CMP should adopt its recommendations for a cellweb system to protect the 3 veteran trees in the lane. Objects to Council officers not agreeing to this approach by requiring it in a S106, and thus requests that the case is referred to full Committee.

(Officer response- see paras 4.13-26 regarding CMP and construction impacts on lane.

Update 5.3.18- The applicant has now agreed to adopt the recommended cellweb system for protection, thus the CMP will be revised to refer to this- see Update in paras 4.27-29 and conclusion)

Fitzroy Park Residents Association- no response

City of London comment –

no objection in principle to development; however raise very specific concerns at 3 issues in submitted documents- the Arboriculture Impact Assessment Report does not accurately categorise the Veteran Trees along Millfield Lane in accordance with BS5837 standard; requirements of root protection along Millfield Lane is not discussed in the CMP and the CMP fails to go to enough lengths to ensure the protection of root systems along the lane; Community Working Group should be notified of all planned deliveries and particularly larger one-off delivery loads. Recommends updating arboricultural report, employing comprehensive root protection system along Lane, providing delivery record for CWP members.

(Officer response- the CMP and arboricultural reports have been revised and considered acceptable by the Council's tree officer; see paras 4.13-26 regarding CMP and construction impacts on lane).

Revision R2-

Detailed concerns on arboricultural report and CMP:

**AC/Local groups*
comments:**

*Please Specify

regarding the arboricultural report, it refers to a proposed cell-web system along lane; this needs evaluating by an Independent Arboricultural Specialist, thus the City will have to wait for the report recommending the optimum tree root protection for the three veteran trees and the other mature trees all on City land along the southern boundary of Millfield Lane, before their position on this issue can be finalised.

Regarding the CMP, there is little information on implications for tree roots; City advocate a pre-emptive approach to tree root protection and lane surface has to be reinforced and protected before any works commence on site to adequately protect the City's 20+ trees; concern that sustained use of heavy vehicles of 3.5 tonnes over 59 weeks will damage lane surface.

Update 5.3.18-

Agrees with recommendations of the final SJE report and consider that the CMP should adopt its recommendations for a cellweb system to protect the 3 veteran trees in the lane. It is important that a preemptive approach is taken to protect trees before any construction, not just a reactive approach when the damage may already have been caused. Objects to Council officers not agreeing to this approach by requiring it in a S106, and thus requests that the case is referred to full Committee. Requests CMP to refer to SJE report and for S106 to include specific clauses on cellweb system construction and maintenance and on drainage outside 55 Fitzroy Park.

(Officer response- See paras 4.13-26 regarding CMP and construction impacts on lane. The final CMP clarifies that no cell web system is to be used along the lane- see para 4.23. A final SJE report dated 23.2.18 has now been provided and sent by the applicants to interested stakeholders- see discussion in paras 4.25-6.

Update 5.3.18- *The applicant has now agreed to adopt the recommended cellweb system for protection, thus the CMP will be revised to refer to this- see Update in paras 4.27-29 and conclusion; the requested clause about drainage is unreasonable and unrelated to the application as it is not in the SJE report and involves private agreements between other frontagers)*

Kenwood Ladies Pond Association comment-

welcome much more modest scheme than previous refused one and new consultative approach; CMP is positive document that addresses many concerns expressed and welcome various aspects of it; however 2 concerns on specific items in CMP- possible exceptions to the maximum vehicle size and with the proposed vehicle movements after dark. Share concerns made by neighbour (49 Fitzroy Park) and City of London to safeguard trees and character of Millfield Lane.

Revision- no response

Update 5.3.18-

Agrees with recommendations of the final SJE report and consider that the CMP should adopt its recommendations for a cellweb system to protect the 3 veteran trees in the lane. Objects to Council officers not agreeing to this approach by requiring it in a S106, and thus requests that the case is referred to full Committee.

(Officer response- See paras 4.13-26 regarding CMP and construction impacts on lane. See para 4.16 regarding CMP methodology- all concrete mixing will be onsite now and deliveries will involve small vehicles; although there will be some vehicle movements after dark in winter months, this should not be harmful to lane users- however it is unlikely that there will be much activity after dark as building sites generally only operate during daylight hours.

	<p><i><u>Update 5.3.18-</u> The applicant has now agreed to adopt the recommended cellweb system for protection, thus the CMP will be revised to refer to this-see Update in paras 4.27-29 and conclusion)</i></p> <p>North London Bowling Club- no objection subject to suitable traffic management for the local area and amenities.</p> <p><i>(Officer comment- see paras 4.13-26 regarding CMP)</i></p> <p><u>Additional objections received 5.3.18-</u></p> <p>Heath & Hampstead Society Planning Sub-Committee Agrees with recommendations of the final SJE report and consider that the CMP should adopt its recommendations for a cellweb system to protect the 3 veteran trees in the lane. Objects to Council officers not agreeing to this approach by requiring it in a S106, thus requests that the case is referred to full Committee.</p> <p>Cllr Sally Gimson Agrees with recommendations of the final SJE report and consider that the CMP should adopt its recommendations for a cellweb system to protect the 3 veteran trees in the lane. Objects to Council officers not agreeing to this approach by requiring it in a S106, thus requests that the case is referred to full Committee.</p> <p><i>(Officer response- The applicant has now agreed to adopt the recommended cellweb system for protection, thus the CMP will be revised to refer to this-see Update in paras 4.27-29 and conclusion)</i></p>
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Site Description

1. The property is L-shaped comprising a 2 storey house with pitched roof and substantially glazed southern facade plus a long single storey flat roofed front wing accommodating a swimming pool. It was built in the 1960's and later remodelled in the 1990's. It has extensive grounds including various trees, lawns, ornamental pond, timber shed and a separate studio building on the northern side near Fitzroy Park. It is surrounded by high timber fences and is not readily visible from adjoining roads, with only the top of the gable and roof ridge visible above the fence on Millfield Lane.
2. The site lies between Millfield Lane and Fitzroy Park, both private roads; its access is unusual in that it is the only site in this area which has its vehicular access solely from Millfield Lane but also has pedestrian access from Fitzroy Park via a narrow footpath between nos. 51 and 53. Millfield Lane is a narrow rough surfaced trackway which is jointly owned by the City Corporation and residential frontagers. Opposite the site's vehicular entrance here is the entrance to the Kenwood Ladies Pond. The Lane and the Pond are surrounded by significant woodland and tree cover.
3. The area between Fitzroy Park and Millfield Lane is characterised by a variety of houses in different styles, forms and sizes in a variety of irregular sized and shaped plots. All the houses here are post-war and uniquely designed. Immediate neighbours on either side include- Wallace House to the west with a similar style, shape and size to Water House; 55 Fitzroy Park to the east, a 1970's house set within very large grounds and with a very large pond immediately adjoining Water House. To the north along Fitzroy Park are 'Dormers', a large 2 storey house with significant pitched roof and side wings; no.51, a modern 2-3 storey house with glazed southern façade, recently built following permission in 2009 and which has won architectural awards; no.53, recently demolished and awaiting redevelopment following permission for a new larger 3 storey house in 2012 and an alternative larger design approved later in 2016 (ref 2015/0441/P). The sites have large gardens and significant tree cover. Water House is not visible from the Heath due to extensive tree cover.

4. The property is located in the Highgate conservation area, is not listed nor a positive contributor to this area. The site, along with all the others between Fitzroy Park and Millfield Lane (except Dormers and Fitzroy Lodge), are designated Private Open Space (POS). Hampstead Heath lies on other side of the Lane and is also POS as well as Metropolitan Open Land (MOL). Adjoining Millfield Lane on the Heath are the series of five Highgate Ponds.

Relevant History

12.04.16- (2014/1059/P) planning permission refused for Erection of 2 separate single storey rear extensions at ground and first floor levels to dwellinghouse. 2011/4390/P Erection of a new 2 storey plus basement dwellinghouse (Class C3) with garage, including associated green roofs and landscaping works, following the demolition of the existing dwellinghouse.

Refused for reasons of- harm by construction traffic to lane surface and trees; harm by entrance access arrangements to lane users and trees; possible harm to veteran oak tree on site; absence of Section 106 on several issues.

Appeal against refusal submitted in Jan 2017, later withdrawn.

Relevant policies

London Borough of Camden Local Plan 2017

G1 Delivery and location of growth

C6 Access for all

D1 Design

D2 Heritage

CC2 Adapting to climate change

CC3 Water and flooding

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

A4 Noise and vibration

A5 Basements

T3 Transport infrastructure

T4 Sustainable movement of goods and materials

DM1 Delivery and monitoring

Supplementary Planning Policies

Camden Planning Guidance 2013 - CPG1 Design, 6 Amenity, 7 Transport, 8 Obligations.

Highgate Conservation Area Appraisal and Management Strategy October 2007

Other policies

Highgate Neighbourhood Plan September 2017-

Transport TR2, 3; Open Space- OS1, 2, 4; Development and Heritage DH2, 3, 4, 5, 10.

National Planning Policy Framework (2012)

The London Plan (2016)

Assessment

1. Proposal-

1.1 Extensions and alterations to the main house and garden studio are proposed as follows-

- single storey (5m wide) side extension with shallow pitched roof to accommodate gym and physiotherapy suite;
- single storey (6m deep) rear extension with green roof, rear balcony and 2 rooflights, replacing existing smaller rear extension;
- 1st floor (3.5m deep) gabled rear extension projecting from existing rear gable;

- glazed infill 2 storey front extension (1.5m deep) with projecting pergola between side pool wing and front gable;
- replacement of flat roof on front pool wing by wider overhanging pitched slate roof and conversion to habitable accommodation;
- fenestration changes on all elevations in matching style;
- external access ramps at side and rear, with new front entrance from side of front wing;
- acoustic enclosure in rear garden;
- side extension (1m deep) to outbuilding in rear garden to be used as ancillary habitable accommodation;
- carport pergola with planting over in rear northwest corner of front driveway.

1.2 The scheme is required to adapt the dwelling to meet the special disability needs of the occupant who uses a wheelchair, by placing living accommodation and his master bedroom at ground floor level and providing a physiotherapy suite in the side wing; the 1st floor will be for his family and the enlarged studio outbuilding for his carers.

1.3 Revisions-

R1- August 2017- updated acoustic report, updated DAS with accessibility section, minor adjustments to floorplans and windows, amended arboricultural report and CMP to take account of issues raised by consultees and resulting from appointment of new contractor;

R2- December 2017- volume analysis and axonometric visuals, revised arboricultural report and CMP (including report by Andrew Dawson on lane surface), drainage plan, omission of swimming pool, minor amendments to design of side extension.

R3- February 2018- CMP further updated to include method statement of mitigation/monitoring measures.

2. Background-

2.1 The previous application for redevelopment with a significant footprint and basements proved to be very contentious with neighbours and local groups as well as numerous users of the Lane and Ladies Pond and the City of London. The site is unusual in that not only it has a complex geology and hydrology with watercourses serving nearby ponds on the Heath but also its vehicular access is solely via a private trackway (Millfield Lane) owned jointly by 3 other neighbouring frontagers and the City of London. Thus detailed BIA, CMP and arboricultural reports were submitted and revised several times. Ultimately the scheme was considered unacceptable due to the impact of construction traffic on the road surface and tree roots along Millfield Lane, impact on amenity and safety of road users, and impact on a veteran oak tree on site. The intensity and duration of this construction traffic and the nature of onsite construction works were significant on account of the overall size and nature of the redevelopment with basements.

2.2 The site has since been sold onto a new owner who wishes to live there with his family but adapt and extend to meet his special needs on account of his disability. The scheme is much more modest than before and is only for extensions, rather than redevelopment, and does not involve any basements. Indeed the originally proposed excavation for a hydrotherapy pool was omitted in order to obviate the need for a Basement Impact Assessment and its review.

2.3 In the light of experience gained from the previous application scheme, the current applicant has conducted extensive pre-application consultation with the neighbours, local groups and City of London, and accordingly the submitted scheme has taken account of their views especially regarding construction access. Notably the applicant has employed a consultant solely to carry out community engagement with local stakeholders in order to facilitate progress of the scheme, in the light of problems experienced with the previous application which generated numerous objections from all parties and foundered primarily on account of the problems of construction traffic access. Thus, unusually for a scheme of this nature, a Statement of Community Involvement has been submitted. Subsequently numerous meetings and discussions have taken place with stakeholders, notably the

City of London, Kenwood Ladies Pond Association, Fitzroy Park Residents Association and neighbours, regarding the issues of protecting the lane and trees. The CMP has been developed further during the application process with transport officers and these stakeholders.

2.4 In addition, in response to requests made by the City of London and an interested neighbour in Fitzroy Park, the applicant and City have separately or jointly commissioned the appointment of independent experts to review the construction impacts on the lane, its tree roots and boundary structures. The CMP includes a report by an expert on rural road surfaces (Dawson); an independent Arboricultural Specialist (Searle) has separately reported on the impact on tree roots along the lane (referred to below as Single Joint Expert); also an engineering report on impact on boundary structures along lane has been prepared (Structural Assessment report by Frith). The City has also been previously investigating options regarding long-term permanent measures to upgrade and protect the Lane surface and tree roots.

3. Issues:

3.1 The following issues are considered in this report; size and design of new extensions and alterations; impact on conservation area, open space and Heath; impact on neighbour amenities; landscape, ecology and trees; construction vehicular access to site.

4. Assessment-

Design/bulk-

4.1 There are no objections to the bulk, form or design of the various extensions and alterations. The flat roofed rear extension replaces an existing much smaller one and adjoins the new side extension with pitched roof. These rear and side wings are single storey and discreetly sited within the rear garden landscape and they do not harm the overall character of the house. The rear gable extension matches the front gable in design and projection and thus creates a symmetrical arrangement to the roofscape. Although overall these extensions are large and arguably not subordinate to the main house, they are considered to be well-conceived and designed in relation to the house and area. They will be invisible from the public realm, as only the main roof ridge is visible above the fencing along Millfield Lane. Moreover the sloping nature of the rear garden helps minimise their visibility from neighbouring gardens and the extensive green roof on the rear extension will help blend it into the landscape. The front façade glazed infill and the pitched roof over the pool wing, plus their associated projecting planted pergola structures, do not materially add to the visual bulk of the house. The open carport pergola is also a lightweight structure hidden away from public view and with planting to blend it more into the landscape. The extensions will use matching materials of rendered walls and slate roofs, while the new windows will employ a multi-paned glazing pattern. The various design and fenestration changes are appropriate and acceptable, subject to a condition to secure the window details.

4.2 The remodelled house is acceptable in the context of surrounding sites, which have a variety of house sizes, contemporary styles and forms set within large plots. There will be no impact on the surrounding conservation area and, due to the site's screening from the heath, will have no impact on the setting of the adjoining Heath and Metropolitan Open Land (MOL).

4.3 The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Private Open Space-

4.4 Policy A2 of the Local Plan seeks to protect designated open spaces. In particular, para 6.36 says that 'Extensions and alterations to existing buildings on open space should be proportionate to the size, including the volume, of the original building'.

4.5 As explained above, the proposed extensions are large in themselves but well-conceived in relation to the house and area. It is calculated that the floorspace will increase by 39%, the footprint by 47% and volume by almost 39%. Although these are significant increases in themselves and could be regarded as disproportionate in size *per se*, they are significantly less than the previously proposed redevelopment scheme here, which was deemed acceptable in bulk/size terms alone. Also the overall resulting footprint-to-plot ratio at 20.6% is within the range of plot ratios found in this part of Fitzroy Park and is less than or similar to the neighbouring redevelopments on Private Open Space that have been recently approved at nos 51 and 53 Fitzroy Park. It is considered that on balance the extensions could be regarded as visually proportionate to the overall house and neighbourhood, in terms of their overall form and design and their visual impact on the size of the house and plot and on the retained landscaped openness of the surrounding open space. They will not be harmful to the amenity and character of the space itself and adjoining open spaces. Furthermore it can be argued that, as mentioned in para 6.35 of policy A2, that there is 'exceptional need for the development' as the extensions are required to provide a fully accessible house for the client who uses a wheelchair.

Trees-

4.6 The arboricultural reports have been carefully assessed by the Council's tree officer. Seven small trees are of low amenity or arboricultural value or indeed already dead and will be felled which is considered acceptable. All others will be protected satisfactorily from construction damage, particularly the veteran oak tree T5 at front where the root protection area (RPA) is to be fenced off and services routed elsewhere. The CMP states that construction works and storage will be outside the RPA of the veteran oak tree on site; as part of the onsite turning area is within the RPA, vehicles will run on a temporary surface designed to protect the underlying soil structure. The drainage runs and tank are positioned close to the buildings and have only minor incursions into any tree's root zone so will be highly unlikely to be damaging to these trees. Tree protection details are acceptable and will be secured by condition as well as proof that they have been properly implemented.

4.7 Impact on trees along the Lane is discussed separately in the Transport section below.

Ecology-

4.8 The rear extension will have a large green roof to accommodate a deep biodiverse wildflower meadow which is welcome. A submitted ecology report shows that moderate levels of bat activity were recorded at the site but no actual bat roosts. Landscaping with border planting, decking and access ramps at front and rear is proposed; some additional planting will be required to compensate for the loss of trees and ivy-clad structures, although the site is already well-stocked with trees. Overall the scheme will retain and enhance the current verdant nature of the site. Conditions will be attached to secure details of the green roof, landscaping, bat and bird boxes as recommended in the ecology report; informatives will be added to advise the applicant of their duties regarding protected species.

Sustainability-

4.9 No energy or sustainability reports are formally required for this scheme; however the house will be significantly refurbished and upgraded to meet current building regulations and improve its thermal and energy performance.

Amenity-

4.10 There will be no impact on neighbours' light, outlook or privacy due to the distance involved from surrounding properties. A separate compound of external condenser units surrounded by an acoustic enclosure will be located on the eastern boundary of the site. A submitted acoustic report shows that noise levels will meet Council standards of 10dBA below background levels, provided an acoustic screened enclosure is installed. Conditions will require details of plant and screening submitted for approval.

Access-

4.11 The scheme is driven by the special mobility needs of the client. The changes are welcomed as it will ensure the house becomes fully accessible and indeed is a mitigating factor against any possible harm caused by the size of ground floor extensions as these are required for the client's specific needs. The internal ground floor layout is Part M4(1) compliant. Wheelchair-accessible ramps are introduced at the front to allow direct access from the driveway via a new entrance door in the front wing, and also at the rear to allow access into the sloping back garden.

Basements-

4.12 The excavation into the rear hillside, for part of the new rear extension and replacement patio behind, is limited in size and scope. It does not trigger the requirement for a Basement Impact Assessment, nor will it affect drainage patterns around the site.

Transport-

4.13 The site has its only vehicular access from Millfield Lane, which is a privately owned road maintained jointly by the Corporation of London and the residential properties on Millfield Lane. The Lane has a rural character with an unsealed trackway surface. Previous CBR tests have shown that the road is particularly structurally weak in parts with potential for heavy traffic to affect subsurface roots of adjoining veteran trees on the Heath. Thus it was considered that the previous redevelopment scheme would result in an excessive use of the Lane by construction vehicles which could damage the road as well as subsurface tree roots and harm the rural charm of the lane and surrounding area.

4.14 In the case of the new scheme, the nature of the extension and alteration works are much more modest. Consequently the Council's transport officer considers that construction vehicular movements will not be harmful to the use and nature of the private lane and adjoining public highways. Any permission granted however will require a Construction Management Plan to ensure impacts in the surrounding area, including the adjoining public roads of Merton Lane and Millfield Lane, are managed safely and efficiently. A Section 106 will be required to secure a CMP and CMP monitoring fee. On account of the modest nature of construction vehicles proposed now, there should be no impact on the public highway junction and its traffic island at the end of the Lane and thus no contribution to public realm works is now needed. The required CMP Implementation Support Contribution is £3,136. In addition an informative will be added to advise that the applicant enters into a bond with other frontagers to ensure that this private Lane is repaired to their satisfaction.

4.15 The final revised Construction Management Plan (CMP) and Arboricultural Report were submitted in response to concerns raised by neighbouring residents. The CMP includes the following key features, detailed in the paragraphs below.

4.16 The construction programme will be 59.5 weeks with use of the Lane restricted to 8.00am to 6pm Monday to Fridays only. However, there will be a need to agree additional restricted times to allow for the access to the Ladies Pond and to ensure that construction does not interfere with peak pedestrian movements on Millfield Lane. No HGV lorries will be used; instead LGV vehicles of maximum 3.5 tonnes Gross Vehicle Weight (GVW) will be used for the entire construction period. No concrete deliveries are required and all such materials will be hand mixed and stored on site. There will be no more than 7 deliveries per weekday, ie. a max of 14 movements daily, although there may be as few as 3 deliveries per day. Only one vehicle movement will take place at any one time along the Lane, vehicle speeds will be limited to 3mph (ie. walking speed), and access/egress will be in forward gear. Banks people will be used at all times. In hours of darkness, marshals will use torches and vehicles will use dipped headlights. Swept path drawings demonstrate that all vehicle turning will take place on site. Emergency access will be maintained to the Ladies Pond.

4.17 This programme contrasts with the previously refused redevelopment scheme, which anticipated a maximum of 16 vehicle movements along the lane over a 104 week period and use of HGV lorries. The CMP has been welcomed by local groups in general, as the contractors have actively engaged

the local community and are aware of the specific and unique needs of the Lane users and adjoining frontagers. Notably the following measures are welcomed- the nature and width of the LGV vehicles used along the lane means that pedestrians will be able to pass by safely; 2 banks people will marshal the vehicles along the lane at walking pace; vehicles will turn around on the site itself and not in the recessed entrance to the Ladies Pond; and there will be no need to cut back any vegetation along the lane verges.

Impact of construction traffic on Lane surface and tree roots-

4.18 The revised CMP dated December 2017 also includes a report produced by an international rural road expert, Andrew Dawson of Nottingham University Consultants, who was independently appointed to comment on the construction and suitability of the lane. Andrew Dawson concluded:

- It is very unlikely that deep-seated (subgrade) rutting will occur under the planned traffic;
- In specific reference to the 3 veteran trees at the start of the lane, he anticipates a negligible soil deflection at c. 200mm depth of no more than 0.5mm, which as he suggests (and as agreed by the applicant's tree expert) is unlikely to have any perceptible effect on the veteran trees themselves or their rooting environment;
- These negligible effects at root depth are to some extent predicated on maintaining the integrity of the upper paving surface as a wearing course;
- The current indication is that the surface aggregate will probably be satisfactory or, at least, will not degrade rapidly but there remains some possibility that the surface will rut rapidly, particularly where the pavement is at its low point (130-155m chainage), ie. along the rear boundary of 55 Fitzroy Park (which is further north of the 3 veteran trees).

4.19 Andrew Dawson's report concludes that the existing lane is robust and that an increase in traffic of the same nature, which includes vehicles of up to 3.5T, should not be problematic and unlikely to result in widespread damage. It concludes that 'untargeted preventative intervention is not recommended' and instead recommends 3 options, including one of monitoring and reactive repair. The CMP method statement states that 'given the scale of the proposal, the size of vehicle being used and other mitigation measures such as the movement of vehicles at 3mph, there is no need for further intervention to maintain the integrity of the lane or root protection areas. Other than 'spot' reparation, there is no evidence to suggest that Millfield Lane will suffer from the use of the lane for this refurbishment scheme using 3.5T vehicles'.

4.20 The Dawson report also makes a number of recommendations- filling potholes early and continually as they appear; providing a drain to carry surface flow at c155m chainage; monitoring pavement response; being very cautious about trafficking during a thaw period after a prolonged cold spell; providing a banksperson to prevent driving near the edge of the embankment at chainage 130-155m to prevent rutting of the verges. These measures are referred to in the draft CMP and will be incorporated into the methodology for protecting the Lane and into the final CMP secured by S106.

4.21 It should be noted that comparable vehicles (albeit at lower densities) currently use the lane at speeds in excess of the proposed construction traffic and in all weather conditions. The effects of these ad hoc 'tests' by taxis, delivery and City of London vehicles are evident in the current condition of the carriageway which remains as satisfactory.

4.22 The applicant's more recent method statement, appended to the latest CMP proforma version dated 12.2.18, clarifies the approach to monitoring and maintenance of the lane. It will involve a pre-commencement photo survey, fortnightly visual inspections and localised repairs during the construction programme. It is accepted that, should there be any obvious and significant signs of damage to the lane as a result of this construction, the project team would consider implementing a long term solution such as cell web before proceeding any further with construction.

4.23 The applicant has clarified that elaborate temporary tree protection measures, as previously discussed and mooted such as plastic geotextile webs and ground guards, are unnecessary for the purposes of this development. However, the applicant is prepared to support the City of London in their long term proposals for the lane in the spirit of cooperation and neighbourliness and is willing to

partly fund future upgrades of the lane surface for long term usage, rather than the immediate use for construction. However it should be emphasised that this is a separate issue from that of mitigation measures which are considered necessary for the application's development in itself to proceed.

4.24 The Council's tree officer agrees with this reactive approach regarding root protection of the lane. It seems that the various reports recently commissioned agree that the best approach to the majority of the lane would be as outlined in the CMP, ie. ongoing monitoring with spot repairs and the immediate implementation of cellweb ground protection if this approach shows any signs of failing.

4.25 Officers have viewed the 'Single Joint Expert' (SJE) reports (both the draft version dated 9.2.18 and the final version dated 23.2.18) by an arboricultural consultant, jointly commissioned by the applicant and City, which gives an opinion about tree protection and specifically the use of synthetic geotextile web systems. The final report does not recommend any such special protection measures along Millfield Lane generally, as any benefits are considered to be outweighed by the possible harm caused. However, for the area within the RPA of the three veteran oaks on the heath, the SJE opinion is that there may be increased rutting and damage to the soft verges and compaction of the veteran tree roots, thus it recommends a cellweb type system of ground protection to reduce detrimental impacts on tree roots. Specifically it says in its summary that 'I am of the opinion that the health and longevity of the three veteran trees (namely T1, T2 & T3) would be best served by installing a permanent "no dig" cellular confinement system solution as specified by Geosynthetics Limited (shown in Figure 1) a minimum of 59.5m in length, delineated on the Tree Plan (Appendix C). In addition, I recommend the system also incorporates the specification set out in my recommendation [in his para 4.1.7].' The report implies that the impacts of construction traffic are likely to be minimal and that the primary objective of this would be to improve the rooting environment.

4.26 Officers agree that this would be a welcome improvement but consider that the lack of inclusion of cellweb ground protection over this area would not be a sufficient reason to refuse the scheme. It is noted that the SJE conclusion seems to differ from that of the Dawson report, which was mainly concerned about possible rutting of the lane north of the 3 veteran trees. On balance, officers consider that the implementation of a relatively expensive system of ground protection for marginal benefits would be somewhat onerous for this area around the 3 veteran trees and that the same approach employed here as for the rest of the lane would be acceptable. It should also be noted, as stated in paras 4.20 and 4.22 above, that the CMP refers to bankspeople ensuring that vehicles keep away from the verge edges and that it includes the possibility of employing ground protection measures if it is proved necessary later to prevent any further surface damage.

Update 5.3.18

4.27 As stated in the consultation section above, the final SJE report dated 23.2.18 was sent to all stakeholders on 28th February who all agree with the recommendations of this report. However they have objected to the Council recommending approval for the scheme on the basis of the draft CMP as described in paras 4.22-23 above which will be referred to in its S106, as it does not include the SJE's recommendations for tree protection for the 3 veteran trees. Hence they do not agree with the Council's original recommendation to grant permission on this basis.

4.28 The applicant has now taken account of these ongoing concerns and thus on 2.3.18 has agreed to fully adopt the recommendations of the final SJE report. Specifically he has agreed that the cell web system will be provided around the 3 veteran trees along the Lane in accordance with the specifications of the report, that it will be agreed with the City prior to commencement of construction work, and that it will be maintained throughout the construction period. The agent's letter dated 2.3.18 and SJE report will also now be documents referred to in the decision notice and S106.

4.29 Officers consider that the applicant's confirmation of the above now addresses the concerns of local groups and the City on this issue. Accordingly the CMP should also clearly include in its construction methodology the recommendations of the final SJE report dated 23.2.18. It should be emphasised that, as with any CMP that is a 'living' document, the draft CMP submitted here is not the final version and can be refined and revised as appropriate, to include additional or revised tree

protection measures, before its formal submission later to discharge the S106 clause.

4.30 Furthermore an informative will be added to the decision advising the applicant to enter into a bond or financial agreement with other relevant frontagers along Millfield Lane (including the City of London) to ensure that this private lane is satisfactorily maintained and repaired at the applicant's expense during the construction programme.

5. Conclusion

5.1 The scheme of extensions and alterations is considered acceptable. The design, bulk and footprint is appropriate for the house and area, with no harm caused to the conservation area and open space. There will be no harmful impact on neighbour amenities, trees and ecology. The construction process, to be controlled by a Section 106 legal agreement, is modest and designed to minimise any harm to users of the Lane and adjoining Ladies Pond. Its proposed mitigation measures, as recently upgraded to include specific protection measures for 3 veteran trees along the lane, will ensure minimal harm is caused to the lane surface and adjoining trees.

5.2 It is recommended that the final CMP to be submitted for discharge of the S106 should clearly include in its construction methodology the recommendations of the following reports- Dawson report as noted in para 4.20 above; final 'SJE' report dated 23.2.18 as discussed in paras 4.25 and 4.28 above; and Structural Assessment report by Frith (Jan 2018) mentioned in para 2.4 above. The CMP should also contain the applicant's agreements made in para 4.28 above. The S106 clause will require that the final CMP makes reference to these reports.

6. Recommendation-

Grant planning permission subject to a Section 106 on CMP and monitoring fee of £3,136.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 12th March 2018, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Z Brunel
C/o KSR Architects
14 Greenland Street
London NW1 0ND

Application Ref: **2017/3692/P**

08 March 2018

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

The Water House
Millfield Lane
London N6 6HQ

Proposal:

Erection of a single storey side extension, 2 storey front infill extension, and part single part two storey rear extension, including facade and roof alterations to main house and front wing; erection of a side extension to outbuilding in rear garden to be used as ancillary habitable accommodation; erection of pergola carport at end of driveway; and landscaping works including external ramps.

Drawing Nos: Drawings (all prefix 17007)- X000, X100, X110, X130, X200, X201, X300, X301, P000, 001C, 003A, 004B, 100C, 110D, 190D, 191, 200B, 201, 300C, 301B, 302B, 8-000B, 001B, 060D, SK-P01, P03;

Planning Statement dated June 2017 by Z Brunel; Statement of Community Involvement revised July 2017 by SM Planning; Design & Access Statement revised August 2017 by KSR Architects; Acoustic Report ref 170522-R001B dated August 2017 by ACA Acoustics; Construction Management Plan proforma v.2.2 updated 12/02/2018 by Cannon Consulting Engineers; 800 Group Construction Management Plan ref CCE/V321/CMP-02 dated December 2017 by Cannon Consulting Engineers; Preliminary Ecological Appraisal dated June 2017 by MKA Ecology; Nocturnal Bat Survey dated June 2017 by MKA Ecology; Arboricultural Impact Assessment report ref UKE/WHS/AIA/01c dated 15.12.17 by Landmark Trees; drainage plan 26028-SKD600 P1 by Price and Myers; Landscape design precedents dated 26.6.17 by Bowles and Wyer; landscape plans 2318-13-01A, 2318-11-01A; letter dated 2.3.18 by SMPlanning; Arboricultural Opinion report dated 23.2.18 by Treework Environmental Practice; Structural Assessment report dated January 2018 by James Frith Ltd

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans-

Drawings (all prefix 17007)- X000, X100, X110, X130, X200, X201, X300, X301, P000, 001C, 003A, 004B, 100C, 110D, 190D, 191, 200B, 201, 300C, 301B, 302B, 8-000B, 001B, 060D, SK-P01, P03; Planning Statement dated June 2017 by Z Brunel; Statement of Community Involvement revised July 2017 by SM Planning; Design & Access Statement revised August 2017 by KSR Architects; Acoustic Report ref 170522-R001B dated August 2017 by ACA Acoustics; Construction Management Plan proforma v.2.2 updated 12/02/2018 by Cannon Consulting Engineers; 800 Group Construction Management Plan ref CCE/V321/CMP-02 dated December 2017 by Cannon Consulting Engineers; Preliminary Ecological Appraisal dated June 2017 by MKA Ecology; Nocturnal Bat Survey dated June 2017 by MKA Ecology; Arboricultural Impact Assessment report ref UKE/WHS/AIA/01c dated 15.12.17 by Landmark Trees; drainage plan 26028-SKD600 P1 by Price and Myers; Landscape design precedents dated 26.6.17 by Bowles and Wyer; landscape plans 2318-13-01A, 2318-11-01A; letter dated 2.3.18 by SMPlanning; Arboricultural Opinion report by Treework Environmental Practice dated 23.2.18; Structural Assessment report dated January 2018 by James Frith Ltd.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, of all windows, external doors, gates, balcony balustrades, pergolas and carport shall be submitted to and approved in writing by the local planning authority.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 Before the relevant part of the work is begun, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage during construction in accordance with the approved protection details, ref UKE/WHS/AIA/01c dated 15.12.17 by Landmark Trees. Prior to commencement of development (excluding enabling and site preparation works), evidence of the implementation of these approved tree protection measures shall be submitted to and approved by the Council.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 Before the use of the external plant commences, the air-conditioning plant shall be provided with acoustic isolation and sound attenuation in accordance with the recommendations of the acoustic report hereby approved, details of which shall be submitted to and approved beforehand by the local planning authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (Classes A-C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over-development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, D2 and A1 of London Borough of Camden Local Plan 2017.

- 11 Prior to first occupation of the development, a plan showing details of 6 bat and 5 bird boxes, including locations and types and indication of species to be accommodated, shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policies D1 and A3 of the London Borough of Camden Local Plan 2017.

- 12 Prior to commencement of implementation of the rear extension, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include-
- a) a detailed scheme of maintenance;
 - b) sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used;
 - c) full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 4 The removal of vegetation and buildings on site should be undertaken outside the breeding bird season of February to September inclusive. Should it prove necessary to undertake demolition or clearance works during the bird nesting season, then a pre-works check for nesting birds should be undertaken by a qualified ecologist. If any active nests are found, works should cease and an appropriate buffer zone should be established (to be advised by the qualified ecologist). This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.
- 5 During any internal or external demolition of buildings or any site clearance, a precautionary measure is required that all contractors are aware of potential roosting bats and that roof tiles and soffits should be removed by hand. Should bats or their roosts be identified, then works must cease immediately and the applicant must apply for, and obtain, a European Protected Species Licence and submit proof of this to the local planning authority before work recommences.
- 6 The applicant is advised to enter into a bond or financial agreement with other relevant frontagers along Millfield Lane (including the City of London) to ensure that this private lane is satisfactorily maintained and repaired at the applicant's expense during the construction programme.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

DRAFT

DECISION