[redacted]

SMPlanning

80-83 Long Lane,
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Via email only

22 March 2019

Dear Charles,

55 FITZROY PARK, LONDON, N6 6JA
PLANNING APPLICATION REF: 2018/3672/P
RESPONSE TO OBJECTION LETTER FROM FITZROY PARK RESIDENTS ASSOCIATION (FPRA)

This letter has been prepared by SM Planning, on behalf of our clients Geoffrey and Ryan Springer and Lynne Turner Stokes MBE, in response to public consultation comments that have been received from Apcar Smith Planning (on behalf of FPRA).

The representation from Apcar Smith Planning (ASP) acknowledges the Charter of the FPRA which limits their involvement on planning applications solely to matters that affect the environment of the road. It is however noted that the 'environment of the road' has been generously interpreted by ASP and the representation broadly comments on the following matters:

- Documentation supporting the application submission
- Background to the planning application
- Contextual policy analysis of Fitzroy Park and the surroundings
- Environment of the road (including several sub-headings)

The following sections of this letter provide a response to concerns raised by ASP relating to this application.

Documentation supporting the application submission

APCAR SMITH REPRESENTATION: CONCERNS HAVE BEEN RAISED IN RESPECT OF A PERCEIVED SHORTFALL IN INFORMATION AND INCONSISTENCIES IN THE APPLICATION SUBMISSION.

RESPONSE: These matters have been addressed through the submission of additional documentation and through clarification where the submission documents had been misinterpreted. To clarify further:

- The principles of the plot ratio calculations are made clear in section 3.2.2 of the submitted Design & Access Statement. The site area is 5,070sqm and this is reduced to 4,720sqm when excluding areas of Fitzroy Park and Millfield Lane beyond the fence lines. 4,720sqm is the figure used for these calculations in order to enable like-for-like comparisons with neighbouring plots.

- The 4,554sqm figure quoted is the sum of the five plots excluding the access lane to plots 4 and 5. 4,720m2 is the figure for the site, including the access lane, but excluding the areas outside of the fence lines. This was the same method used for measuring Fitzroy Close [figures 3077sqm [exc. lane] and 3387sqm respectively] - in the comparison in the Design & Access Statement at paragraph 3.2.3. It is unknown where reference to alternative figures in the objection letter are derived.
- Question 25 of the application form asks whether the applicant or agent is a member of staff at the local authority, an elected member, or related to any person in either position. As none of these apply to either the applicant or the agent, the question was answered correctly and concerns of transparency are therefore unfounded.
- None of the site is to be excavated by 2.5-3m to basement level. The site is sloping and excavation is necessary to create level areas on which to build. In most cases these excavations therefore vary in depth from nothing up to around 1.5m below the present ground surface. Only in the case of Plot 3 is the excavation expected to actually extend down into natural soils, and even here less that 1m penetration of the natural slope is anticipated.
- The Hydrological & Hydrogeological Assessment sets out the plan for groundwater drainage and sewer discharge from the properties themselves and the assessment of areas of hard landscaping is contained within the SUDS strategy. Final drainage plans are currently being prepared.

Background to the planning application

APCAR SMITH REPRESENTATION: CONCERNS HAVE BEEN RAISED IN RESPECT OF THE EXTENT OF COMMUNITY INVOLVEMENT AND WHETHER THE PROPOSED SCHEME CORRESPONDS WITH ADVICE PROVIDED BY THE DESIGN REVIEW PANEL.

RESPONSE: It is noted that public consultation was undertaken in line with the guidance set out by the London Borough of Camden's Statement of Community Involvement 2016 and the National Planning Policy Framework 2018. The submitted Statement of Community Involvement (SCI) states:

30 people attended the public exhibition but only 7 people left feedback. This suggests that most people were at ease and satisfied with the proposals and that any questions they may have had were answered at the exhibition.

The inference is clear that had there been greater opposition there would have been a greater instance of objection within the feedback. The suggestion that the SCI mispresented feedback as support is not accurate and rests on a misunderstanding of the report's conclusion.

With regards to the Design Review Panel (DRP) comments, it should be noted that the feedback from DRP 02 states that *the proposals have significantly improved since the previous review*.

The proposals for plots 1-3 were supported, with some reservations regarding plots 4 and 5. The reservations did not relate to the architectural quality of the proposals for these plots (which had been supported since DRP 1) but their impact on the landscape of the site. The panel asked that the setting of the existing pond be protected by physically separating the plot 5 building to a greater extent, by reducing its footprint, and by refining the landscaping approach. The application addresses all of these points. The area of the plot 5 building has been reduced by 16% and has been further separated from the pond. The landscape proposal has also been reworked to increase the amount of open space, and to further reduce impacting on the pond. Further details are provided in the 'DRP Feedback &

Responses Summary' document that formed part of the planning submission, and also in sections 4 and 7 of the Design & Access Statement.

Contextual policy analysis of Fitzroy Park and the surroundings

APCAR SMITH REPRESENTATION: THE REPRESENTATION FROM ASP PROVIDES A BACKGROUND TO THE RELEVANT PLANNING POLICY AND LEGISLATION PERTINENT TO THE APPLICATION PROPOSALS, WITH SPECIFIC REFERENCE TO THE HISTORIC ENVIRONMENT.

RESPONSE: The relevant policy criteria are not in doubt and while there may be a difference of opinion as to the impact of the proposed development, the concerns set out by ASP are discussed under the following sub headings, all packaged up by ASP as matters that affect the 'environment of the road':

- Impact of the site layout and proposed buildings
- Impact of the proposals on the natural environment
- Issues relating to the absence of a full basement impact assessment
- Transport related issues
- Construction impact concerns

Impact of the site layout and proposed buildings

APCAR SMITH REPRESENTATION: SEVERAL CONCERNS ARE RAISED ABOUT THE IMPACT OF THE SITE LAYOUT AND BUILDINGS ON THE WIDER ENVIRONMENT. IN THE FIRST INSTANCE, THE REPRESENTATION REFERS TO AN ISOLATED QUOTE FROM THE HIGHGATE CONSERVATION AREA APPRAISAL ABOUT FITZROY PARK BEEN *A WINDING LANE THAT FALLS FROM HIGHGATE VILLAGE AND THE GROVE TO MILLFIELD LANE THROUGH THE FORMER GROUNDS OF FITZROY HOUSE BUILT C1780.* THE REPRESENTATION STATES THAT THE APPRAISAL ACKNOWLEDGES THAT THE NETWORK OF ROADS, LANES AND FOOTPATHS, INCLUDING FITZROY PARK, REMAIN LARGELY UNCHANGED FROM THE LATE 18TH CENTURY.

RESPONSE: This implies that the lane has received no development since the late 18th Century. However, other quotes from the same document off-set this by providing a greater contextual analysis, including:

Fitzroy Park, in its present form, was developed within the framework of the boundaries of older estates. As the large houses were demolished, the surrounding parkland became available for development, particularly in the 19th and 20th centuries.

This has significantly changed because of 20th century low-density housing, but the earlier character is not entirely lost. Further development of the park occurred in the postwar period and the area has a number of houses designed by, and for architects.

This provides a precedent for the design approach for the proposed development: contemporary architecture, with a landscaping and planting approach which maintains the rustic nature of the lane. A number of exemplar modern architectural houses [such as no.6 by Lorenz/Arup] feature on the lane, which gives clear precedent for exemplar contemporary residential architecture. In addition, there are a number of examples of houses that are stepped into a sloping landscape - such as no.8A *a notable luxury residence of its period, built into hillside with a complicated highly three-dimensional plan and massing.*

In this instance, the proposals for the site have been landscape-design and masterplan led, to ensure that the proposals have been informed, and respect the nature of the site - see section 4 of the Design & Access Statement for further information.

The proposals for plots 1-3 have been developed as a 'family of objects' sharing a similar architectural language and material palette. This is an appropriate approach for 3 buildings being built at the same time, and is an approach that is supported by the design review panel, who stated:

The panel supports the proposals for Plots 1, 2 and 3, which promise high quality architecture on the street frontage.

The notion that plots 1-3 should be of different styles was rebuffed by the Design Review Panel [DRP 01] who stated:

The designs for Plots 1, 2, and 3 in contrasting styles would create a disjointed effect on the road. Because these are close together, the panel thinks designing them as variations on a theme would work better.

Plots 4 and 5 are set lower into the landscape and so are less visible from the road which is highlighted in the site section drawings. These proposals are considered to maintain semi-rural character of the site through carefully landscaped proposals and highly designed built development to assimmilate into the natural environment in accordance with Policy DH2 of the Neighbourhood Plan.

Policy DH10 of the Neighbourhood Plan is not a blanket restriction on backland development. It requires a contextual analysis and adherence to a number of criteria, which are addressed through the Planning Statement, Design & Access Statement, and other supporting documentation.

The proposed development would not be immediately perceptible over and above the existing extent of built development on site. It would be compatible with the character of the existing area by virtue of the comparable plot ratios and so would not represent an 'over-intensification' of built form.

While designated as private open space, the application site comprises the extensive rear amenity area of 55 Fitzroy Park with no public access availability. Further, the area of undeveloped land is not visible in the public domain and in any case, the proposed development does not propose the widespread loss of trees/vegetation in light of development being confined to the site itself. The intention is to make this area visible to the public with views to this open space and site historic pond.

The extent and type of built development proposed would respect the character of the site as referenced at section 8.2 of the Planning Statement and in the accompanying Design and Access Statement and an extensive tree planting plan is proposed which is set out in the accompanying Arboricultural Impact Assessment.

The quality and inconspicuous nature of the built development and the extent of planting proposals ensure that the development would not only preserve but enhance the private open space and this would be strengthened further by the exposure of open areas, a result of the proposed access onto Fitzroy Park; the replacement of concrete fencing along Millfield Lane with natural habitat fencing and the complete clean-up of the natural pond.

Impact of the proposals on the natural environment

APCAR SMITH REPRESENTATION: CONCERNS HAVE BEEN RAISED IN RESPECT OF THE DETAIL PROVIDED IN THE ACCOMPANYING ECOLOGICAL APPRAISAL AND ARBORICULTURAL IMPACT ASSESSMENT AND THEREFORE THE REPRESENTATION CONTENDS THAT THE IMPACT ON THE NATURAL ENVIRONMENT IS UNACCEPTABLE.

RESPONSE: In July 2018, a detailed Ecological Appraisal was undertaken, which included an assessment of the proposed development's effects on ecological features. The Appraisal addresses the issues raised in the representation from ASP and presents mitigation where appropriate. This includes:

- Birds: Addressed in paragraphs 4.61 – 4.61. The assessment concludes that the site is likely to support a typical assemblage of woodland and garden passerines. Appropriate mitigation is proposed to address potential impacts and the applicant is committed to providing bird boxes where necessary.
- Bats: Addressed in paragraphs 4.39 – 4.50. Detailed surveys found no evidence of roosting bats at the site, however a broad assemblage of species was recorded using the site for foraging and commuting. Mitigation measures address the need to retain navigable foraging and commuting routes across the site and the applicant is committed to providing bat boxes where necessary.
- Newts: Addressed in paragraphs 4.51 and 4.60. Detailed eDNA surveys concluded that the Great Crested Newt was likely to be absent from the site. The potential loss of suitable habitat for amphibian and reptile species is noted in the assessment.
- Orchard: Addressed in paragraph 4.17. The ecological significance of the loss of orchard habitat is addressed in the assessment.
- Pond: Described in paragraph 3.16 and as a habitat throughout the report. The pond will be retained and enhanced as part of this project.
- Wildlife corridor: In light of all of the above, as well as significant landscape enhancements, the proposed development will create a significantly improved wildlife corridor.

The ecological impacts, proposed mitigation and enhancement opportunities are discussed extensively in the Ecological Appraisal Report and have been integral to the development of the scheme. This specifically includes detailed consideration of the pond within the site and the maintenance of water flows to the Heath ponds including the Bird Sanctuary Pond, with further information regarding the later point provided in the Hydrological and Hydrogeological Impact Assessment specifically addressing the maintenance of flow from the pond to the Heath and associated ponds.

It is noted that the Ecological Appraisal was informed by a review of biological records obtained from Greenspace Information for Greater London. This included identification of the Hampstead Heath Site of Importance for Nature Conservation. Although this area may be known as the BSNR, this is not a distinct designation. However, importantly the Ecological Appraisal does discuss the potential for impacts on, and requirements for mitigation for, the SINC, and specifically in relation to this area of woodland and the nearby ponds. Such discussions can be found in paras 4.2-4.12 of the appraisal.

In relation to boundary treatments, the Design and Access Statement, Landscape Masterplan and Soft Landscape Plan demonstrate that the concrete panel wall will be removed and the proposal will, as far as possible, retain the existing bund, mature trees and scrub along Millfield Lane and will reinforce this with additional hedgerow and scrub planting to create a wider and denser habitat feature. In addition, views of the private open space from Fitzroy Park will be opened up, meaningfully improving

its function and representing a significant public benefit. In terms of screening, the application proposes the removal of the existing 2 metre-plus concrete panel wall and the scheme will therefore represent an overall enhancement in terms of habitat and landscape, thereby creating a more diverse and enriched wildlife corridor.

Along Fitzroy Park, the boundary comprises a non-continuous length of ornamental and self-sown scrub/trees with a timber fence. This will be replaced with 2m high native hedgerow planting and semi-mature/heavy standard trees to provide a higher quality boundary in terms of habitat, landscape character and wildlife corridor and the added benefit is the private open space, which at present cannot be seen from Fitzroy Park, will be opened up so others can see the open space and pond.

It is noted that the tree survey and report was undertaken by an independent arboriculturist who is an Arboricultural Association Registered Consultant. The standard approach required by BS5837 was used and all of the significant trees were recorded. Note that 11 out of the 75 trees are recorded in the tree schedule as multi-stem (MS) whereas the topographical survey incorrectly recorded these as separate trees. Therefore there are no inaccuracies regarding the number of trees.

In terms of trees, of the 39 to be felled 5 are U category, 31 are C grade and 3 are B grade. All have been assessed to BS5837:2012 by a highly qualified and independent arboriculturalist. These will be replaced with 82 semi-mature and heavy standard trees, a net gain of 43 high quality trees.

The felled trees will be replaced at a ratio of over 2:1 with new semi-mature and heavy standard trees. Species and have been carefully selected in conjunction with London Wildlife Trust and the Camden Tree Officer to maximise biodiversity value. The replacement rate and proposals been agreed with both parties.

Root protection areas of retained trees will be maintained and where works come close to these, additional ground protection will be used. The client is committed to retaining these 36 trees and the construction site will be managed according.

The Hydrological & Hydrogeological Assessment sets out the plan for groundwater drainage and sewer discharge from the properties themselves and the assessment of areas of hard landscaping is contained within the SUDS strategy. Final drainage plans are currently being prepared.

Issues relating to the absence of a full basement impact assessment

APCAR SMITH REPRESENTATION: CONCERNS HAVE BEEN RAISED IN RESPECT OF THE EXTENT OF EXCAVATION AND WHETHER IT REPRESENTS 'FULL' BASEMENT DEVELOPMENT, AND THEREAFTER, CONCERNS ARE RAISED ABOUT THE CONTENT OF THE HYDROLOGICAL & HYDROGEOLOGICAL ASSESSMENT, SPECIFICALLY REFERRING TO THE STABILITY OF THE LAND BOTH PRE AND POST CONSTRUCTION.

RESPONSE: Firstly, it should be noted that a full Basement Impact Assessment supports the application in accordance with Camden policy and this has been independently assessed by Campbell Reith Consulting Engineers.

To clarify, the site is sloping and excavation is necessary to create level areas on which to build. In most cases these excavations therefore vary in depth from nothing up to around 1.5m below the present ground surface. Only in the case of Plot 3 is the excavation expected to actually extend down into natural soils, and even here less that 1m penetration of the natural slope is anticipated.

In terms of sheet piling it is noted that in order to be certain that the new development does NOT form any potential barrier to groundwater flow all sheet piling that is temporarily installed during the construction works is to be removed. Additionally, in order to be certain that the new development does not affect any groundwater flow, an in-ground drainage diversion system is to be provided to carry any groundwater flow around the new houses on Plots 4 & 5 where their construction extends below the water table.

For clarity, it is noted that the BIA Audit of 23rd November 2018 raised a number of queries (five) which is common practice. These were subsequently discussed with CRH and agreed responses to each were addressed in the addendum submission to Camden dated 12th December 2018.

Transport related issues

APCAR SMITH REPRESENTATION: CONCERNS HAVE BEEN RAISED IN RESPECT OF THE SUSTAINABILITY OF THE LOCATION, THE LEVEL OF VEHICULAR PARKING PROPOSED AND THE RESULTING PARKING OF VEHICLES ON FITZROY PARK, THE ACCESSIBILITY OF THE PARKING SPACES AND QUESTIONS ARE RAISED ABOUT THE FIGURES QUOTED IN THE SUBMITTED TRANSPORT STATEMENT.

RESPONSE: In terms of the sustainability of the location, it is noted that a site can have a low PTAL rating but be sustainable at the same time. This is an established residential area where a number of local amenities exist.

In validating the matter, Para 2.4 of the planning statement states that the site is "located in close proximity to transport links". The Transport Statement confirms that bus services 143, 210, 214, and 271 are all within a walking distance of the site.

In terms of vehicular parking, the Borough's adopted policy is for car free development. Policy T2 of the adopted Local Plan 'Parking and car-free development' states that the Council will limit the availability of parking and require all new developments in the borough to be car-free.

It is acknowledged that the site has a low Public Transport Accessibility Level (PTAL) rating, and the site is accessed from a private estate road on which there are no car parking controls. For these reasons Borough Officers agreed that the development could be provided with one car parking space per property in order to avoid the need for occupiers to park their vehicles on the private road itself. The proposed level of car parking on-site therefore exceeds the standards that are normally required by the Borough and provides a sensible solution to the issues raised as 'objections' by the ASP representation. Considered as a whole, this engages the presumption in favour of sustainable development.

Regarding car parking for Plots 4 and 5, tracking drawings provided with the application showed that these are independently accessible.

In terms of delivery vehicles, it is noted that home deliveries currently park on Fitzroy Park to service adjacent development. Access to vehicular parking has been tracked with a large car, circa 5.1m in length, which is longer than a standard car parking space. The tracking has been tested with a long vehicle, that has an onerous turning circle, to ensure that the majority of vehicles will be able to access with ease.

The proposed development will generate, on average, fewer than one traffic movement an hour over the course of a typical day and as such, the development's traffic impact is unlikely to be perceptible

to existing road users, regardless of existing background traffic volumes. Table 2.1 of the Transport Statement presents surveyed information of traffic volumes on Fitzroy Park, Table 4.1 presents an estimate of the increase in travel demand resulting from the development project.

It is noted further that movements to and from the development site will be split between the various points of vehicular access. Car movements from adjacent properties will also be infrequent. There is no design rationale why the proximity of access points to adjacent development should preclude the development of no. 55 Fitzroy Park. It is therefore considered that the development will not impact on the operation of neighbouring properties.

The survey data quoted in the submitted Transport Statement is dated and accurate. It is however noted that development of the scale proposed would not generally require a Transport Statement as the scale of development is too low to require it. For background purposes, Transport for London are about to launch new Transport Assessment guidance. While not relevant for this application, the associated threshold for any Transport Assessment/ Transport Statement is not required at all for any development of below 50 units – this is because there is no material transport impact. This level of development was originally determined based on an anticipated travel demand (50 dwellings) of around 30 two-way peak hour vehicle trips. Of note, the Transport Statement for 55 Fitzroy Park states that the proposed scheme could result in 3 additional traffic movements in the period from 07:00-19:00. An average of one vehicle movement every 4 hours. This clearly highlights that there would be no operational traffic impact as a result of the proposed development.

Should planning permission be granted, the applicant is willing to commit to the completion of a condition survey of the road from Apex Lodge to 53 Fitzroy Park prior to the commencement of works. The applicant's contractor will thereafter repair any damage caused upon completion of construction works.

Construction impact concerns

APCAR SMITH REPRESENTATION: CONCERNS HAVE BEEN RAISED IN RESPECT OF A PERCEIVED LACK OF INFORMATION WITH REGARD TO THE MANAGEMENT OF THE CONSTRUCTION PROCESS AND THE IMPACT OF ADDITIONAL TRAFFIC MOVEMENTS AS A RESULT OF THE CONSTRUCTION PHASE.

RESPONSE: Firstly, it is noted that the Construction Management Plan provides detail on how the development will be effectively managed. Construction traffic numbers are based on the experience of the project's appointed contractor, Montway. There is no reason not to consider these to be an appropriate estimation of traffic numbers.

Spoil to be removed from the site will be minimised in accordance with Transport for London's guidance on the preparation of Construction Logistics Plans (CLPs), the purpose of which is to minimise the impact of construction logistics on the road Network. TfL say that well-planned construction logistics is able to reduce vehicle trips, particularly in peak periods of travel demand. The guidance specifically refers to the re-use of material on-site as being one measure that can help achieve this.

All HGV construction traffic will be managed by banksmen, and will enter and exit Fitzroy Park in a forward gear. The exception is at the commencement of works, prior to demolition and the creation of a turning head on-site. Only at this time will a HGV be required to reverse into Fitzroy Park. This reversing movement will be managed and supervised by banksmen. It is re-iterated that the use of Millfield Lane will not be necessary during any stage and only the entrance of Fitzroy Park will be used. In addition, road closures will not be necessary to carry out sheet piling on the site and repairs to the carriageway will be carried out by the contractor when, and if necessary.

For clarity, a Construction Noise Management Plan (Appendix T to the CMP) supports the application as well as a Noise Impact Assessment. Both reports conclude that with appropriate management plan and perimeter fencing, no adverse impact can be expected associated with construction noise.

We trust that the above addresses the concerns raised by the representation from ASP. However, should you wish to discuss the above further then please do not hesitate to contact me.

Yours sincerely

Stuart Minty
Director
SM Planning