
From: Thuaire, Charles
Sent: 24 June 2019 13:45
To: Planning
Subject: FW: 2019/0666/P - 53 Fitzroy Park trees
Attachments: 53 Fitzroy Park - SPA Appraisal Letter inc Drawings.pdf

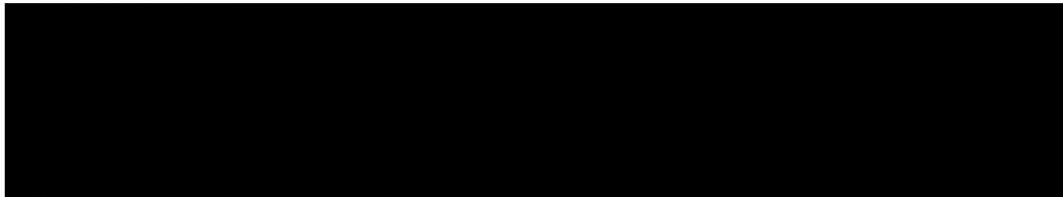
Objection from FPRA

Charles Thuaire
Senior Planner

Telephone: 020 7974 5867



From: Karen Beare [REDACTED]
Sent: 23 June 2019 14:31



Subject: Re: 2019/0666/P - 53 Fitzroy Park trees

Tom/Charles

Further to my email below, sent on Friday morning, I am copying you into a letter issued by WSP Global that afternoon. They verify all the points FPRA has been raising with you about the CMP impacts on trees on site that have not been addressed in Landmark Trees AIA, plus some others.

I would particularly draw your attention to the right hand diagram on Page 4 that confirms beyond any doubt that T2 - and T1 - will need to be felled for HGVs as proposed to exit site. In addition, HGVs arriving on site will interfere with the RPA of the most easterly of the 3 retained tree group.

This is, of course, in addition to the misleading fact that half the proposed construction platform will need to be backfilled by at least 2.2 and no retaining wall exists limiting the RPAs of these two trees, as has been stated by Landmark Trees.

As we said previously, a simple site visit to view the non-existing retaining wall together with an expert root radar survey for T1/T2 would confirm the true extent of their RPA. Given one of these trees has a TPO on it AND together they are 2 of the only 5 trees remaining on site, we do not think this is an unreasonable request of the Applicant.

On a more general point, the idea that "replanting" is an adequate mitigation to facilitate development of a POS development site is not acceptable. It takes at least 2 generations for trees to mature and to begin to process CO2 in the amounts of the previous canopy did. Tiny replacements are no substitute for a mature canopy so we would urge the Council to ensure replanting is native in species and the maximum girth possible. Its the least an Applicant should be asked to do in these circumstances.

Charles - FYI in your absence on Friday afternoon, FPRA sent a copy of this WSP report to Alex Bushell for his attention.

KR Karen

On 21 Jun 2019, at 11:54, Karen Beare [REDACTED] wrote:

Tom/Charles

We appreciate all your efforts to verify the circumstances at no53. However, regrettably, we have reason to believe you have been misled, particularly with regard to aspects of the CMP proposals yet to be formally submitted. In addition, some of the facts on the ground directly contradict what you have been told.

The other key issue is sequencing. The Applicant has not consulted on a revised CMP. So it has not been possible for "CMP related" construction impacts to have been fully considered by the Council at this stage. We therefore consider the discharge of this Tree Protection Condition as unsafe, and premature at this time.

In part, this has come about because there is no CMP, but it has also not helped that stakeholders were not consulted on new materials provided - for the very first time - by Mr Hollis to the Council on 4th June. As a consequence the first sight of Mr Hollis' rebuttal was on Tuesday 18th June, just 2 days ago, hence our playing catch-up today.

It is highly unusual for an Applicant to attempt to discharge Tree Protection measures before a CMP has been issued for review. And it is inevitable in such circumstances that some aspects of the CMP cannot be addressed, which has added to the current factual confusion on this site.

What we consider to be key "misinformation" is as detailed below. We would hope the Council will do all it can to rectify this issue. Whether this is by requesting further disclosure now or by ensuring the CMP impacts are considered fully when the draft CMP is eventually submitted.

Thank you.
KR Karen

T1/T2 trees

1. There is no retaining wall limiting the RPAs of T1/T2 as Mr Hollis states. Such a structure simply does not exist. This was admitted and verified back in 2015 and can be clearly seen on the original survey dating back to 2009. What does exist is a decorative wall consisting of 2/3 layers of bricks.
2. Even if there was a retaining wall, an expert root radar survey would show the true extent of the root zone. As was found with my Beech tree. Mr Hollis claimed its RPA was totally constrained by a 1.6m retaining boundary wall. He asserted no roots would be found in the Water House, but a specialist consultant found our Beech had a huge RPA in the Water House grounds as we expected, so much so, deep excavations by our boundary were required to be stepped back by over 3m.

3. The proposed Phase 1 construction platform is in two halves. Half consisting of the existing driveway and half stepped down to a sunken garden 2.5m lower. So unless the area is backfilled directly next to these trees to bring the platform to the same level, it is untenable as drawn. But this CMP related issue has not been addressed accurately by Mr Hollis in his AIA.

4. This is a different point to the issue of the new driveway where grade changes are apparently not going to affect the 3 other trees because the new driveway will now be piled.

5. The location of T2, based on original 2009 surveys, has in error been drawn slightly further away from the construction platform and the RPA significantly reduced.

6. There are in fact only 5 trees left on site not 6/7 as stated. We have no idea why the additional trees have been felled.

7. In his rebuttal report Mr Hollis states Fitzroy Farm did not re-engineer the carriageway. Only a bond was given to FPRA. This is not correct.

8. In order to protect community and neighbour's private assets, including trees along the carriageway, the road was re-engineered from Fitzroy Farm to 51 FP and, given the extent of the development, we consider it appropriate for this Applicant to do the same from 53FP to Apex Lodge.

9. In addition, FP was in fact resurfaced after the development. Both were financed in their entirety by the owner of FF in addition to the £100k financial bond held by FPRA in Escrow for almost 3 years.

10. Mr Dawson, an expert road engineer (whom Mr Hollis cites again here) admitted he had no arboricultural expertise at all. Thankfully common sense prevailed after he issued his report on access to the Water House via Millfield Lane and the surface was eventually reinforced to protect arboricultural assets along its borders.

11. The CBR data for FP was carried out by an expert consultancy and verified by WSP Global. Very low ratios were found. Outside 53 the sub-base was found to consist mostly of oyster shells. This part of the road needs reinforcing in a multitude of ways as part of CMP mitigation.

12. Fitzroy Farm is not a comparable development. Despite being 25% larger than 53 FP, the numbers of HGVs were a third of what had been previously been proposed at the DCC. The weight loading is comparable to 60 fully laden jumbo jets.

13. The suggestion that the road will "probably be OK" is simply wrong when a more complete picture is considered as part of a comprehensive CMP.

14. It is a matter of record 5 Oaks trees were badly affected by construction works at Fitzroy Farm. Post development they had to be crown reduced by 20% and their root zones subsequently de-compacted, as the trees were failing. This was on Mr Hollis's watch as the key arboriculturalist for the project.

T1 & T2 showing proximity of canopy/RPA to existing driveway (half the platform)
The location of the other half of the L-shaped platform is currently 2.2m down to the left where the land drops away abruptly.

<IMG_6380.jpeg><IMG_6381.jpeg><IMG_6470.jpeg>

Only three other trees remain on site, not 6/7 as per these photos

<IMG_6382.jpeg><IMG_6383.jpeg><IMG_6384.jpeg><IMG_6474.jpeg>

On 20 Jun 2019, at 11:03, Thuaire, Charles
<Charles.Thuaire@camden.gov.uk> wrote:

Karen-

I have now received the full AIA report complete with all its appendices and placed this onto our website. This was prepared to address your concerns about impact on neighbouring trees. The revised AMS was slightly amended to address a couple of issues that Tom had but otherwise remains the same. Similarly the landscape plans have been slightly amended to address some concerns we had and to ensure consistency with the other tree protection and SUDS details.

Accordingly, as the details have not materially changed, there is no need to carry out further consultation, bearing in mind that we do not normally consult on condition discharges anyway.

These 2 tree/landscape conditions are now being reported for approval to the next Members Briefing Panel on 24th June. The agenda report packs will be viewable on our website later today.

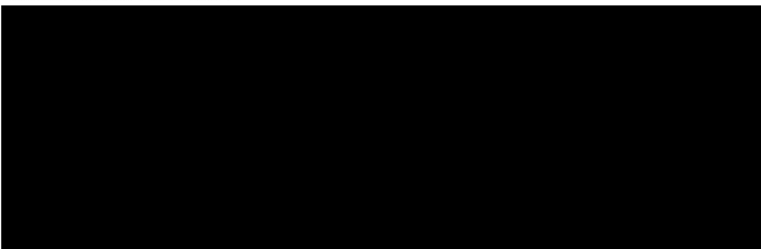
With regard to the 2 ecology conditions, I can advise that revised lighting and method statements were recently received to address concerns by our ecologists and are now on the website. If these are considered acceptable, I hope to report these to the following MB panel on 1st July in order to meet our deadline of 3rd July.

Charles Thuairé
Senior Planner

Telephone: 020 7974 5867

<[image001.png](#)> <[image003.png](#)> <[image005.png](#)> <[image007.jpg](#)>

From: Karen Beare [REDACTED]
Sent: 19 June 2019 00:12



Subject: 2019/0666/P - 53 Fitzroy Park trees

Charles

I note this Applicant has provided a few further documents to support 2019/0666/P - Condition 7- Trees & 2019/0665/P - Condition 5 - Landscaping and these were uploaded onto the Councils portal today.

My initial comments are as follows:

1. The Addendum AIA, considering the use of a Private Road by No53 is incomplete

This document is supposed to be 16 pages long, but pages 10 - 16 inclusive are blank, so none of the Appendices have been included namely Appendix 1, 2 and 3. Obviously FPRA and other stakeholders are unable to comment fully on this document until the missing Appendices are provided. Please advise.

However, what I can immediately confirm to the Council, on behalf of FPRA, is that Mr Hollis of Landmark Trees is incorrect in his statement that the significant development of Fitzroy Farm did not require re-engineering of the carriageway. It did, and about half of the lower part of the carriageway (up to No51 Fitzroy Park) was both re-engineered to facilitate construction and also then re-surfaced after the 3-year project was over.

And what Mr Hollis has also omitted to consider in this blanket statement, is that the proposed CMP for the basement and new dwelling at 53 Fitzroy Park, is a factor of at least x3 the number of HGVs required to build Fitzroy Farm, 51 FP or the Lodge totalling over 30,000 sqft between them.

I believe the HGV loading for 53 FP was compared to over 60 fully-laden Jumbo Jets in order for everyone to get a feel of the impact on the environment and the carriageway of this proposed development.

2. Arboricultural Method Statement

I have printed out this 33-page document and the details of the arboricultural proposals need careful reading and consideration We would be grateful if you could please confirm the deadline for consultation on this and the Landscaping Condition 5 - 2019/0665/P.

FPRA will be commenting on this document more fully in due course, but what we immediately note is that Mr Hollis has once again relied in his documents on CMP details that have already been confirmed to the Council by WSP Global, once again on Monday this week, as being incorrect, and misleading.

For example, the Phase 1 Loading Platform has been exaggerated by almost a half to include an area that is 2.2m lower than the existing driveway. This area is currently accessed by very steep stairs from a much reduced very narrow driveway and overshadowed by the two very healthy Sycamores, one of which has a TPO on it. To use this space would require backfilling the entire area, changing the levels by at least 2.2m directly adjacent to these two trees. The final ground level would be more than half way up their trunks.

Photographs previously sent to the Council show the proximity of this proposed platform (and Phase 2 & 3 platforms) to be much nearer to these two trees than suggested on the drawings submitted. An overlay of the 2010 Arbtec Tree Constraints Plan, used to support a previous Application at this

site, also appears to show the RPAs of these two trees extending much further into the site than shown here.

Mr Hollis for Landmark Trees has overseen the entire clearing of a heavily wooded Private Open Space site. All but 7 of the original 29 trees are left and these are located along the FP carriageway. The previous canopy covered almost the entire site and acted as a green buffer to the Heath as part of an important wildlife corridor. It is a now shocking sight to behold. It looks like a clearing in the Amazon rainforest and will take generations to recover. It is therefore vital the Council affords these 7 remaining trees every protection.

3. Landscaping

Our initial observation is that this Applicant appears not to have addressed the fundamental issue of 70% of his Private Open Space site, adjacent to Hampstead Heath, being developed by a combination of footprint, hard landscaping and SUDs. The footprint cannot be reduced at this stage, but the total amount of hard landscaping can - and needs to be - reduced radically. This will have a knock on effect of also reducing the area of SUDs needed for re-infiltration and will ultimately reduce the total figure of 70%, to a more acceptable percentage of this POS site.

Having also now read the H&HS & KLPA letter, summarising the Opinion of leading counsel, Paul Brown QC regarding Policy A2, FPRA will in due course be highlighting relevant considerations of this Policy with regard to this site and the issues raised here.

KR Karen
Chair - FPRA

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