Rolfe Judd
Planning

Woodberry Down Phase 3
Arboricultural Strategy Note – Tree T1

Executive Summary

A full planning application for Phase 3 for 584 homes, ground floor commercial, energy centre and public park was submitted on 8th July 2019 (Ref: 2019/2514). The application has been subject to extensive pre and post-application discussions.

The Council has recently raised concerns about the removal of the London Plane tree (Category A) immediately adjacent to the Happy Man Public House on Woodberry Grove. Its removal is consistent with an extant consent for Phase 3. Berkeley Homes and its technical team has explored a range of scenarios to retain the tree including moving Building A1 by 6.5 metres. The consequences of this alteration are:

- The loss of a 4 bed 6 person social rented home
- The loss of 203 m² of communal amenity space
- A loss of 10 replacement Social Rented car parking spaces
- A negative impact on the daylight and sunlight experienced to homes within Blocks A2 and A3
- A reduction in privacy distances between buildings A1 and A3.

Alternatively, an arboriculturalist has also advised that if the building was maintained in its current position, the tree could be pollarded; however this would significantly change the crown and extent of the tree and its amenity value would be fundamentally lost.

In our view, the impact of changes to the design of the scheme and loss of an affordable home outweigh the benefit of keeping the London Plane tree in its current form or significantly pollarded. To mitigate the removal of the tree it will be replaced with 3 mature street trees with starting height of 7m to ultimately grow to a height of 12m.

Whilst the loss of any tree is unfortunate following a site visit on 1st November 2019, a further 17 trees have been identified for retention. Overall, 32 trees will be removed, 18 trees (including T55 which was already proposed for the retention) will be retained and further 110 trees would be planted across Phase 3. This results in a net gain of 78 trees with the current proposals when compared to the number of existing trees on the land.

A Net Biodiversity Assessment of the proposals has been undertaken by the London Wildlife Trust using the Defra Biodiversity calculator. It demonstrates that the proposals provide a 248% net biodiversity gain compared to the existing site. Overall, Phase 3 proposes significant biodiversity and arboricultural enhancements that mitigate for the loss of the Tree T1.

The CPO for Phase 3 was confirmed on 24th September 2019 and demolition is programmed to commence in April 2020. Any delay to the determination of the planning application beyond December 2019 will delay the delivery of new homes at Woodberry Down.

Introduction

A full planning application for Phase 3 at Woodberry Down for 584 homes, ground floor commercial floorspace including a community use and public open space was submitted on 8th July 2019 and is due to be presented to the planning committee on 4th December 2019 for its determination.

The application has been subject to extensive pre-application and post-submission consultation over an 18 month period working in partnership with LB Hackney and the Woodberry Down development partners including WDCO and Notting Hill Genesis.

The starting point for the current Phase 3 proposals has been the extant reserved matters consent, drawing on a number of key design principles and parameters. In respect of trees, and in particular, the London Plane tree outside of the Happy Man Public House, ('Tree T1') there is an extant permission to remove this tree pursuant to the reserved matters consent which has been implemented by virtue of carrying out a building operation which is directly related to the consent.

During post-application discussions, the Council has raised concerns about the removal of the London Plane tree due to its amenity value. This was discussed at meetings on 26th October and 6th November 2019 and at a site visit on 1st November 2019. In addition to this, the Council's tree officer raised concerns about the number of trees which were identified to be removed.

This note sets out the impact that the retention of the Tree T1 would have on Phase 3 and outlines mitigation following the removal of the tree.

Delivery of Woodberry Down Phase 3

Woodberry Down forms part of the Council's wider regeneration objectives for the Borough. Across eight development phases, the regeneration will deliver 5,584 homes, with 41% affordable housing and the rehoming of all residents with secure tenancies. The masterplan has already delivered 1,798 homes in total with another 519 currently under construction on Phase 2.

In 2014 outline planning permission was granted for Phases 3-8 of the scheme (Ref: 2013/3223). This permission envisaged the delivery of up to 420 homes in Phase 3. Despite rigorous testing it was only possible to accommodate 358 units on the site within the parameters of the permission. This was due to the constraints of the height parameters in the outline permission and the overall cap of 36,389 sqm (GEA) imposed by the approved Development Specification. At 358 units, Phase 3 would have become the lowest density phase within the new Woodberry Down. There is no longer an opportunity to submit a new Reserved Matters (RM) permission for the Phase 3 site, due to restrictions by way of a time-limiting condition on the Outline Permission.

The scheme has been subject to 18 months of pre-application consultation and design development with LB Hackney, the development partners and local community including WDCO and a full planning application for Phase 3 was submitted on 8th July 2019 (Ref: 2019/2514). The application will deliver the following benefits:

- 584 homes (341 Private tenure, 117 Social Rent and 126 Shared Ownership) of which 42% is affordable (by unit and 44% by habitable room)
- 985 sqm (GIA) of commercial and community space (incl. a community room for residents of all tenures)
- 7,548 sqm of public open space (including a public park equivalent to the size of 29 tennis courts) and 2,435sqm of residential communal amenity space

- An Energy Centre (703 sqm GEA) to supply the site wide District Heat Network.
- 110 trees to be planted (to compliment the over 300 trees already planted at WD since 2009)
- Associated car and cycle parking spaces including re-provision of all social rented car parking spaces.

The Phase 3 proposals provides additional homes for residents currently living in the existing Council blocks on Phases 4 and 5, facilitating earlier acquisition of these later development phase sites by the Council.

Further to this the local community at Woodberry Down has played a central role in the design development of proposals for Phase 3. Through the Woodberry Down Design Committee representatives from WDCO, as well as the Independent Tenants and Leaseholders Advisor (ITLA), Notting Hill Genesis, Hackney Council and Berkeley Homes have reviewed the Phase 3 design and approve of the submitted proposals when reviewed in balance of the wider benefits of the scheme.

Existing Trees

Within the Phase 3 application boundary are 50 individual trees and groups of trees which were surveyed on site in November 2018.The Arboriculture Report (February 2019) categorised the trees according to the classifications outlined within BS 5837:2012 '*Trees in relation to design, demolition and construction – Recommendations*'.

The classifications are as follows:

- Three individual trees were classed as A Grade. BS5837 considers that A grade trees are of high quality with an estimated remaining life expectancy of at least 40 years.
- Twenty-four individual trees and groups of trees were classed as B Grade. BS5837 considers that B grade trees are of moderate quality with an estimated remaining life expectancy of at least 20 years.
- Twenty individual trees and groups of trees were classed as C Grade. BS5837 considers that C grade trees are of low quality with an estimated remaining life expectancy of at least 10 years.
- Three individual trees were classes as U Grade. BS5837 considers that U Grade trees are those in such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years.

As set out in the Arboricultural Report (February 2019) 46 trees or groups were identified for removal due to their quality or location. As result of the site visit on the 1st of November 2019, 17 trees have been earmarked for retention. The location of these trees is shown in Appendix 1 with overall numbers as follows:

- Category A Trees – T43, T44 and T55
- Category B Trees – T2, T33, T38, T40, T41, T45 and T52
- Category C Trees – T3, T4, T5, T34, T35, T36, T39 and G31

  [Note: T55 which was previously indicated for removal takes the total number of trees removed to 18]

Overall, 32 trees or tree groups will be removed across Phase 3 due to their location or quality and will be replaced with 110 new semi or mature trees of varying species.

The Happy Man Tree

The Happy Man tree ('Tree T1' on Plan attached in Appendix 1) is located to the west of the Happy Man public house. This tree had previously been identified with consent for removal as part of the extant 2015 Reserved Matters Approval for Phase 3 (Ref: 2015/2967).

The tree was identified for removal because of the negative impact the crown would have on new homes and the conflict of the roots with the proposed district heating pipework.

Table 1, below, sets out three options which seek to retain or remove the tree and the impact of each scenario is set out in Table 2. Drawings demonstrating each scenario are at Appendix 2.

Building A1 is currently set back 3 metres from the centre of Tree T1. The Mayhew Consultancy has advised that given the height of the tree and its crown, the root protection area ('RPA') would extend to 9.6 metres from the centre of the tree. To avoid the RPA Building A1 would need to be set back a further 6.5 metres.

Table 1

Scenario	**Description**
Scenario 1	Retain the building in its existing position and pollard the tree
Scenario 2	Building A1 moved 6.5 metres to the east to retain Tree T1 with the basement redesigned to retain active frontage on Woodberry Grove.
Scenario 3	Building A1 narrowed to retain Tree T1.

Table 2

Scenario	**Loss of Homes**	**Loss of Residential Amenity**	**% Loss of active frontage on Woodberry Grove**	**Overlooking**	**Loss of Social Rented car parking**
Scenario 1	None	0m²	0%	N/A	0
Scenario 2	1 Social Rented home	203m²	80%	Buildings moved closer together	10 spaces lost
Scenario 3	1 Social Rented homes and 24 Shared Ownership home	0m²	100%	N/A	0

Scenarios 2 and 3 demonstrate that it is not possible to re-position Building A1 without the loss of affordable home(s) and/or social rented car parking that is required as part of the decant strategy. The number and mix of the social rented homes being delivered has been subject to Housing needs survey to ensure the decant of secure tenants currently living in existing blocks on Phases 4 and 5.

There is no means of increasing parking elsewhere within the podium due to the provision of the energy centre. Any redesign would be significant and extend beyond simply re-positioning Building A1 and would lead to a programme delay of a minimum of 4 months (including design review, consultation, environmental testing and statutory consultation). This would have a detrimental impact on the recently confirmed CPO, wider delivery programme for Woodberry Down and the decant strategy for residents.

Scenario 1 is the only option where Building A1 remains in its current position and Tree T1 is pollarded. The Mayhew Consultancy has carried out an assessment of the extent of pollarding that would be required to retain the tree. A diagram showing the extent of pollarding required can be found in Appendix 3. In summary, the tree canopy would need to be reduced from its 11m radius to just 2m to the cardinal point. In addition, this would reduce the height of the tree from 22m to around 10m. Assuming a three year pollarding cycle, the tree would regrow to a 4m radius, reaching a height of between 12 and 13m. Therefore the amenity value of the retained tree would be reduced, as it would be impossible to retain it anywhere near its current height and spread.

In conclusion having assessed these scenarios it has been demonstrated that tree T1 cannot be retained in its current form and it should be removed and replacement with three street trees of appropriate height and species.

Ecology: Net Biodiversity Gain

Net Gain is development that leaves biodiversity in a better state than before. CIEEM, in partnership with the Construction Industry Research and Information Association (CIRIA) and Institute for Environmental Management association (IEMA) in 2016 have produced good practice principles for development. There are ten principles of how to achieve net gain, as follows:

- apply the mitigation hierarchy;
- avoid losing biodiversity that cannot be offset by gains elsewhere;
- be inclusive and equitable;
- address risks;
- make a measurable net gain contribution;
- achieve the best outcomes for biodiversity;
- be additional;
- create a net gain legacy;
- optimise sustainability; and
- be transparent.

Berkeley Homes have an internal business commitment to achieve a biodiversity net gain on all development sites through the guidance of their design guide (The Nine Concepts Making space for nature and beauty) and the Defra Biodiversity Metric calculator. The scheme proposes a new linear park with a wildlife pond, sustainable urban drainage, species rich meadow, shrubs and trees. New gardens will be created within each residential block and all buildings will have biodiverse green or brown roofs. Further details on the likely significant effects on ecology have been assessed by the London Wildlife Trust in Chapter 16 of the Environmental Statement.

The existing baseline, with habitats comprising predominantly amenity grassland, scattered trees and buildings has through design achieved a biodiversity score of 1.16. By working in partnership with

London Wildlife Trust, this development achieves a positive net-gain in biodiversity producing a score of 2.88 creating new habitats including wetland, green roofs and species rich grassland. This is a 248% net biodiversity gain.

Tree Planting and Additional Mitigation

The application proposes the planting of 110 semi and mature trees across Phase with three street trees with starting height of 7m to ultimately grow to a height of 12m replacing Tree T1. An indicative planting strategy is attached at Appendix 4. Overall there will be a net gain of 78 semi and mature trees across Phase 3.

The exact trees and planting strategy will be subject to detailed landscape planning conditions which can be agreed with the Council. Berkeley Homes is committed to the delivery of high quality public realm, and holds a strong track record for delivering this across Woodberry Down.

Assessment against Planning Policy

Development Management Local Plan Policy DM35 outlines the Councils policy on trees and landscaping. It sets out a clear expectation that veteran tree considered to be amenity value should be retained and protected wherever possible and appropriate. The policy goes on to state:

"The Council will refuse planning permission and/or consent for the removal of protected trees (trees under a TPO and those within conservation areas), and for proposals that would have a detrimental impact on the health and amenity of such trees, ***except in exceptional circumstances and/or where over-riding planning benefits are demonstrated.*** *In such cases, compensatory measures will be required for suitable replacements and/or additional planting, or contributions to planting off-site.*

The removal of non-protected trees as part of development schemes will not be supported unless adequate replacement planting is proposed, or the removal is in the interests of good arboricultural practice." [our emphasis]

Firstly, the tree is not protected as it is neither the subject of a TPO nor in a conservation area. However, given that it is on land within the Council's ownership, it is rare for such trees to be given TPO status. Given the nature of the conversations that have taken place between Berkeley Homes and LB Hackney, it is clear the Council considers the tree to have high amenity value.

It is considered that there are exceptional circumstances that justify the removal of the tree. These circumstances are set out in detail earlier in this statement but the planning balance essentially weighs up the delivery of affordable housing, impact on parking and the proposed mitigation versus the retention of one tree of amenity value. On this matter alone, the contention is that the delivery of affordable housing – the most pressing political and planning issue in London and at national level – outweighs the objective of retaining this particular tree.

It is plain from the facts of the case that, notwithstanding the planning balance, the loss of Tree T1 is adequately mitigated, not only by the proposed planting of three mature trees of appropriate scale for the street but also by the planting of trees throughout the Phase 3 development including within the new public park. The proposed tree planting therefore fulfils the requirement of the fourth paragraph of policy DM35 by mitigating the loss of a non-protected tree with adequate replacement planting.

In addition to this the London Plan policy 5.10 and Policy G5 of the draft London Plan (July 2019) require an Urban Greening Factor assessment to demonstrate how proposals contribute to the

greening of London. The assessment carried out at Appendix 5 confirms that Phase 3 will meet the recommended target score of 0.4 for predominately residential development.

Summary

An assessment has been carried out to understand the extent of design changes that would be required to facilitate the retention of Tree T1. It has been demonstrated that the only means of retaining the tree without having an impact on the delivery of affordable homes would be to significantly pollard the tree such that it amenity value would be lost.

It is considered that, whilst unfortunate, the removal of the tree is justified and therefore accords with planning policy. It has been demonstrated that there are exceptional circumstances requiring the removal of this tree and that significant compensatory measures are proposed across the Phase including:

- the replacement of the Tree T1 with three mature street trees of appropriate species and height;
- The retention of a further 18 existing trees following the site visit on 1st November 2019.
- Planting 110 trees across the phase with a net gain of 78 semi and mature trees.

Appendix 1 – Existing Tree Plan

A class tree

B class tree

B class group

C class tree

C class group

U class tree

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AR/69518 – Land at Woodberry Down, N4
(Phase 3)
Existing Tree Plan
November 2019
Do not scale from drawing

N

0 20m

Seven Sisters Road
Chattenden House
Bayhurst House
Farningham House
Skyline Tower
Skyline Court
Waters Edge
Woodberry Grove
Devan Grove
Ashdale House
Burtonwood House
Bernwood House
Delamere House
Ennerdale House
Westwood House
Allerdale House
Newton Close

T1 T2 T3 T4 T5 T6 T7 T8 T9 T10 T11 T12 T13 T14 T15 T16 T17 T18 T19 T20 T21 G22 T23 T24 T25 T26 T27 T28 T29 T30 G31 T32 T33 T34 T35 T36 T37 T38 T39 T40 T41 T42 T43 T44 T45 T46 T47 T48 T50 T51 T52 T53 T54 T55 T56 T57 G49

Appendix 2 – Tree Diagrams

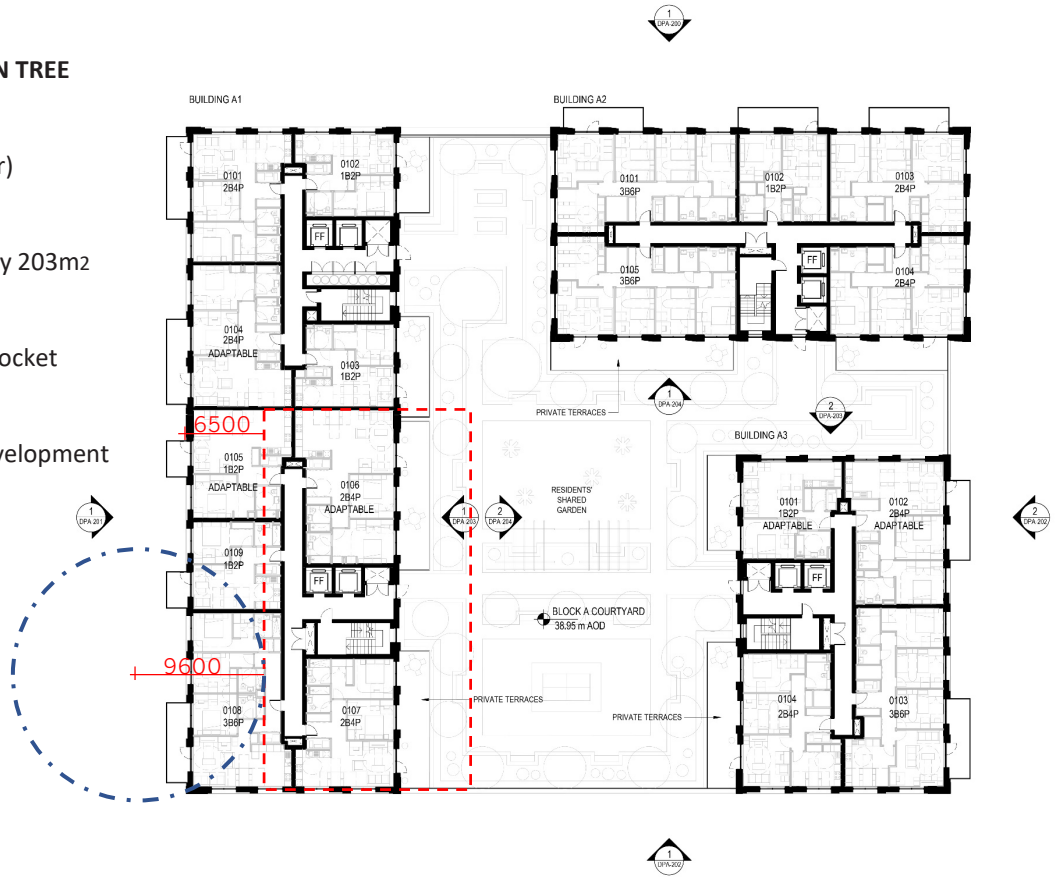
WOODBERRY DOWN – PHASE 3
HAPPY MAN TREE
08.11.2019

SOM

A1 MOVED

A1 MOVED BY 6.5m TO PROVIDE 9.6m CLEARANCE TO HAPPY MAN TREE

1. Loss of one ground floor 4B6P social rent unit (podium corner)
2. Reduced social rent car parking by 10 spaces
3. Reduced courtyard communal amenity space and play area by 203m2
4. Reduced distances between buildings
5. Reduced light and views to balconies and courtyard garden pocket between buildings A1 and A2.
6. Awkward building positioning not found elsewhere in the development
7. Non continuous Woodberry Grove streetscape

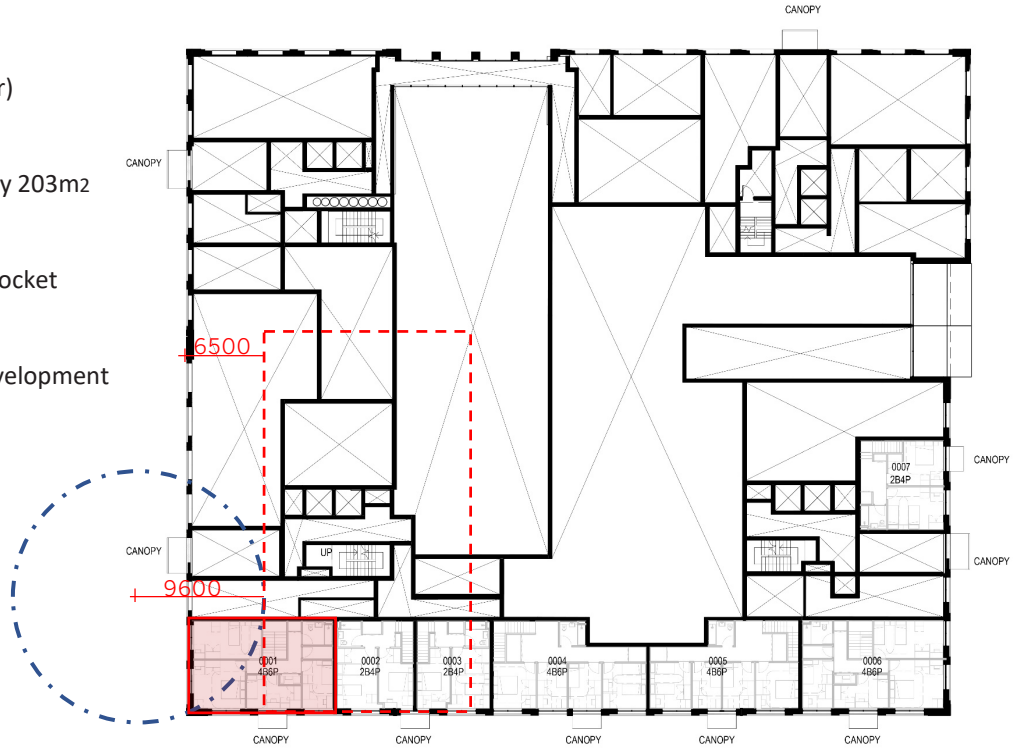


BLOCK A – LEVEL 01 PLAN

A1 MOVED

A1 MOVED BY 6.5m TO PROVIDE 9.6m CLEARANCE TO HAPPY MAN TREE

1. Loss of one ground floor 4B6P social rent unit (podium corner)
2. Reduced social rent car parking by 10 spaces
3. Reduced courtyard communal amenity space and play area by 203m2
4. Reduced distances between buildings
5. Reduced light and views to balconies and courtyard garden pocket between buildings A1 and A2.
6. Awkward building positioning not found elsewhere in the development
7. Non continuous Woodberry Grove streetscape



BLOCK A – MEZZANINE PLAN

A1 MOVED

A1 MOVED BY 6.5m TO PROVIDE 9.6m CLEARANCE TO HAPPY MAN TREE

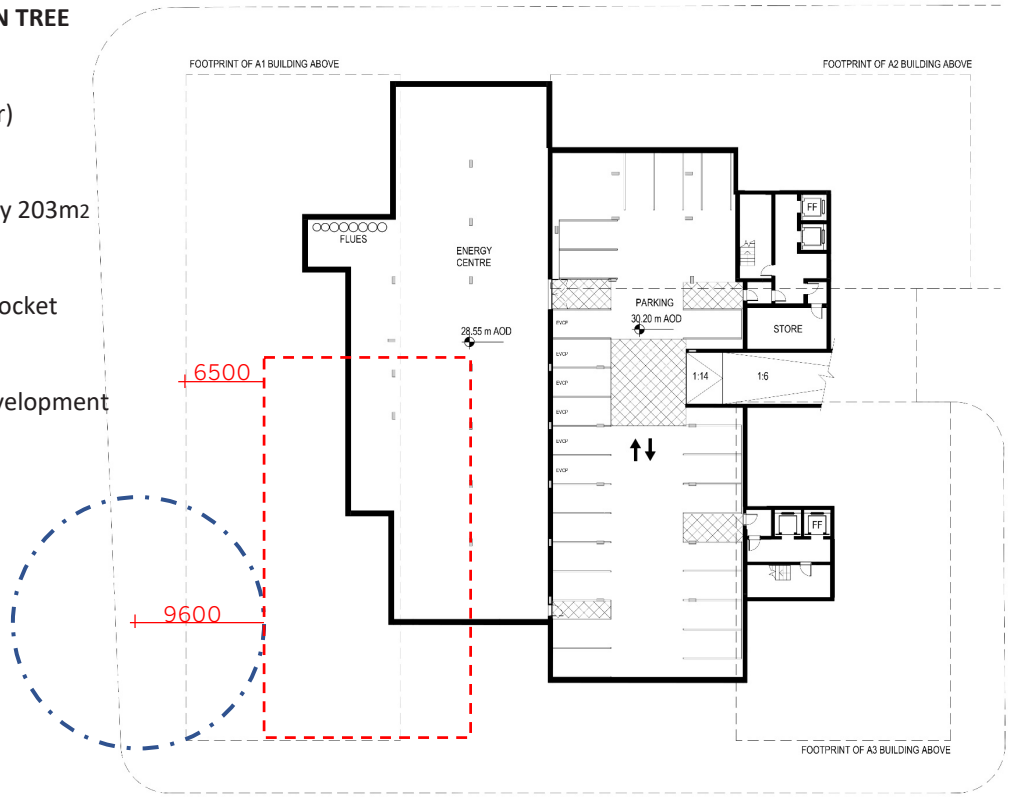
1. Loss of one ground floor 4B6P social rent unit (podium corner)
2. Reduced social rent car parking by 10 spaces
3. Reduced courtyard communal amenity space and play area by 203m2
4. Reduced distances between buildings
5. Reduced light and views to balconies and courtyard garden pocket between buildings A1 and A2.
6. Awkward building positioning not found elsewhere in the development
7. Non continuous Woodberry Grove streetscape

BLOCK A – GROUND FLOOR PLAN

A1 MOVED

A1 MOVED BY 6.5m TO PROVIDE 9.6m CLEARANCE TO HAPPY MAN TREE

1. Loss of one ground floor 4B6P social rent unit (podium corner)
2. Reduced social rent car parking by 10 spaces
3. Reduced courtyard communal amenity space and play area by 203m2
4. Reduced distances between buildings
5. Reduced light and views to balconies and courtyard garden pocket between buildings A1 and A2.
6. Awkward building positioning not found elsewhere in the development
7. Non continuous Woodberry Grove streetscape



BLOCK A – BASEMENT PLANS

A1 NARROWED

A1 NARROWED TO PROVIDE 9.6m CLEARANCE TO HAPPY MAN TREE

1. Loss of 16No 1B2P, 8No 3B6P, 1No 4B6P social rent units
2. Loss of 33.6m2 retail / community space
3. Deck access for A1 not found elsewhere in the development
4. Awkward building relationships not found elsewhere in the development
5. Non continuous Woodberry Grove streetscape

BLOCK A – LEVEL 01 PLAN

A1 NARROWED

A1 NARROWED TO PROVIDE 9.6m CLEARANCE TO HAPPY MAN TREE

1. Loss of 16No 1B2P, 8No 3B6P, 1No 4B6P social rent units
2. Loss of 33.6m2 retail / community space
3. Deck access for A1 not found elsewhere in the development
4. Awkward building relationships not found elsewhere in the development
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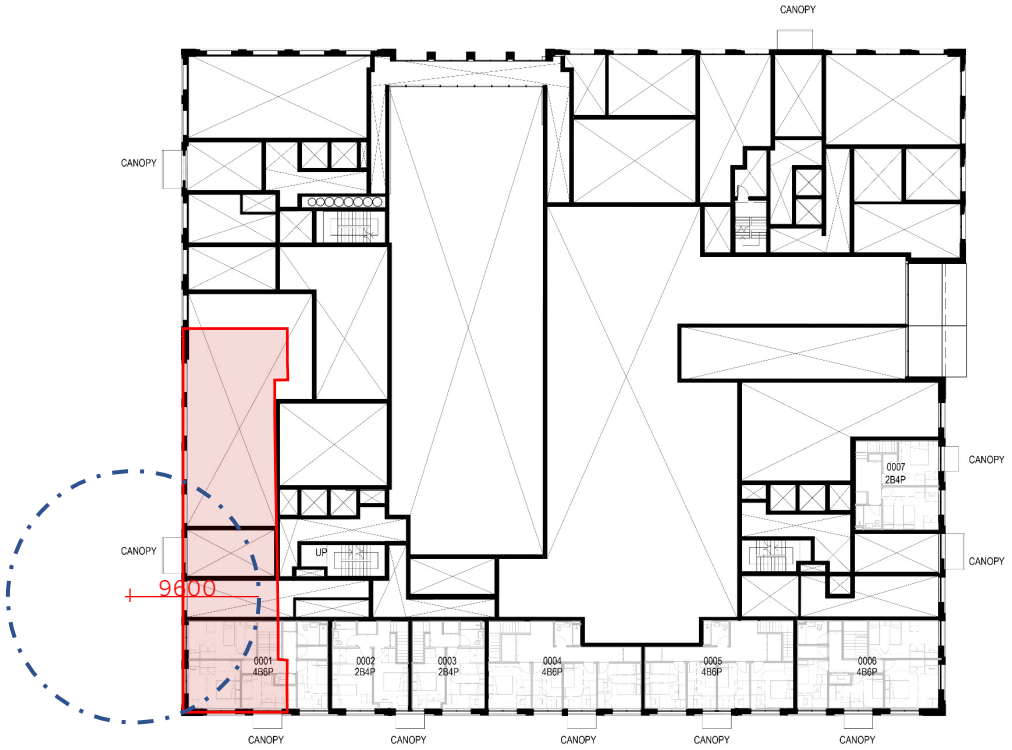

BLOCK A – MEZZANINE PLAN

A1 NARROWED

A1 NARROWED TO PROVIDE 9.6m CLEARANCE TO HAPPY MAN TREE

1. Loss of 16No 1B2P, 8No 3B6P, 1No 4B6P social rent units
2. Loss of 33.6m2 retail / community space
3. Deck access for A1 not found elsewhere in the development
4. Awkward building relationships not found elsewhere in the development
5. Non continuous Woodberry Grove streetscape

BLOCK A – GROUND FLOOR PLAN

Appendix 3 – Tree Protection Plan (Tree T1 Pollarded)

- A class tree
- B class tree
- B class group
- C class tree
- Root protection area
- Tree protection barrier
- Area of temporary ground protection
- Area of ‘no-dig’ surfacing

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AR/69518 – Land at Woodberry Down, N4
(Phase 3)
Tree Protection Plan
November 2019
Do not scale from drawing

Appendix 4 – Tree Planting Strategy

Park Trees


Acer campestre


Acer freemanii ‘Armstrong’


Alnus glutinosa


Betula nigra (multi-stem)


Carpinus betulus


Cornus mas (multi-stem)


Corylus avellana (multi-stem)


Malus ‘Evereste’ (multi-stem)


Tilia cordata ‘Rancho’

Trees for Green Streets


Amelanchier arborea ‘Robin Hill’


Amelanchier lamarkii (multi-stem umbrella)


Ilex aquifolium ‘Nellie Stevens’


Malus baccata ‘Street Parade’

Street Trees


Acer platanoides ‘Columnare’)


Pyrus calleryana ‘Chanticleer’

Courtyard Trees


Acer campestre ‘Nanum’


Amelanchier lamarkii (multi-stem umbrella)


Crataegus prunifolia (multi-stem umbrella)

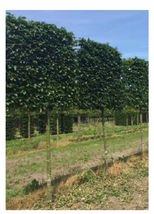

Euonymus alatus (multi-stem umbrella)


Parrotia persica (multi-stem)


Pinus sylvestris

Trees and Multi-stems for Podium Decks


Amelanchier lamarkii (multi-stem umbrella)


Carpinus betulus (pleached)


Crataegus prunifolia (multi-stem umbrella)


Euonymus alatus ‘Compactus’


Magnolia ‘Susan’ (multi-stem)


Magnolia stellata (multi-stem)


Viburnum rhytidophyllum (multi-stem umbrella)

Proposed Trees

Park Trees - 38no.
Planted as semi-matures & multi-stems

Acer campestre
Acer freemanii ‘Armstrong’
Alnus glutinosa
Betula nigra (multi-stem)
Carpinus betulus
Cornus mas (multi-stem)
Corylus avellana (multi-stem)
Malus ‘Evereste’ (multi-stem)
Tilia cordata ‘Rancho’

Trees for Green Steets - 15no.
Planted as semi-matures & multi-stems

Amelanchier arborea ‘Robin Hill’
Amelanchier lamarkii (multi-stem umbrella)
Ilex aquifolium ‘Nellie Stevens’
Malus baccata ‘Street Parade’

Street Trees 13no.
Planted as semi-matures

Acer platanoides ‘Columnare’
Pyrus calleryana ‘Chanticleer’

Courtyard Trees 13no.

Acer campestre ‘Nanum’
Amelanchier lamarkii (multi-stem umbrella)
Crataegus prunifolia (multi-stem umbrella)
Euonymus alatus (multi-stem umbrella)
Parrotia persica (multi-stem)
Pinus sylvestris

Trees and Multi-stems for Podium Decks - 60no.

Amelanchier lamarkii (multi-stem umbrella)
Carpinus betulus (pleached)
Crataegus prunifolia (multi-stem umbrella)
Euonymus alatus ‘Compactus’
Magnolia ‘Susan’ (multi-stem)
Magnolia stellata (multi-stem)
Viburnum rhytidophyllum (multi-stem umbrella)

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Client: Berkeley Homes
Date: August 2018

Drawn by: JM
Scale: 1:500 @ A1

Woodberry Down, Phase 3

Tree Planting Strategy

1519/018 Rev F

Appendix 5 – Urban Greening Assessment

Scale

1:500

0 5 15 30m

Urban Greening Factor Schedule

	Surface Cover Type	Area (sqm)	Factor	Area x Factor
	Site Boundary	22,000	-	-
	Semi-natural vegetation (e.g. woodland, flower rich grassland) created on site	1198	1	1198
	Wetland or open water (semi-natural; not chlorinated) created on site	136	1	136
	Intensive green roof or vegetation over structure. Vegetatiod sections only. Substrate minimum settled depth of 150mm	951	0.8	760.8
	Standard trees planted in natural soils or in connected tree pits with a minimum soil volume equivalent to at least two thirds of the projected canopy area of the mature tree	1827	0.8	1461.6
	Extensive green roof with substrate of minimum settled depth of 80mm (or 60mm beneath vegetation blanket)	4,135	0.7	2,894.5
	Flower-rich perennial planting	1,789	0.7	1,252.3
	Rain gardens and other sustainable drainage elements	764	0.7	534.8
	Hedges (line of mature shrubs one or two shrubs wide)	195	0.6	117
	Standard trees planted in pits with soil volumes less than two thirds of the projected canopy area of the mature tree	19.63	0.6	11.78
	Amenity grassland (species poor, regularly mown)	928	0.4	371.2
	Permeable paving	372	0.1	37.2
	Sealed surfaces (e.g. concrete, asphalt, waterproofing, stone)	8665	0.0	0.0
		Total		8775.18
		UGF		0.40

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Client: Berkeley Homes
Date: October 2019

Drawn by: JM
Scale: 1:500 @ A1

Woodberry Down Phase 3

Urban Greening Factor Plan and Schedule

1519/027 Rev A