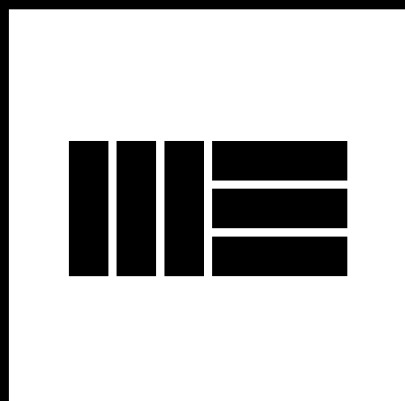


HIGHGATE CEMETERY
SWAIN'S LANE
LONDON BOROUGH OF
CAMDEN, N6 6PJ

PLANNING STATEMENT

ON BEHALF OF THE FRIENDS OF HIGHGATE CEMETERY TRUST

NOVEMBER 2024



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APPENDIX 1 — EXISTING AND PROPOSED VIEWS (CGI'S AND AVR IMAGES)

1.0 EXECUTIVE SUMMARY

- 1.1 This Planning Statement has been prepared by Montagu Evans LLP to support the submission of an application for planning permission and listed building consent (hereafter referred to as “the / this Application”) to deliver a site-wide cemetery masterplan over a 25-year period, at Highgate Cemetery, Swain’s Lane, London, N6 6PJ (“the Site” or “the Cemetery”).
- 1.2 The Application is submitted on behalf of the Friends of Highgate Cemetery Trust (“the Trust” or “the Applicant”) to the London Borough of Camden (“LB Camden”) as the Local Planning Authority (“LPA”).
- 1.3 The description of development for which planning permission is sought is as follows (“Proposals” / “Proposed Development” / “Scheme”):

“Restoration, conservation, demolition and replacement of buildings in East Side and West Side of Highgate Cemetery, including Cemetery wide landscaping, drainage, public realm, access works and conservation of mausolea to support the function of a working cemetery, visitor attraction and community use. Namely:

East Side includes the demolition and replacement of gardener’s compound with a community and education building (single-storey plus extension to existing basement), removal of ticket booth and replacement with sentry at Swain’s Lane entrance, erection of additional sentry at Chester Road entrance, and the erection of a two-storey gardener’s building, for workshop, staff welfare and storage uses, plus alterations to the boundary wall.

West Side includes removal of existing shipping containers and erection of a two-storey visitor and operations building, demolition and replacement of visitor toilets building with a utility store, refurbishment of the former Dissenters’ Chapel and Anglican Chapel for community and funeral uses, restoration of South Lodge for visitor toilets and North Lodge for gardening staff and volunteer welfare, and relocation of Perkins monument.”

- 1.4 We provide a separate description of development for the listed building consent application, as follows:

“External works to the Chapel, including works to the roof, reinstatement of pinnacles, cupola and creation of new door, reinstatement of steps under the Chapel Arch, and internal works to the Dissenters’ Chapel including reconfiguration of mezzanine and layout, new internal stair, rooflights and joinery. External and internal alterations to the South Lodge and North Lodge to suit future use, plus reinstatement of features, and alterations to the boundary walls on Swain’s Lane. Site-wide repair works and alterations to the Colonnade, The Cuttings Catacombs, The Egyptian Avenue, Circle of Lebanon, The Terrace Catacombs, and Mausolea.”

- 1.5 Highgate Cemetery, opened in 1839, remains a working cemetery in LB Camden, spanning c.14.8ha (36 acres) in total and divided into the East Side and West Side, where the sides are separated by Swain’s Lane (**Section 3.0**).
- 1.6 This Application is an exciting and important opportunity to deliver a 25-year masterplan to secure the long-term future of the Cemetery. The purpose of the masterplan is threefold; first, to conserve and enhance the Cemetery; second, to improve the way the Cemetery functions for burials; and third, to enhance the public benefit by improving the visitor experience (**Section 4.0**).
- 1.7 The masterplan concept was part of a national competition in November 2020 to shortlist an architectural practice and landscape practice and their associated designs. Since then, the masterplan has evolved, with the Trust proactively engaging in early and extensive pre-application discussions and public / stakeholder consultations between December 2021 to August 2024 (**Section 5.0**).
- 1.8 The Scheme has been informed by the Site’s existing context and history, immediate and wider surrounding area and the Site’s planning designations, including forming part of the Metropolitan Open Land, a Site of Metropolitan Importance for Nature Conservation, a Grade I Registered Park and Garden, Highgate Conservation Area, as well as containing numerous listed buildings and structures (**Section 3.0**).
- 1.9 The masterplan (as described in the description of development) comprises ten ‘projects’, designed by Hopkins Architects, Gustafson Porter + Bowman and West Scott Architects. These are as follows (**Section 6.0**):
- Project 1: Community and Education Building
 - Project 2: Visitor, Operations and Volunteers Building
 - Project 3: Chapel Buildings

- Project 4: Courtyard Store
- Project 5: East Side Sentries
- Project 6: Gardeners' Building
- Project 7: Courtyard Public Realm
- Project 8: Site-Wide Landscaping
- Project 9: North Lodge and South Lodge
- Project 10: Conservation of Funerary Structures and Mausolea

- 1.10 The Cemetery faces a series of spiralling operational and landscape issues that must be addressed in order for the Cemetery to continue to function as an active burial ground and visitor attraction and maintain its status as a world class heritage site. The proposed architectural and landscape projects seek to save the Cemetery and involve fixing the short-term and long-term issues over a 25-year masterplan period (**Section 4.0**).
- 1.11 There are two key planning considerations arising from this Application.
- 1.12 The first consideration for the Proposed Development is regarding its impact on Metropolitan Open Land. The assessment against the Development Plan demonstrates that Very Special Circumstances exist to outweigh any harm arising to the Metropolitan Open Land and any other harm, to the extent that it is considered to involve inappropriate development (**Section 8.0**).
- 1.13 The second consideration is the impact of the Proposals, as a whole, on the architectural and historic significance or special interest of the various designated and non-designated heritage assets comprising the Site. These designations include statutorily listed buildings, Grade I Registered Park and Garden, and the Highgate Conservation Area. The accompanying Heritage Statement identifies the significance of each asset and explains how the Proposals affect that significance (**Section 9.0**).
- 1.14 Other considerations in terms of archaeology, open space, biodiversity, ecology, landscape, trees, flooding, drainage, energy, sustainability, noise, transport and access have also been thoroughly assessed in this Planning Statement (**Section 9.0**).
- 1.15 We conclude that the Proposals deliver a demonstrable heritage benefit to the several designated assets. We invite the LPA to give significant weight to the heritage benefits in assessing whether the Scheme meets the VSC test required to justify inappropriate development on the MOL. There are other benefits, in our opinion, which go towards establishing the VSC case, and these are outlined in this Planning Statement (see **Section 11.0**).
- 1.16 The Trust anticipates it will enter into a S106 Legal Agreement with LB Camden to meet the planning obligations consequent on the development. The Proposed Development would be liable for CIL, although the Cemetery would seek charitable exemption (**Section 10.0**).
- 1.17 This Planning Statement concludes that numerous significant planning and public benefits arise from the masterplan, including but not limited to the following (**Section 11.0**):
- High quality design responding positively to the Site's context and surrounding area;
 - Optimising development in terms of bulk, scale and massing to supports the Cemetery's needs;
 - Conservation repairs and enhancements to heritage assets;
 - Re-establishing the Cemetery's intended sense of place and character of a picturesque garden cemetery;
 - Improves pedestrian and disabled experience and site-wide connectivity;
 - Improves accommodation for a variety of users of the Cemetery, including grave owners, visitors, volunteers and staff;
 - Enhances the cultural and visitor attraction offering;
 - Supports community integration and provision for education and learning opportunities;
 - Proposes to reduce on-site carbon emissions by 35% in accordance with the Major's Energy Hierarchy;
 - Targets 20% of materials to come from reused and recycled sources;
 - Delivers an area-based habitat Biodiversity Net Gain of 10.70%, which is in excess of the policy requirement of 10%;
 - New jobs, work placements and apprenticeships to be created during the construction phase;
 - Supports approximately 17 FTE staff to operate Highgate Cemetery; and
 - Makes better provision for 175 volunteers on a monthly or annual basis.

- 1.18 The Application submission comprises Proposals which, in our view, comply with the terms of the Development Plan and which also meet the objectives of sustainable development as defined in the National Planning Policy Framework and will deliver significant benefits (**Section 11.0**).
- 1.19 Therefore, planning permission and listed building consent should be granted for the reasons set out in this Planning Statement and because this Application complies with the Development Plan in accordance with the relevant provisions of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning Act 1990, and the Planning (Listed Buildings and Conservation Areas) Act 1990 and the many other material considerations which justify such grant in any event (**Section 11.0**).

2.0 INTRODUCTION

2.1 This Planning Statement has been prepared by Montagu Evans LLP on behalf of our Client, the Friends of Highgate Cemetery Trust (“the Trust” / “the Applicant”) to accompany an application for full planning permission and listed building consent (“the / this Application”) at Highgate Cemetery, Swain's Lane, London, N6 6PJ (“the Site” or “the Cemetery”).

2.2 Full planning permission is sought for:

“Restoration, conservation, demolition and replacement of buildings in East Side and West Side of Highgate Cemetery, including Cemetery wide landscaping, drainage, public realm, access works and conservation of mausolea to support the function of a working cemetery, visitor attraction and community use. Namely:

East Side includes the demolition and replacement of gardener’s compound with a community and education building (single-storey plus extension to existing basement), removal of ticket booth and replacement with sentry at Swain’s Lane entrance, erection of additional sentry at Chester Road entrance, and the erection of a two-storey gardener’s building, for workshop, staff welfare and storage uses, plus alterations to the boundary wall.

West Side includes removal of existing shipping containers and erection of a two-storey visitor and operations building, demolition and replacement of visitor toilets building with a utility store, refurbishment of the former Dissenters’ Chapel and Anglican Chapel for community and funeral uses, restoration of South Lodge for visitor toilets and North Lodge for gardening staff and volunteer welfare, and relocation of Perkins monument.”

2.3 Listed building consent is sought for:

“External works to the Chapel, including works to the roof, reinstatement of pinnacles, cupola and creation of new door, reinstatement of steps under the Chapel Arch, and internal works to the Dissenters’ Chapel including reconfiguration of mezzanine and layout, new internal stair, rooflights and joinery. External and internal alterations to the South Lodge and North Lodge to suit future use, plus reinstatement of features, and alterations to the boundary walls on Swain’s Lane. Site-wide repair works and alterations to the Colonnade, The Cuttings Catacombs, The Egyptian Avenue, Circle of Lebanon, The Terrace Catacombs, and Mausolea.”

2.4 For the purposes of the Application Form, the description of development is as follows:

“Restoration, conservation, demolition and replacement of buildings in East Side and West Side of Highgate Cemetery, including erection of a gardener’s building on the East Side, erection of visitor and operations building and relocation of Perkins monument on the West Side, Cemetery wide landscaping, drainage, public realm, access works and repair of mausolea, to support the function of a working cemetery, visitor and community uses.”

2.5 The Site is located in London Borough of Camden (“LB Camden”) in the Highgate Ward.

2.6 Highgate Cemetery opened in 1839 as a working cemetery (a *Sui Generis* use) and remains in that use today. The Trust, a registered charity established in 1975, is the manager and freeholder of the Site.

2.7 The Cemetery comprises the East Side and West Side, located on either side of Swain’s Lane. The Cemetery spans c.14.8ha (36 acres) in total and slopes steeply downhill in a north-south direction. The East Side covers 7.8ha (19 acres) and the West Cemetery covers 7ha (17 acres).

2.8 The Site has a number of planning designations, including forming part of the Metropolitan Open Land (“MOL”), Site of Metropolitan Importance for Nature Conservation (“SMINC”), Grade I Registered Park and Garden (“RPG”), Highgate Conservation Area, as well as containing numerous listed buildings and structures.

OVERVIEW OF SCHEME

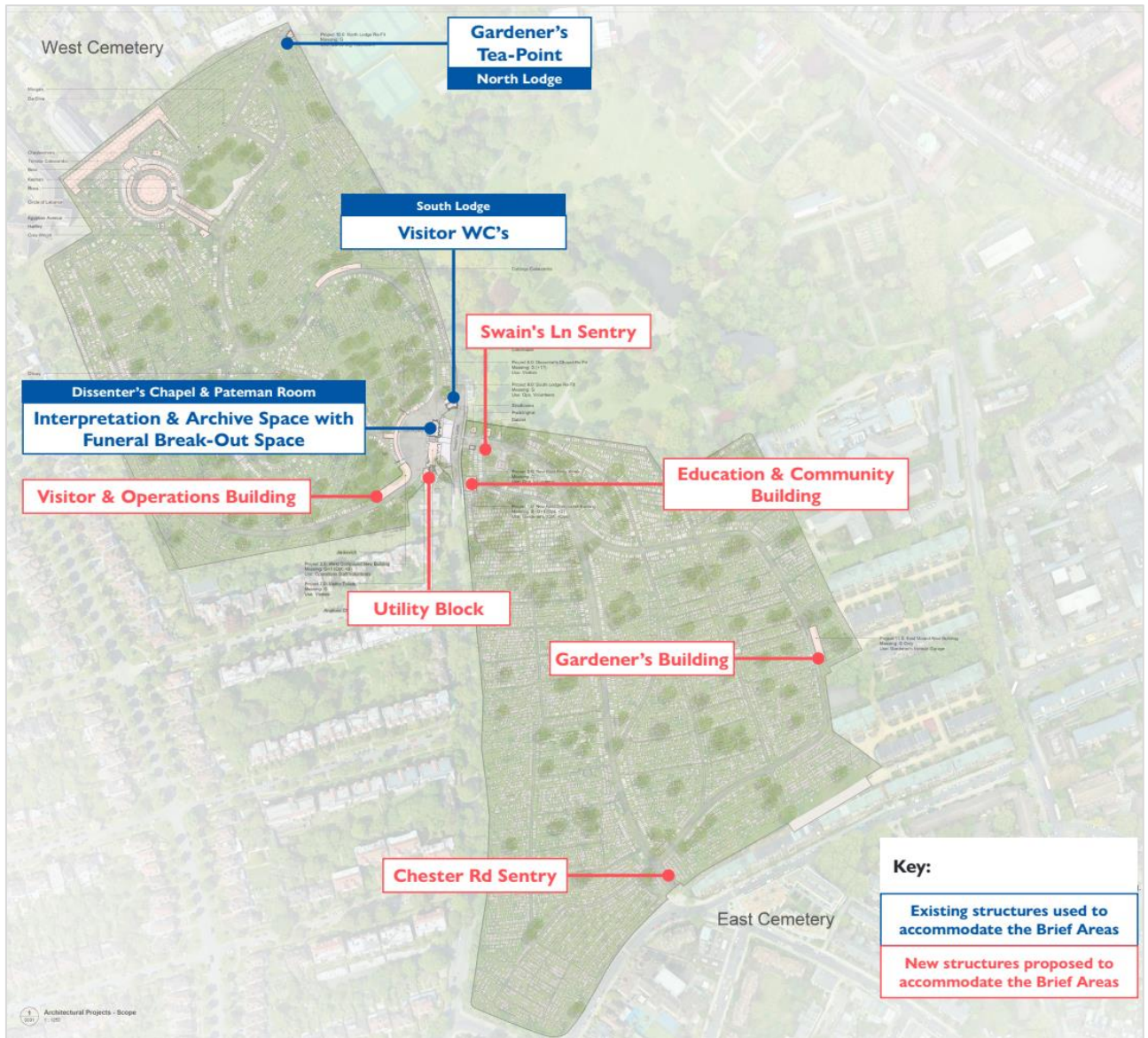
2.9 The Proposed Development is to deliver a 25-year masterplan that comprises ten ‘projects’, which are as follows:

- Project 1: Community and Education Building
- Project 2: Visitor, Operations and Volunteers Building
- Project 3: Chapel Buildings
- Project 4: Courtyard Store
- Project 5: East Side Sentries

- Project 6: Gardeners' Building
- Project 7: Courtyard Public Realm
- Project 8: Site-Wide Landscaping
- Project 9: North Lodge and South Lodge
- Project 10: Conservation of Funerary Structures and Mausolea

2.10 The ten projects are located on **Figure 2.1**.

Figure 2.1 – Location of Masterplan Projects



- 2.11 The masterplan has been developed by Gustafson Porter + Bowman on landscape, Hopkins Architects on buildings, with conservation works by West Scott Architects.
- 2.12 The masterplan seeks to secure the long-term future of the Cemetery. The purpose of these Proposals is threefold; first, to conserve and enhance the Cemetery; second, to improve how the Cemetery functions for burials; and third, to enhance the public benefit by improving the visitor experience.
- 2.13 The Proposed Development has been informed by the Site's existing context and history, and the Site's immediate and wider surrounding area.
- 2.14 The Proposed Development is deemed a major development as a consequence of its overall site area. The actual buildings proposed are relatively modest in scale, all of which cumulatively sit below 1,000 sqm floorspace (GIA).

- 2.15 LB Camden confirmed during the pre-application engagement with the Applicant that the Site would not require an Environmental Impact Assessment (“EIA”) to be undertaken.
- 2.16 The Proposed Development is not referable to the Greater London Authority as it proposes less than 1,000 sqm GIA development in the MOL.

PRE-APPLICATION DISCUSSIONS AND PUBLIC CONSULTATION

- 2.17 This Application is brought forward following extensive pre-application discussions, commencing in December 2021, with officers at LB Camden, Historic England and the Greater London Authority. The Scheme was also presented at Camden’s Design Review Panel on 26 July 2024. The Applicant has entered into a Planning Performance Agreement (“PPA”) with LB Camden to cover pre-submission engagement, demonstrating commitment to working collaboratively.
- 2.18 In addition to this, comprehensive engagement has been undertaken with councillors, local residents, businesses, amenity / heritage groups and other key stakeholders. The public engagement received has had a positive impact on the Scheme for which permission is now sought. The Applicant is committed to continuing public engagement during the consultation and determination process of this Application.
- 2.19 Further information on this process is set out later in this Planning Statement, and within the Statement of Community Involvement, prepared by Steve McAdam. Over 90% of the respondents to the public consultation supported the Proposals.

PURPOSE AND FORMAT OF PLANNING STATEMENT

- 2.20 The purpose of this Planning Statement is to provide information to allow an informed assessment of the Proposed Development against relevant legislation, national, regional and local planning policy and other material considerations.
- 2.21 The Planning Statement brings together the findings of the supporting technical reports identified in **Table 2.1** below.
- 2.22 The scope of supporting information contained within the technical reports has been established with regard to the national and local list requirements, alongside feedback during pre-application engagement with LB Camden. Therefore, this Planning Statement should be read in conjunction with the accompanying documents and drawings submitted with the Application which comprise:

Table 2.1 – Document Schedule

Doc No.	Document Title	Author
0	Completed Application Form (Planning Permission and Listed Building Consent)	Montagu Evans
1	Document Schedule	Montagu Evans
2	Covering Letter	Montagu Evans
3	Location Plan	Gustafson Porter + Bowman
4	Proposed Site Plan	Hopkins Architects
5	Community Infrastructure Levy Form (including:)	Montagu Evans
	• Community Infrastructure Levy Form Question 7b	Montagu Evans
6	Drawing Registers (consisting of:)	Hopkins Architects, Gustafson Porter + Bowman, West Scott Architects
	• Architectural Drawing Register	Hopkins Architects
	• Landscape Drawing Register	Gustafson Porter + Bowman
	• Conservation Drawing Register	West Scott Architects
7	Application Drawings (consisting of:)	Hopkins Architects, Gustafson Porter + Bowman, West Scott Architects
	• Architectural Drawings	Hopkins Architects
	• Landscape Drawings	Gustafson Porter + Bowman
	• Conservation Drawings	West Scott Architects
8	Design and Access Statement (consisting of:)	Hopkins Architects

	<ul style="list-style-type: none"> Volume 1 – Introduction 	Hopkins Architects, Gustafson Porter + Bowman, West Scott Architects
	<ul style="list-style-type: none"> Volume 2 – Landscape Masterplan 	Gustafson Porter + Bowman
	<ul style="list-style-type: none"> Volume 3 – Architecture & Conservation 	Hopkins Architects
	<ul style="list-style-type: none"> Volume 4 – Conservation: Funerary Buildings, Mausolea and Sundry Listed Buildings 	West Scott Architects
9	Arboricultural Assessment (consisting of)	Bartlett Trees
	<ul style="list-style-type: none"> Part 1 – Tree Survey & Tree Constraints Plan Report 	Bartlett Trees
	<ul style="list-style-type: none"> Part 2 – Arboricultural Impact Assessment Report & 'Draft' Tree Protection Plan – East 	Bartlett Trees
	<ul style="list-style-type: none"> Part 2 – Arboricultural Impact Assessment Report & 'Draft' Tree Protection Plan – West 	Bartlett Trees
	<ul style="list-style-type: none"> Part 3 – Arboricultural Method Statement Report & 'Final' Tree Protection Plan 	Bartlett Trees
10	Archaeological Desk Based Assessment	MOLA
11	Basement Impact Assessment	Webb Yates
12	Biodiversity Net Gain Report (including Matrix)	Ashgrove Ecology
13	Building Damage Ground Movement Assessment	Webb Yates
14	Draft Construction Management Plan (Pro forma)	Caneparo Associates
15	Ecological Impact Assessment	Ashgrove Ecology
16	Energy Statement	Skelly & Couch
17	Flood Risk Assessment	Max Fordham
18	Heritage Statement (including Conservation Philosophy Report)	Montagu Evans
19	Landscape Maintenance and Management Plan	Gustafson Porter + Bowman
20	Landscape Soil Management Strategy	Tim O'Hare Associates
21	Noise Impact Assessment	Gillieron Scott Acoustics
22	Planning Statement (including CGIs and AVR)	Montagu Evans
23	Planting Schedule	Gustafson Porter + Bowman
24	Schedule of Works	West Scott Architects
25	Socio-Economic Assessment	Useful Projects
26	Statement of Community Involvement	Steve McAdam
27	Statement of Need	Montagu Evans
28	Structural Appraisal Report	Conisbee
29	Structural Statement	Webb Yates
30	Sustainability Statement (including Circular Economy Statement)	Useful Projects
31	Sustainable Drainage Strategy Report (including Pro forma)	Max Fordham
32	Transport Report	Caneparo Associates

2.23 The structure of this Planning Statement is as follows:

- **Section 3** provides background and planning history of the Site and its surrounding context;
- **Section 4** sets out the Needs Case for the Proposed Development;
- **Section 5** describes the pre-application and consultation engagement process;
- **Section 6** summarises the details of the Scheme which permission is sought;
- **Section 7** states the legislation and planning policy framework relevant to the Site;
- **Section 8** considers the principle of development regarding Metropolitan Open Land;
- **Section 9** undertakes an assessment of proposals against relevant legislation and planning policy;
- **Section 10** states the relevant S106 obligations and Community Infrastructure Levy; and
- **Section 11** outlines the planning benefits of the Scheme and provides a balanced conclusion, recommending planning approval.

CONCLUSION AND SUMMARY OF SCHEME BENEFITS

2.24 The Proposed Development has been assessed against the statutory requirements set out in National Planning Policy Framework (2023), London Plan (2021), Camden Local Plan (2017), Highgate Neighbourhood Plan (2017) as well as other material considerations. The conclusion drawn from the assessment is that the Proposed Development accords with the relevant legislation and planning policy.

2.25 We conclude that the Scheme would provide many planning benefits over and above the existing situation, including social, design, heritage, environmental, sustainability and economic benefits. The Proposals, therefore, comprise sustainable development in the terms defined in the National Planning Policy Framework at Paragraph 8.

3.0 SITE DESCRIPTION

3.1 This section of the Planning Statement describes the Site, its location, context and history. The full extent of the Site is shown within the red line boundary of the Site Location Plan (1:1250), submitted with this Application.

SITE LOCATION AND SURROUNDING AREA

3.2 Highgate Cemetery is situated in LB Camden, to the east of Hampstead Heath and to the west of Archway. It is a single cemetery which comprises two sides (East Side and West Side), located either side of Swain's Lane. The Site covers c.14.8ha (36 acres) in total and slopes steeply downhill in a north-south direction. The East Side covers 7.8ha (19 acres) and the West Side covers 7ha (17 acres).

3.3 The Site Location Plan shows the two Sides of the Cemetery, which are separated by Swain's Lane, which is LB Camden owned highways land.

3.4 Highgate is a low-density urban village surrounded by open space. To the south is the Cemetery and Waterlow Park, to the west is Hampstead Heath and Kenwood, to the north are Highgate and Queen's Woods and the playing fields of Highgate School, and to the east is the Parkland Walk. The grounds of the Whittington Hospital's Highgate Wing and Highgate New Town border the south-east of the Cemetery whilst the gardens of houses in Holly Lodge Estate are to the west.

SITE CONTEXT AND DESIGNATIONS

3.5 The Site is a working Cemetery, falling under '*Sui Generis*' in land use terms.

3.6 The Site is designated an area of Metropolitan Open Land ("MOL") and Site of Metropolitan Importance for Nature Conservation (2SMINC") in Camden.

3.7 Highgate Cemetery is a Grade I Registered Park and Garden ("RPG") (list entry no. 1000810). The designation includes the West and East Sides. The West Side has numerous listed buildings and monuments, including the Egyptian Avenue and Lebanon Circle (Grade I). The East Side has 11 listed monuments and tombs of note the tomb of Karl Marx and family (Grade I listed).

3.8 The Site is located in the Highgate Conservation Area. There are no Tree Protection Orders on Site but works to protected trees of any size or species (excluding some samplings) in the conservation area require serving notice to LB Camden. The Site is not located within a protected viewing corridor or local views.

3.9 The Site falls within Flood Zone 1 (lowest risk) and therefore has a less than 1 in 1,000 annual probability of river flooding. The Site is in the Critical Drainage Area.

3.10 The Site has a PTAL rating of 2 (poor). Archway Underground Station is approximately a fifteen-minute walk from the Site. There is also no off-street visitor parking and Swains Lane operates as a one-way system northbound from the Cemetery.

SITE HISTORY

Creation of the Cemetery

3.11 During 1830s, the graveyards of London were in crisis, facing overcrowding and disease due to a doubling population. The London Cemetery Company ("the Company") was established by an Act of Parliament in 1836, which empowered the Company to create several cemeteries in the north, south and east of London.

3.12 The Company established Highgate Cemetery (West Side) in 1838, using land formerly belonging to Ashurst House, at the edge of Highgate village. The first burial at the Cemetery took place in May 1839. By 1854, the West Side was facing

increasing demand in burial plots following burial restrictions imposed on Central London, leading to the Company to purchase the East Side.

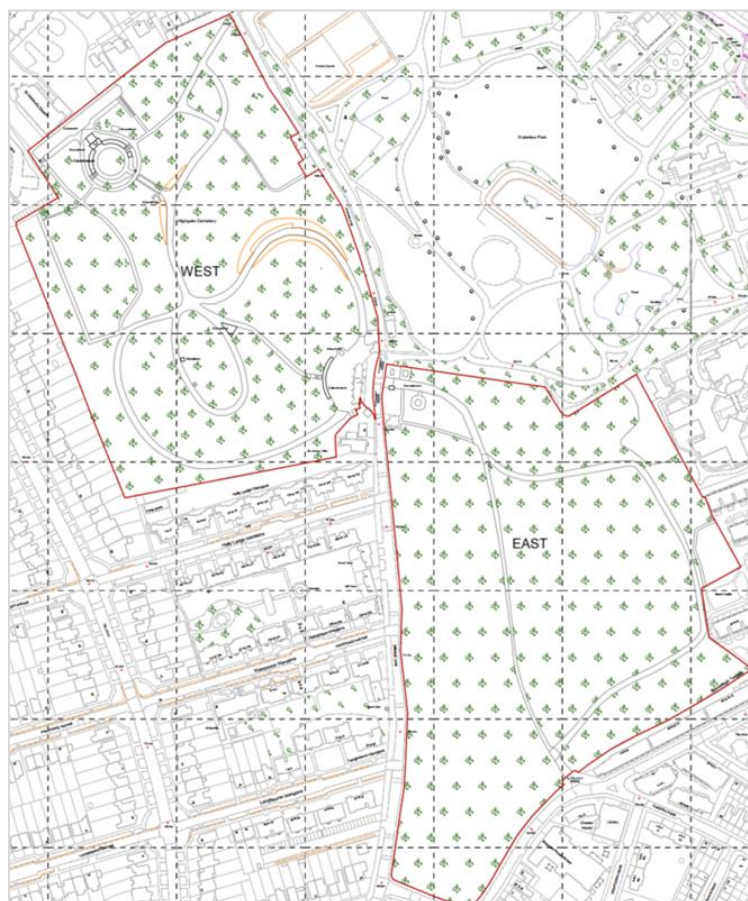
- 3.13 The West Side was designed to utilise the topography and views, creating a picturesque garden arrangement, whereas the East Side was arranged to maximise burial space following a grid-like system. By the 1860's dense tree-line boundaries and scattered trees in the grounds were dominating the landscape.

Friends of Highgate Cemetery Trust Intervention

- 3.14 In the post-war years the profitability of the Company declined. The Cemetery was neglected, overgrown and facing closure, which led to the inauguration of the Friends of Highgate Cemetery Trust in October 1975 to conserve and restore the historical significance and environmental amenity of the Site for public benefit.
- 3.15 The Trust is a registered charity and is run by a board comprising 12 trustees, who employ various staff supporting its operations, including a chief executive officer, cemetery managers, gardening and maintenance team as well as in-house finance and project teams. Local volunteers make a significant, practical contribution to the running of the Site and one of the purposes of the proposals is to improve facilities for their use.
- 3.16 The Cemetery which holds circa 170,000 burials, and remains an active burial ground, has become a world-famous visitor attraction. However, to secure the Cemetery's future, the Trust faces numerous challenges. This is described in **Section 4.0** (The Needs Case) and the Statement of Need (supporting document submitted as part of this Application).
- 3.17 The recently enacted Highgate Cemetery Act 2022 provides the Trust with the powers to operate, maintain and conserve the Cemetery and to extinguish rights of burials for the purpose of increasing space for interments. In passing the Act, Parliament recognises the desirability of the Cemetery continuing as a place of burial and its need for the resources to support it.

Cemetery as Existing

Figure 3.1 – Site Location Plan



- 3.18 The majority of existing buildings on the Site are centred around the entrances to the West and East Sides. The Grade II listed Chapel buildings are immediately accessed off Swain's Lane on the West Side and is where the administrative and funerary functions are based. The Dissenters' Chapel contains the Cemetery offices and archive. The Anglican Chapel is a multi-use space including for services.
- 3.19 Other buildings and ad-hoc structures provide facilities for gardeners, volunteers and, to a lesser extent, visitors, although these are limited and of poor quality, failing to meet modern standards.
- 3.20 For example, much of the storage for gardeners and the intensive maintenance of the Site is now located within shipping containers situated along the edge of a main arterial route up through the Cemetery. These containers are not subject to a planning permission but are lawful development having been in place and in use for considerably longer than 10 years. They include a sprawl of external storage areas, which are dangerous and unsightly to the public and forced the closure of this footpath. This closed path offers the most accessible gradient from a mobility point of view.
- 3.21 Beyond the operational issues arising from the buildings, the landscape is also a critical feature of the Cemetery. The landscape is in poor condition and the Proposals seek to address that.
- 3.22 In the recent past, the landscape has fallen into 'managed neglect' as a consequence of the limited resources available. Measures were put in place to control the most rampant vegetation. This gave the site an air of 'romantic decay' which has become an attribute of the Site which has some value.
- 3.23 However, this has led to some very serious issues. A dense tree canopy and the proliferation of ivy and bramble has stimulated ecological succession and new self-seeding trees creating an unmanaged habitat of invasive species.
- 3.24 This unmanaged woodland growth is now directly damaging the majority of monuments and harming the overall biodiversity of the Site. More established trees are now threatened by extreme weather events and diseases such as 'chalara' (ash dieback). This current condition undermines the original picturesque garden layout and views, which were important considerations of the original historic landscape. In fact, the current state of the Site does not reflect its intended landscape design (which, for example, included longer views of London).

PLANNING HISTORY

- 3.25 The Site has a long history, and a few planning records exist on LB Camden's online planning register, although the majority of these relate to tree works. We note the following relevant planning or listed building applications:
- Planning permission (ref. 2021/1943/P) was granted on 8 June 2021 for the "*erection of art installation for temporary period of up to three months.*"
 - Listed building consent (ref. 2020/0578/L) was granted on 5 March 2020 for "*internal alterations to ground floor office*" of the Chapel.
 - Planning permission (ref. 2019/0100/P) was granted on 7 January 2020 for "*alterations to Chester Road entrance of East Cemetery to create gated enclosure for new accessible and secure entrance*".
 - Planning permission (ref. 2012/4017/P) was granted on 24 September 2012 for "*erection of single-storey side extension to existing staff building for the provision of public toilets.*"
 - Planning permission (ref. 9301190) was granted on 14 April 1994 for the "*erection of a new works compound*".
 - Planning permission (ref. 8401655) and listed building consent (ref. 8470258) were approved on 21 November 1985 for "*chapel renovation and alterations gatehouse extension and building of a new toilet block*".
- 3.26 Other applications include maintenance and removal of trees, and the repairs and restorative works to graves and headstones. This includes over 140 Section 211 tree work notifications submitted to LB Camden since 2020, owing to the Site's conservation area status, which protects trees.
- 3.27 The two existing containers located on the West Side were installed without the benefit of planning permission but have been in place for over 10 years.

4.0 THE NEED CASE

4.1 The following section provides an overview of the need for development at Highgate Cemetery. For full details, please refer to the accompanying **Statement of Need**, which provides a full description of the need for pursuing the masterplan.

THE NEED FOR CHANGE

4.2 Highgate Cemetery was opened in 1839 by a private company established by the London Cemetery Company Act 1836. The Cemetery was very popular for burials and the quality of the landscape design made it very attractive to visitors. By the 1950s, declining profits made the Cemetery increasingly difficult to maintain and operate and it was taken over by the Trust, a charity.

4.3 The Cemetery fell into 'managed neglect', causing the woodland habitats in the Cemetery to lack biodiversity, having gradually become overcrowded with self-set trees, and are now threatened by more extreme weather events as well as new pests and diseases such as chalara die-back of Ash. This leaves a woodland of poor quality that detracts from the Cemetery's intended picturesque garden layout, blocking designed views and obscuring its original landscape. The Cemetery's trees have become a health and safety issue to visitors on account of sudden tree and branch failure.

4.4 Nevertheless, the funerary architecture and special atmosphere of the Cemetery attracts hundreds of thousands of visitors each year. The continued use of the Cemetery for burials would further enhance its cultural importance, yet the facilities for staff, visitors and volunteers are inadequate.

HIGHGATE CEMETERY CONSERVATION PLAN 2019

4.5 The Highgate Cemetery Conservation Plan prepared by Alan Baxter Ltd in consultation with LB Camden and Historic England was adopted in 2019. It sets out the historical significance of the place with recommended policies for its future management. The main strands are:

- Trees, monuments and buildings to be better looked after;
- The Cemetery to continue to function as an active burial ground; and
- Visiting to be easier and more rewarding.

4.6 The plan identifies a new future for Highgate Cemetery, acknowledging that the vision of 'romantic decay' is not sustainable and prioritises more conservation intervention. The plan recognises the differences in character and significance of the West Side and East Side and therefore their different sensitivities to change. The masterplan for the long-term care of Highgate Cemetery is informed by the aims and objectives of the 2019 Conservation Plan.

MASTERPLAN COMPETITION

4.7 Highgate Cemetery launched a national competition in November 2020 to prepare a 25-year conservation masterplan to secure its future. The winning practices announced in June 2021 were Hopkins Architects, to lead on new and existing facilities for staff, visitors and volunteers and the restoration of funerary structures in the wider Cemetery, and Gustafson Porter + Bowman to lead on the landscaping. Their initial competition proposals informed proposals presented to LB Camden and Historic England at an early pre-application stage.

THE HIGHGATE CEMETERY ACT 2022

4.8 Separately, the Trust promoted a Private Bill in Parliament in 2019 to support the continued use of the Cemetery for burial by enabling the Trust to extinguish burial rights to re-use existing burial space for new interments, subject to numerous safeguards to protect owners and relatives. The Highgate Cemetery Act 2022 became law on 20 April 2022.

LONG-TERM FUTURE

4.9 The Trust has three charitable objectives in managing the Cemetery:

- To promote the public benefit in relation to Highgate Cemetery by any means appropriate and likely to preserve it as a place of historic and other interest and beauty;
- To permit the Cemetery to be used as a public burial ground; and
- To secure the repair, restoration and preservation of the Cemetery, its monuments and buildings and other artefacts and their setting for the public benefit.

4.10 The Cemetery currently faces several inter-related risks. Works are required to ensure it can deliver new burials (secured through the 2022 Act) and meet the existing and future demand of visitors and grave owners.

4.11 With the above objectives in mind, the Trust has explored what needs and opportunities exist to support the future of the Cemetery, to achieve the successful ongoing management and use of the Site. This relates to two key aims:

- The Cemetery will continue to function as an active burial ground; and
- The visitor experience should be improved

4.12 The Highgate Cemetery Act 2022 provides the Trust with the sufficient powers to operate and manage the Cemetery in a similar way to the way that other private or local authority burial grounds in London are run. The Act ensures the long-term future of the Cemetery in being able to continue burial operations, though grave renewals, among other provisions aimed at protecting its heritage.

4.13 The Trust also considers it has an obligation to improve what is, at the moment, a poor grave owner and visitor experience, including visitor facilities, services, accessibility and education. It is an international cultural and educational destination, and its visitor offer is well below what is expected of such an asset.

4.14 To meet these requirements, the Trust and its advisors have identified ten inter-related projects to be delivered through a 25-year Cemetery masterplan. This would improve the management of the Cemetery, the visitor facilities and the restoration of historic buildings and structures, while providing a source of income to secure the long-term future of the Cemetery.

5.0 PRE-APPLICATION AND CONSULTATION

- 5.1 This section sets out the pre-application discussions and consultation process undertaken by the Applicant prior to the submission of this planning Application and outlines how the Proposed Development has evolved in light of feedback received.
- 5.2 Further details of the pre-application and consultation engagement is set out in full within both the Design and Access Statement, prepared by Hopkins Architects (et al) and the Statement of Community Involvement, prepared by Steve McAdam, which accompanies this submission. The remainder of this section provides a summary of the thorough engagement process.
- 5.3 The Applicant has proactively engaged in early and extensive pre-application discussions and public consultation between December 2021 to October 2024. Those consulted include:
- LB Camden, including;
 - Planning and other technical officers;
 - Camden Design Review Panel (“DRP”);
 - Ward Members;
 - Other cabinet members and councillors.
 - Greater London Authority (“GLA”);
 - Historic England (“HE”);
 - Statutory stakeholders;
 - National amenity societies; and
 - Local residents, businesses & grave owners.

PRE-APPLICATION DISCUSSIONS

LB Camden

- 5.4 The Proposed Development has been subject to a series of positive pre-application meetings and written feedback received from LB Camden officers. This is to bring forward a sustainable, high-quality scheme that is fit-for-purpose whilst sensitively responding to the Site’s function, constraints and surrounding area.
- 5.5 The pre-application process provides an opportunity for the proposals to be presented to LB Camden officers to improve the quality of the planning application when ready for submission.
- 5.6 A request for pre-application advice was submitted to LB Camden in December 2021, with an initial meeting taking place in January 2022. In total, there have been six meetings with LB Camden officers secured via a ‘Planning Performance Agreement’ (“PPA”). The officers have shown great involvement in the scheme with key themes of discussion including land use principles, design, heritage, landscaping, ecology, archaeology, drainage, access and highways.
- 5.7 Where comments have been raised or further information requested, the Applicant team have responded via scheme alterations or by providing additional information, wherever possible. As a result, the feedback received from LB Camden has informed the development of the proposals, with several iterations of the proposed design having been presented during the pre-application process, from January 2022 to July 2024.
- 5.8 For full details on feedback received from LB Camden and design response, reference should be made to the Design and Access Statement prepared by Hopkins Architects (et al).

Design Review Panel

- 5.9 The Camden Design Review Panel (“DRP”) is a panel of independent and impartial professionals in the built environment that advise on the proposals with the aims of improving the quality of the development and delivering public benefits. The

Design Review Panel is separate from LB Camden and provided by Frame Projects as an external service, paid for by the Applicant. LB Camden refers applications to the panel for review where expert advice is sought.

- 5.10 LB Camden invited the Applicant team to present the Proposed Development at a Design Review Panel on 26 July 2024. Discussion centred on architectural, sustainability and landscaping proposals.
- 5.11 The panel supported the overall masterplan strategy for the Cemetery and provided commentary intended to refine the approach to new structures and reduce the impact on openness. Overall, the panel was pleased with the comprehensive approach to landscaping, the removal of trees to create views, the proposed drainage management and the overall strategy for adding buildings, repurposing and removing others, which were deemed proportionate to ensure the Cemetery's future.
- 5.12 The panel expressed their support for the choice of some of the main materials and suggested that using the dominant material could help create a collective identity for the buildings. The panel encouraged further thoughts to minimise carbon impact and how the new buildings could be integrated into the landscape. The panel also suggested that buildings could benefit from a stronger collective identity and provided further detailed comments on each component of the masterplan. The project team have reviewed these comments alongside LB Camden officers and responded / adapted accordingly.

Greater London Authority

- 5.13 The Proposed Development would not exceed 1,000 sqm (within the MOL) therefore it is not a referable scheme as per the Mayor of London Order 2008.
- 5.14 However, in principle pre-application advice (Level 1 service) was sought from the GLA on the proposed Cemetery masterplan. The proposals were presented to the GLA on 26 April 2022. This was followed by formal written feedback received on 23 May 2022 (ref. GLA/2022-0205).
- 5.15 The GLA confirmed their view that the proposals would need to demonstrate Very Special Circumstances in regard to MOL and would only be acceptable if the benefits arising from the Very Special Circumstances clearly out-weigh harm to the MOL. The Applicant set out a range of such benefits which GLA officers considered acceptable in principle, and identified that inclusive access was an additional benefit.
- 5.16 Other strategic planning matters identified by the GLA include heritage, public realm, biodiversity, sustainability and parking. The advice concluded that no follow-up meetings would be required.

Historic England

- 5.17 A series of meetings have been held with Historic England starting in January 2022. Many were held alongside LB Camden to create a joined-up approach. The pre-application meetings were secured through HE's 'Service Agreement'.
- 5.18 In June 2024, the project team presented to HE's London Advisory Committee and the proposals were received positively.
- 5.19 Overall, HE has expressed support for the development of masterplan proposals to enable and sustain the Cemetery's continued use for burial and commemoration and as a visitor attraction. HE recognises the high significance of the Cemetery and its structures and acknowledges the issues that it is facing in relation to condition and accessibility.
- 5.20 HE has requested further information on the detailed proposed works to the Chapel buildings, materials to be used, viewpoints, restoration of structures and the careful integration of climate change measures within the historic landscape. These matters are addressed in the Design and Access Statement and the Trust agree to suitably worded conditions to ensure the quality of design and materials is worked through in the post-planning and construction stage.

National and Local Amenity Societies

- 5.21 The Applicant and its project team have also engaged with relevant national and local amenity societies at pre-application stage, including the Victorian Society, Gardens Trust, Highgate Conservation Area Advisory Committee and Highgate Society. The amenity societies are all supportive of the proposals. The Victorian Society has written in support of the proposals; they are highly supportive of the restoration works, including the reinstatement of the pinnacles to the Chapels.

PUBLIC AND STAKEHOLDER CONSULTATION

5.22 As set out in the Statement of Community Involvement prepared by Steve McAdam, the Trust has undertaken significant engagement spanning three stages with various stakeholders and members of the public. The stages are as follows:

- Stage One – Scoped conservation works (2021 – 2022)
- Stage Two – Identified key themes for the masterplan (March – August 2023)
- Stage Three – Showcased a detailed design brief (April – October 2024)

5.23 Engagement activities undertaken as part of this process are set out below:

- Community Liaison Group – a group of 32 members created by the Trust to seek regular feedback on the development proposals. To date, there have been 8 meetings and one site visit.
- Focus Session – The theme of ‘wildlife corridors’ was raised by the Community Liaison Group for further exploration through a focus session held on 4 June 2024.
- Volunteer Workshops – Two volunteer workshops were held in 2023 to understand their needs and challenges and how the proposed design could support them.
- One-to-One Meetings – Stakeholders, neighbours and grave-owners were invited to private one-to-one meetings for feedback on the proposed design.
- Community Events – The Trust attended the ‘Fair in the Square’ with a stall at Highgate Village in June 2023 and June 2024 to raise awareness of the masterplan proposals.
- Website – The Trust set up an interactive website which allowed members of the public to express their views on the future of the Cemetery through an on-line form.
- Exhibitions – Exhibitions were erected during the Cemetery’s biannual ‘Neighbours Day’, where the Cemetery is free enter for to local residents in N6, N19 and NW5 allowing them to review the proposed masterplan and design concepts. Feedback was captured through feedback forms.
- Communications – Engagement includes digital media (such as website and Twitter / X), physical media (such as posters and flyers) and the local press.

5.24 At Stage Three, which consulted on the latest Scheme (forming the basis of this Application submission), positive feedback was received. Over 90% of respondents showed support for the proposals, and specifically in regard to themes of heritage, nature and community.

5.25 The Trust has engaged with Ward Councillors in Camden pre and post 2024 General Election. The Ward Councillors have expressed broad support and understanding for the Cemetery’s needs and were impressed with the ecological and biodiversity focus.

6.0 DEVELOPMENT PROPOSALS

6.1 This section sets out the main aspects of the Proposed Development for which full planning permission and listed building consent is sought to deliver the 25-year masterplan.

DESCRIPTION OF DEVELOPMENT

6.2 The proposed description of development for planning permission is as follows:

“Restoration, conservation, demolition and replacement of buildings in East Side and West Side of Highgate Cemetery, including Cemetery wide landscaping, drainage, public realm, access works and conservation of mausolea to support the function of a working cemetery, visitor attraction and community use. Namely:

East Side includes the demolition and replacement of gardener’s compound with a community and education building (single-storey plus extension to existing basement), removal of ticket booth and replacement with sentry at Swain’s Lane entrance, erection of additional sentry at Chester Road entrance, and the erection of a two-storey gardener’s building, for workshop, staff welfare and storage uses, plus alterations to the boundary wall.

West Side includes removal of existing shipping containers and erection of a two-storey visitor and operations building, demolition and replacement of visitor toilets building with a utility store, refurbishment of the former Dissenters’ Chapel and Anglican Chapel for community and funeral uses, restoration of South Lodge for visitor toilets and North Lodge for gardening staff and volunteer welfare, and relocation of Perkins monument.”

6.3 We provide a separate description of development for the listed building consent application, as follows:

“External works to the Chapel, including works to the roof, reinstatement of pinnacles, cupola and creation of new door, reinstatement of steps under the Chapel Arch, and internal works to the Dissenters’ Chapel including reconfiguration of mezzanine and layout, new internal stair, rooflights and joinery. External and internal alterations to the South Lodge and North Lodge to suit future use, plus reinstatement of features, and alterations to the boundary walls on Swain’s Lane. Site-wide repair works and alterations to the Colonnade, The Cuttings Catacombs, The Egyptian Avenue, Circle of Lebanon, The Terrace Catacombs, and Mausolea.”

MASTERPLAN PROJECTS

6.4 The Trust’s vision for the Site has been highlighted in **Section 4.0** (The Needs Case), and the supporting Statement of Need and seeks to be delivered through the 25-year masterplan.

6.5 Three key workstreams inform the masterplan and are covered in the Design and Access Statement (“DAS”) which supports this Application. The workstreams are as follows:

- DAS Volume 2 - Landscape prepared by Gustafson Porter + Bowman;
- DAS Volume 3 - Architecture prepared by Hopkins Architects;
- DAS Volume 4 - Conservation prepared by West Scott Architects.

6.6 The masterplan is made up of ten ‘projects’ across the whole Site, which include:

Table 6.1 – Summary of Ten Masterplan Projects

No.	Project Name	Summary of Proposals
1	Community and Education Building	Redevelopment of gardener’s compound to provide a Community and Education Building (also known as the East Side Building).
2	Visitor, Operations and Volunteers Building	Redevelopment of existing containers to provide a Visitor, Operations and Volunteers Building (also known as the West Side Building).
3	Chapel Buildings	Internal and external refurbishments to chapel buildings, including:

		<ul style="list-style-type: none"> • Dissenters' Chapel (Interpretation & Archive Space, with funeral break-out space) • Anglican Chapel (funeral services and space for reflection) • Reinstatement of Pinnacles & Cupola • External works to chapels
4	Courtyard Store	Redevelopment of existing visitor toilets block to provide a space for bins, recharging station and mobility aids.
5	East Side Sentries	Removal of existing ticket booth and replacement with sentry at Swain's Lane entrance and erection of additional sentry at Chester Road entrance.
6	Gardeners' Building	Development of new building to provide dedicated Gardener's and maintenance facilities (also known as The Mound Building).
7	Courtyard Public Realm	Alterations to West Side courtyard for improved access.
8	Site-Wide Landscaping	Cemetery wide landscaping and drainage improvements.
9	Lodges	Restoration and repurposing of South Lodge from office to visitor toilets refurbishment of North Lodge as a gardening staff and volunteer welfare space.
10	Conservation of Funerary Structures and Mausolea	Repair of funerary structures and roofed mausolea. Relocation of Perkins grave and monument.

6.7 The architectural aspect to the masterplan comprises improvements to existing buildings and a series of new buildings. The landscaping aspect focuses on site-wide landscaping improvements, conservation of funerary structures and the forecourt public realm.

6.8 The projects can be broken down based on location and type of development, as seen below:

Table 6.2 – Summary of Masterplan Projects by Location and Development

Masterplan Projects		Location			Type of Development		
No.	Project Name	East Side	West Side	Site Wide	Existing Building	New Build Development	Non-Build Development
1	Community and Education Building	✓				✓	
2	Visitor, Operations and Volunteers Building		✓			✓	
3	Chapel Buildings		✓		✓		
4	Courtyard Store		✓			✓	
5	East Side Sentries	✓				✓	
6	Gardener's Building	✓				✓	
7	Courtyard Public Realm		✓				✓
8	Site-Wide Landscaping			✓			✓
9	Lodges		✓		✓		
10	Conservation of Funerary Structures and Mausolea			✓			✓

- 6.9 The floor areas in relation to each project are summarised below. A full area schedule containing other building metrics, including useable area, footprint and volume can be found in the DAS:

Table 6.3 – Summary of Area Schedule

No.	Project Name	Existing (GIA) sqm	Demolition (GIA) sqm	Proposed (GIA) sqm
1	Community and Education Building	87	87	173.7
2	Visitor, Operations and Volunteers Building	36.5	36.5	222.4
3	Chapel Buildings	206.5	6.7	199.8
	<i>Dissenters' Chapel</i>	<i>101.5</i>	<i>6.7</i>	<i>94.8</i>
	<i>Anglican Chapel</i>	<i>105</i>	<i>0</i>	<i>105</i>
4	Courtyard Store	9.6	9.6	16.8
5	East Side Sentries	7.6	7.6	10.4
	<i>Swain's Lane Sentry</i>	<i>7.6</i>	<i>7.6</i>	<i>4.4</i>
	<i>Chester Road Sentry</i>	<i>0</i>	<i>0</i>	<i>4.4</i>
6	Gardener's Building	0	0	201.3
7	Courtyard Public Realm	N/a	N/a	N/a
8	Site-Wide Landscaping	N/a	N/a	N/a
9	Lodges	45.2	0	45.2
	<i>North Lodge</i>	<i>11.2</i>	<i>0</i>	<i>11.2</i>
	<i>South Lodge</i>	<i>34</i>	<i>0</i>	<i>34</i>
10	Conservation of Funerary Structures and Mausolea	N/a	N/a	N/a
Total		392.4	147.4	869.6

OVERVIEW OF THE PROJECT PROPOSALS

Project 1: Community and Education Building (East Side Building)

- 6.10 A combined gardeners' compound and toilet building (single-storey) exist on the East Side of the Cemetery, south of the Swain's Lane sentry and near the Swain's Lane boundary wall. The existing building has a floor area (GIA) of 87 sqm. The building is to be demolished and replaced by a new community and education building.
- 6.11 The proposed building would span ground floor level and basement floor level and have a floor area (GIA) of 173.7 sqm. The building would provide flexible space for community and education uses and accommodate up to two functions coinciding. Both floor levels could cater for approximately 30 people (typical school class size) each. Subterranean works are proposed to expand the usable area at basement level.
- 6.12 The design for this building has been carefully considered and reviewed during the pre-application process. It is influenced by the surrounding area, particularly the Beer Mausoleum, Egyptian Avenue and the Circle of Lebanon. The site location is heavily constrained, with several graves and memorials in close proximity.
- 6.13 The new building would include a central internal space primarily used for education and community gatherings. The intent for this space is to include sufficient height to create a unique gathering experience. The height of the building would be approximately 7.8 metres from ground level within the Cemetery, and it would be formed by a flat-topped, pyramidal, tapered roof with a top skylight. Enclosing the main space and located between adjacent graves are a series of poche (service) spaces to accommodate visitor needs, such as toilets, cloakroom and storage as well as vertical access that includes a lift and staircase.
- 6.14 The volume of the new building is achievable due to the building's ground floor level being one metre below Swain's Lane. The roof is only visible from Swain's Lane, as the pyramidal form reduces the massing. A key design consideration is for the building to be subservient to the Chapels and No. 81 John Winter's House.

- 6.15 Following consultation and Design Review Panel feedback, the materiality of the external walls is to be pigmented weak mixed concrete aggregate cast with gradual horizontal sections, and the roof is to be of large format slate slabs to match the existing Chapels. The doors and window frames are to be a warm timber. This colour and material palette would be applied to the other proposed new buildings to create a collective identity, in harmony with the existing historic structures and landscape features on the Site. Where possible, reused materials from demolished works in the Cemetery would form part of the material specification.
- 6.16 This proposal also includes, where possible, conserving the existing Highgate Cemetery Tunnel, which would become a visual focus of the proposed building and the entrance of which would be accessible at basement level.
- 6.17 The intent is to create two new entrances for the Community and Education Building (Project 1), both on Swain's Lane to support direct out-of-hours access from the public highway to the building, avoiding the route from the East Side main entrance.

Figure 6.1 – Community and Education Building (Project 1) (Hopkins DAS Volume 3)



Project 2: Visitor, Operations and Volunteers Building (West Side Building)

- 6.18 The proposed Visitor, Operations and Volunteers Building is to be in the courtyard area of the West Side of the Cemetery in close proximity to the West Side entrance, acting as the start and end point for the visitor experience. The building would adjoin the Colonnade (Grade II listed) on the south side of the courtyard and wrap around the existing earthen bank, creating an 'L' shape along West Carriage Drive.
- 6.19 The existing site is an earth bank and contains two shipping containers with a combined floor area (GIA) of 36.5 sqm. To accommodate a new building, a retaining structure is required to be set into the embankment with the rear of the building partially submerged.
- 6.20 The proposal is to create a new building that supports the functions of multiple users to include a café and ticket booth for the public, a dedicated break-out space and kitchenette for volunteers, new offices for the operations team, plus dedicated space for the Trust's records management and archivist.
- 6.21 The building physically adjoins the Colonnade with its external appearance designed to be subservient to its historic neighbour, respecting its formality, proportions and materiality. The proposed ticket booth creates a subtle break between the Colonnade and the single-storey café that repeats the Colonnade's rhythm and proportion of openings. The height of this area would align with the Colonnade and includes a flat green roof.
- 6.22 Along the West Carriage Drive, the building steps up in height, creating two-storeys for the volunteers' team and the staff operations team. Along this gently curving pathway, there is separate access for staff and volunteers, creating a physical break between the single-storey public-facing café space and the two-storey staff and volunteer spaces beyond. The

embankment aids in masking any perceived massing, and it the landscaped green roof visually connects with the surrounding vegetation.

- 6.23 Internally, the public areas and volunteer space would be accessible at the ground floor level. The first floor level, for staff, could be accessed by both staircase and lift.
- 6.24 The yellow stock brick of the Colonnade and Chapel buildings has influenced the proposed materiality. The new building's façade would be a pigmented weak concrete aggregate mix with horizontal cast sections, complemented with warm timber for the external joinery. Informed by the Circular Economy Strategy (Appendix 2 of the Sustainability Statement), the material specification for the aggregated concrete mix would incorporate excavation spoil and rubble from some of the small buildings and surfaces that are proposed to be removed as part of this Application.
- 6.25 The proposed Visitor, Operations and Volunteers Building (Project 2) would have a total floor area (GIA) of 222.4 sqm and span a maximum height of 6.7 metres, although only three metres would face the courtyard.

Figure 6.2 – Visitor and Operations Building (Project 2) (Hopkins DAS Volume 3)



Project 3: Chapel Buildings

- 6.26 The main entrance to the West Side of the Cemetery is created by two adjoining chapels, the former Dissenters' Chapel, located to the north, and the Anglican Chapel, located to the south.
- 6.27 The former Dissenters Chapel was refurbished in the 1980s to accommodate the Cemetery's staff offices and archive. The Anglican Chapel continues to function as a chapel for funeral services and was last refurbished in 2012.
- 6.28 The proposal involves the reinstatement of missing external features, such as the pinnacles and cupola, and repair works to the historic fabric in both Chapels. In addition to this, the Dissenters Chapel also includes the refurbishment of its internal circulation, removing the current office space subdivision at the ground and mezzanine floor levels.
- 6.29 The proposal includes improving accessibility to the West Side by creating step-free access at the main arch entrance (former carriageway), as well as creating step-free entry points into the Anglican and Dissenters Chapels from the Courtyard. This would involve removing the existing steps below the arch and re-grading the Courtyard, returning it to its original levels. The existing entrances to the chapels will be remodelled to include three reinstated steps.
- 6.30 The Anglican Chapel would remain operational as a chapel for funeral services, including as a space quiet contemplation. The retained floor area (GIA) is 105 sqm.
- 6.31 Relocating staff spaces from the former Dissenters Chapel to the proposed Visitor, Operations and Volunteers Building (Project 2) would allow the Dissenters' Chapel to be once again open to the public, as an interpretation, exhibition, and funeral break-out space that supports the Trust's ambitious public programmes for members of the public to visit when entering the West Side.

- 6.32 It is proposed that the modern fabric and plasterboard be removed to expose the existing brickwork and to reinstate the volume of the original chapel space, creating a multi-use space for exhibitions and events. The existing brick surface is to be repaired where necessary and given a lime-wash finish. New timber panelling is to be added to the stairs and mezzanine, which will be for staff use only. The mezzanine would be reduced in depth to improve the spatial volume at the ground floor level. The ground floor level could accommodate up to 60 people. The mezzanine would overlook the exhibition space below and contain a staff meeting area plus a tea point used by staff.
- 6.33 The existing floor area (GIA) for the Dissenters Chapel is approximately 101 sqm. The proposed floor area (GIA) is 95 sqm, following removal of part of the mezzanine.

Figure 6.3 – Dissenters' Chapel (Project 3) (Hopkins, DAS Volume 3)



Project 4: Courtyard Store

- 6.34 A single-storey detached public toilet block exists on the West Side of the Cemetery in the Courtyard, south of the Anglican Chapel. The site adjoins the open tunnel cutting to the east and the boundary wall to No. 81 John Winter's House to the south. Outside of this block, the waste bins are stored externally and are in full view of the Courtyard.
- 6.35 The proposal for this site is to demolish the existing toilet block and replace it with a new courtyard store (also referred to as a utility block). The new store would increase in floor area (GIA) to 16.8 sqm, compared to 9.6 (GIA) sqm of the existing toilet block. The store would be single-storey, made from brick so that it resembles the adjacent boundary wall and include a skylight.
- 6.36 The increase in size is to support an open and flexible storage space. It is proposed that three waste bins (1,100 litres each) and two all-terrain wheelchairs can be stored in this location. The store would be unheated and contain grilles in the door for ventilation. The store is for staff only.

Figure 6.4 – Utility Block (Project 4) (Hopkins DAS Volume 3)



Project 5: East Side Sentries

- 6.37 There is an existing sentry located on the East Side of the Cemetery at the Swain’s Lane entrance, which looks directly onto the Chapels on the West Side. The sentry is a pavilion-like structure that is currently used for ticketing and a small retail space.
- 6.38 The proposal is to reimagine the pavilion that better responds to the architectural language of both old and new buildings whilst accommodating a minimum of two volunteers to sell tickets and aid with wayfinding, providing them and passing visitors with shelter. The proposal is a soft oval form, partly glazed to create openness and with an overhanging roof to create shelter. The openness of the glazed sections aides passive surveillance at the entry point to the East Side providing volunteers with a 360-degree view as well as being approachable to visitors. The sentry would be thermally efficient, with space for ticket sales, with all necessary electricity and data supplied to maintain connectivity.
- 6.39 The Trust intends to reactivate the Chester Road entrance (a secondary entrance) to the East Side of the Cemetery to improve accessibility and connectivity for the local stakeholders. A sentry is proposed as the Chester Road entrance. The design is to align with the East Side Sentry, yet smaller, with space for one volunteer.
- 6.40 The sentries are to be made from pigmented, weak mixed concrete aggregate at the base, with curved, glazed sections above. The oval roof is to be cladded in slate.

Figure 6.5 – Entrance Sentry at Swains Lane (Project 5.1) (Hopkins DAS Volume 3)



Project 6: Gardeners' Building

- 6.41 Located on the East Side of the Cemetery towards the boundary wall with Whittington Estate and south of Karl Marx's tomb is the 'Mound'. The Mound area is largely clear of vegetation and has many recent graves. The embankment of the Mound has burials beneath the original ground level and is also clear of vegetation.
- 6.42 The proposal is to create a new building to support the gardeners' operations that includes staff welfare spaces for more than ten gardening and maintenance staff, with associated workshops and storage. An accessible WC and other facilities for grave owners are also proposed. The existing gardeners' store, located at Project 1, is inadequate and dilapidated, and does not meet the requirements of the gardening and burials teams. This proposed new location is the most practical solution.
- 6.43 Spanning two-storeys but built in to the embankment of the Mound as a retaining structure, the proposed building would have a floor area (GIA) of 205 sqm, with the tallest point reaching 7.8 metres above the lowest point of the lower-level pathway, known as Mound Road. Maintenance vehicle storage, workshop and equipment store are at the lower ground floor level. Ground floor level, with the top of the Mound embankment, would be the gardeners' store, head gardener's office and welfare accommodation.
- 6.44 The design concept follows the principles of an English garden wall, where commemorative plaques can be erected, and seating is provided for grave owners, plus facilities for tending to graves, in addition to a publicly accessible WC. Sustainable and greening features would also be incorporated, including air source heat pumps ("ASHP"), a green roof, photovoltaic ("PV") panels, rainwater collection, integrated bat boxes and bee bricks.
- 6.45 The materials selection of a weak mix aggregated concrete is part of the same palette proposed across the site for all new buildings with the lower level screens to the open bays of the vehicle store and workshop designed as bespoke metal gates that recall the existing metalwork to the historic boundary walls.

Figure 6.6 – Gardeners' Building (Project 6) (Hopkins DAS Volume 3)



Project 7: Courtyard Public Realm

- 6.46 The courtyard in the West Side was raised above its original level (and forecourt level) with concrete setts in 1983. This created steps beneath the entrance arch of Chapels connecting the forecourt and the courtyard. To provide step-free access to the courtyard and restore the original arrangement of the entrance arch, it is proposed to remove this layer of paving that dates to the 1980s and restore the courtyard to its original levels.
- 6.47 Public realm improvements are also proposed at the West Side entrance gate (including the forecourt) and the East Side entrance gate.

- 6.48 The West Side forecourt has been designed to create an elliptical form to zone pedestrian areas, thereby creating a pedestrian-friendly and traffic calming arrival. The materiality of the ground plane would be used to define this elliptical form.
- 6.49 Historical research undertaken by Camilla Beresford (Landscape Historian) (refer to DAS Volume 2) shows that the Chapel buildings were once fronted with shrub planting. It is proposed to reinstate similar planting in the forecourt.
- 6.50 This Application also proposes to set back the entrance gate to create a crescent shape which is a historically appropriate form of a typically piers entrance. This also improves accessibility as the pathway on Swain's Lane is narrow, and there is limited space to gather.
- 6.51 To provide access control in both the West Side and East Side of the Cemetery, steel estate-style fencing and mechanically operated gates would be located on the three primary paths in the West Side courtyard and one beyond the sentry of the East Side entrance gate.

Project 8: Site-Wide Landscaping

- 6.52 The site-wide landscaping includes opportunities to provide ecological enhancements through the removal of invasive species and planting of a variety of trees and plants to improve ecology and biodiversity. The landscaping strategy seeks to create new habitats in the form of mixed woodland, wet woodland, natural grassland and linear habitats (hedgerows).
- 6.53 It is noted that the Site suffers from ash die-back. It is proposed under a separate application (Section 211 notice ref. 2024/2878/T – granted by LB Camden on 13 August 2024) to remove the dangerous and diseased trees.
- 6.54 This Application aims to mitigate the impact of any such loss through the proposed replacement of trees and vegetation. The removal of these diseased trees also presents an opportunity to reinstate historic views and vistas. In particular, to restore the southerly view of the Chapels from the Terrace Catacombs, which is currently obscured by dense tree cover.
- 6.55 To keep light levels as low as possible, no new lighting is proposed throughout either side of the Cemetery.
- 6.56 Access across the landscape is being reviewed under this Application to improve accessibility and connectivity across the site and that path new surfaces consist of low-carbon materials.
- 6.57 A stepped ramp is proposed at the roof of Terrace Catacombs replacing the uneven and steep arrangement. There is also an opportunity to reinstate an historic path on the north east corner of the West Side that would connect to the Terrace Catacombs. The design of this path would follow an elevated boardwalk path.
- 6.58 It is proposed that a conservation-style steel handrail replaces the chestnut paling fences which provides access to the Cory-Wright Mausoleum to improve safety.
- 6.59 The Cemetery has three levels of defined paths, primary, secondary and tertiary. The location and width of the paths are to be maintained but their surface treatment will be improved with hard-wearing, sustainable low-carbon materials to improve accessibility and surface water run-off.
- 6.60 Additional furniture is proposed throughout the Cemetery these include benches, bins, handrails, drinking fountains and way finding. The design and materials have been considered to complement the setting of the Cemetery and improve the outdoor amenity.
- 6.61 The existing, historic drainage infrastructure does not function adequately and is in need of upgrading. As part of the site-wide landscaping proposals improved drainage systems are proposed with specific approaches taken to West Side and East Side. The drainage design would utilise Sustainable Drainage Systems ("SuDS").

Project 9: Lodges

- 6.62 The North Lodge (Grade II) located in the north corner of the West Side, is currently used as the gardeners' and gardening volunteers' tea-point. The proposal is to refurbish and restore both the interior and the exterior of the North Lodge,

upgrading the building's environmental performance. The intention is for the North Lodge to maintain its function as a tea-point and WC for those working at that part of the Cemetery. There would be no change in the floor area.

- 6.63 The South Lodge (Grade II), also located in the West Side but in the courtyard, currently serves as a small office for the Cemetery Sexton and welfare space for Volunteers. The proposal is to refurbish the building, repairing the exterior and installing rooflights to provide consolidated visitor toilets. The proposed footprint is to be retained with no new floorspace.

Project 10: Conservation of Funerary Structures and Mausolea

- 6.64 A series of conservation works to funerary structures and mausolea are proposed within the Cemetery and summarised below:

6.65 The West Side:

- Colonnade (Grade II);
- Cuttings Catacombs (Grade II);
- Circle of Lebanon (Grade I);
- Egyptian Avenue (Grade I);
- Terrace Catacombs (Grade II*);
- Mausolea – Beer (Grade II*), Cheylesmore (Grade II), Cory-Wright (Grade II), Guerrier (Grade II), Hartley (Grade II), Jankovich (Grade II), Kelman (Grade II), Otway (Grade II), and Rosa (Grade II).

6.66 The East Side:

- Mausolea – Dalziel (Grade II)

- 6.67 Some unlisted mausolea are also subject to conservation works, including Da Silva, Foster, Morgan, Pocklington and Strathcona.

- 6.68 The Proposed Development also includes the relocation of the Perkins grave and monument, dated 1918, which is currently located between the two existing shipping containers on the West Side. The Perkins grave and monument are proposed to be relocated to a new burial plot on West Carriage Drive in order to accommodate the Visitor, Operations and Volunteers Building (Project 2).

Summary of Works

- 6.69 As noted in Paragraph 6.5, there are three key workstreams that inform the masterplan.

- 6.70 The Trust have appointed multi-disciplinary teams of design specialists to prepare these high-quality proposals that support the objectives of the masterplan which are fully detailed in the Design and Access Statement ("DAS"). This Statement is split into technical volumes by discipline and should be read in conjunction with this Application. They are described as follows:

- Landscape – DAS Volume 2 prepared by Gustafson Porter + Bowman;
- Architecture – DAS Volume 3 prepared by Hopkins Architects; and
- Conservation – DAS Volume 4 prepared by West Scott Architects.

7.0 LEGISLATIVE AND POLICY FRAMEWORK

7.1 This Application has been informed by both the adopted and emerging statutory Development Plan policies, statutory provision, and material considerations. We summarise that context here as the basis for our planning assessment later in **Section 9.0**.

STATUTORY CONTEXT – HERITAGE ASSETS

7.2 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant listed building consent for any works, the LPA is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses.

7.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.4 Highgate Cemetery is a Grade I Registered Park and Garden (list entry no. 1000810) and includes the West and East Side. The West Side has numerous listed buildings and monuments, including the Egyptian Avenue and Lebanon Circle (Grade I). The East Side has eleven listed monuments and tombs of note the tomb of Karl Marx and family (Grade I listed).

7.5 For full details of the heritage assets contained within the Site and surrounding area please refer to the enclosed Heritage Statement prepared by Montagu Evans.

7.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Application area falls within the Highgate Conservation Area.

7.7 These several designations, overlapping and mutually reinforcing each other, mean that the Site is of considerable importance and sensitivity. The condition of the Cemetery at present threatens to undermine or erode the significance of these assets.

LEGISLATIVE CONTEXT – THE STATUTORY DEVELOPMENT PLAN

7.8 Section 38(6) of the Planning and Compulsory Purchase Act (2004) in conjunction with section 70(2) of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with policies of the statutory Development Plan unless material considerations indicate otherwise.

The Development Plan

7.9 The adopted Development Plan for the Site comprises:

- London Plan (March 2021);
- Camden Local Plan (July 2017); and
- Highgate Neighbourhood Plan (September 2017).

The London Plan

7.10 The London Plan (March 2021), prepared by the Greater London Authority (“GLA”), is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor’s vision for Good Growth. The London Plan forms the London-wide policy context within which the Boroughs set their local planning agendas, and forms part of the statutory Development Plan.

- 7.11 The objectives of the London Plan seek to ensure that London can meet the challenges of economic and population growth, be internationally competitive and successful, deliver diverse, strong, secure and accessible neighbourhoods; be world-leading in improving the environment; and be easy, safe and convenient for everyone to access, jobs, opportunities and facilities.
- 7.12 The GLA has published London Plan Guidance (“LPG”) and Supplementary Planning Guidance (“SPG”) which provide further information about how the London Plan should be implemented. In respect of this Application, the relevant documents include:
- Accessible London SPG (October 2014);
 - Planning for Equality and Diversity (October 2007);
 - Characterisation and Growth Strategy LPG (June 2023);
 - Optimising Site Capacity: A Design-led Approach LPG (June 2023);
 - Public London Charter LPG (October 2021);
 - *Draft* Fire Safety LPG (June 2022);
 - All London Green Grid SPG (March 2015);
 - London's Foundations SPG (March 2012);
 - Preparing Borough Tree and Woodland Strategies SPG (February 2013);
 - Urban Greening Factor LPG (February 2023);
 - Air Quality Positive LPG (February 2023);
 - Air Quality Neutral LPG February 2023);
 - Be Seen Energy Monitoring LPG (September 2021);
 - Circular Economy Statements LPG (March 2022);
 - Energy Assessment Guidance LPG (June 2022);
 - The Control of Dust and Emissions in Construction SPG (July 2014); and
 - Sustainable Transport, Walking and Cycling (December 2022).

Camden Local Plan

- 7.13 The Camden Local Plan was adopted by LB Camden in July 2017. It replaced the Core Strategy and Camden Development Policies (previously adopted in 2010) as the basis for planning decisions and future development in Camden. The Local Plan ensures that LB Camden has planning policies that respond to the borough’s unique characteristics and contribute to delivering local priorities. The Local Plan covers the period from 2016-2031.
- 7.14 The LB Camden has also published guidance notes, Camden Planning Guidance (“CPG”) and are material considerations of weight. The ones applicable to these Applications comprise:
- Access for All CPG (March 2019);
 - Air Quality CPG (January 2021);
 - Amenity (January 2021);
 - Artworks, Statues and Memorials (March 2019);
 - Biodiversity CPG (March 2018);
 - Community Uses, Leisure and Pubs CPG (January 2021);
 - Design CPG (January 2021);
 - Developer Contribution CPG (March 2019);
 - Employment Sites and Business Premises (January 2021);
 - Energy Efficiency and Adaptation CPG (January 2021);
 - Public Open Space CPG (January 2021);
 - Transport CPG (January 2021);
 - Trees CPG (March 2019); and
 - Water and Flooding CPG (March 2019).

- 7.15 In addition to the above, the LB Camden adopted the Highgate Conservation Area Appraisal and Management Strategy in October 2007. This helpfully which defines the special interest of the Conservation Area and also identifies measures

are put in place to ensure appropriate enhancement. Highgate was designated as a Conservation Area in 1968 and extended in 1978 and 1992.

- 7.16 LB Camden has started a Local Plan review process. An initial public consultation was held between November 2022 and January 2023 to identify local issues and call for sites. Following this, the Council drafted a new Local Plan that was consulted on between January to March 2024 (Regulation 18). The draft new Local Plan sets out the vision for future development in Camden for the next 15 years.
- 7.17 The next stage is for LB Camden to consult (Regulation 19) on the updated version of the draft new Local Plan following feedback from the previous consultation before it is submitted to the Secretary of State to be examined by a planning inspector. The anticipated adoption of the new Local Plan is Summer 2026. Considering this and in accordance with Paragraph 48 of the National Planning Framework, the draft new Local Plan can only be afforded very limited weight given that it has not reached an advanced stage of preparation.

Highgate Neighbourhood Plan

- 7.18 LB Camden adopted the Highgate Neighbourhood Plan in September 2017 (also adopted by London Borough of Haringey in July 2017). The Neighbourhood Plan describes Highgate as originally a village on a hill above London that has grown over the centuries into a large and attractive residential area. However, Highgate faces a number of challenges which the Neighbourhood Plan seeks to address. The Neighbourhood Plan would cover a 15-year period 2016-2031.
- 7.19 The Neighbourhood Plan has been prepared by the Highgate Neighbourhood Forum (designated a legal body in December 2012), which was formed by a number of amenity groups, residents' organisations and individuals (including all of the local Councillors). As such, the Neighbourhood Plan carries a significant level of legal weight, as part of the Development Plan.

Site Specific Designations

- 7.20 The following site specific designations have been identified using Camden's interactive planning policy map:
- Grade I Registered Park and Garden ("RPG");
 - Highgate Conservation Area;
 - Site of Metropolitan Importance for Nature Conservation ("SMINC");
 - Metropolitan Open Land ("MOL");
 - Open Space (Private Access); and
 - Highgate Archaeological Priority Area Tier II.

LEGISLATIVE CONTEXT – BIODIVERSITY NET GAIN

- 7.21 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) requires development to deliver a biodiversity net gain ("BNG") of 10%, so that it results in more, or better quality, natural habitat than there was before development.
- 7.22 This approach became mandatory in England for all development, but exemptions and non-major development, on 12 February 2024. The mandatory requirement for non-major development followed on 2 April 2024. Implementation for Nationally Significant Infrastructure Projects is planned for 2025.

OTHER MATERIAL CONSIDERATION – NATIONAL PLANNING POLICY FRAMEWORK

- 7.23 The National Planning Policy Framework ("NPPF") was originally published in 2012, and revised in 2018, 2019 2021, September 2023 with the latest revision published December 2023. The NPPF sets out the Government's economic, environment and social planning policies for England and supersedes the vast majority of previous Planning Policy Guidance Notes and Planning Policy Statements.
- 7.24 At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11). This means approving development proposals that accord with an up-to-date development plan without delay. The NPPF is a material consideration in the determination of planning applications.

7.25 In addition to the NPPF, Planning Practice Guidance (“PPG”) was first published by the Government in March 2014 as a web-based resource which provides up-to-date and accessible national planning guidance. The PPG outlines how government planning practice should be followed and interpreted in accordance with the principles of the NPPF. Regarding decision making, the guidelines set out in the PPG are a material consideration and accordingly should carry weight in the determining of planning applications.

8.0 PRINCIPLE OF DEVELOPMENT – METROPOLITAN OPEN LAND

8.1 This Section of the Planning Statement summarises the planning policy in relation to development within Metropolitan Open Land and assesses the Proposed Development against the relevant policy and case law.

THE LONDON PLAN AND MOL

8.2 The Metropolitan Open Land is a policy designation that is reflected in the London Plan and afforded a similar status and level of protection as Green Belt. The London Plan Policy G3, Part A sets out that:

- “1. MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt;*
- 2. boroughs should work with partners to enhance the quality and range of uses of MOL.”*

8.3 Parts B and C of Policy G3 relate to extensions of MOL designations and alterations to boundaries and not directly relevant in this case. However, it is useful to note that the criteria for designating MOL land is that it should meet one of the following criteria:

- a. “it contributes to the physical structure of London by being clearly distinguishable from the built-up area*
- b. it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London*
- c. it contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value*
- d. it forms part of a strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria”*

8.4 The Site forms an area of open space in a built up area within north London. Its main purpose is as a burial ground, but is also a world class heritage site and visitor attraction that provides leisure and recreation use for visiting members of the public. The Cemetery is a landscape of national value, being a Grade I Registered Park and Garden, and it has the potential to be a biodiverse landscape, although this is currently under threat. The Site is within a strategic corridor, close to other areas of green infrastructure, including Waterlow Park and Hampstead Heath.

NATIONAL POLICY AND GUIDANCE

8.5 Section 13 of the NPPF deals with the policy protection of the Green Belt. Paragraph 142 notes that the Government attaches great importance to the preservation of the open quality of Green Belt land, and its purpose of preventing urban sprawl by keeping land permanently open with the essential characteristics being openness and permanence.

8.6 Paragraph 150 requires local authorities to **plan positively** to enhance their beneficial use, such as looking for opportunities to provide access, opportunities for outdoor sport and recreation, retain and enhance landscapes, visual amenity and biodiversity, as well as improved damaged/derelict land.

8.7 Paragraphs 152 to 156 set the process for considering proposals affecting Green Belt. Paragraph 152 identifies that

- “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

8.8 Paragraph 153 highlights that:

- “...local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

8.9 The construction of new buildings should be regarded by Paragraph 154 as inappropriate. However, relevant exceptions to this include (emphasis added):

*“a) the **provision of appropriate facilities** (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, **cemeteries** and burial grounds and allotments; as long as the facilities **preserve the openness** of the Green Belt and do not conflict with the purposes of including land within it;*

*c) the **extension or alteration** of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

*d) the **replacement of a building**, provided the new building is in the same use and not materially larger than the one it replaces;*

*g) **limited infilling or the partial or complete redevelopment of previously developed land**, whether redundant or in continuing use (excluding temporary buildings), which would:*

- not have a greater impact on the openness of the Green Belt than the existing development or;*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”*

8.10 Paragraph 155 identifies certain other forms of development that are also not inappropriate, provided they preserve openness and do not conflict with the purposes of including land within it. These include (but are not limited to):

b) engineering operations,

d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and

e) material changes of use of land.

8.11 The NPPF is supported by the Planning Practice Guidance which provides further guidance on Green Belt matters, including drawing upon recent case law that has affected decision making in development proposals. It sets out that in relevant cases where impact on openness is assessed, it should take into account a number of factors, including but not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation.*

8.12 A revised version of the NPPF is currently being consulted upon where the draft version currently seeks alterations to Paragraph 154 to require limited infilling of land to not cause substantial harm (rather than not have a greater impact) to openness and introduces the concept of ‘grey belt land’.

8.13 This Planning Statement assesses the scheme against the December 2023 NPPF.

CAMDEN LOCAL PLAN AND MOL

8.14 Camden Local Plan Policy A2 (Open Space) seeks to protect, enhance and improve access to Camden’s parks, open spaces and other green infrastructure. Part (g) of the policy sets out that the LPA will give strong protection to maintaining openness and character of the MOL. The supporting text (Paragraph 6.40) identifies that it will protect the MOL in accordance with the London Plan and the NPPF policies on green belts.

8.15 However, the Policy also notes at part (c) that the LPA will:

“exceptionally, and where it meets a demonstrable need, support small scale development which is associated with the use of the land as open space and contributes to its use and enjoyment by the public.

- 8.16 Highgate Neighbourhood Plan seeks to improve areas of the MOL which are currently in unfavourable or declining condition through complementary decision-making relating to the use of adjacent sites. It does not provide any additional policy on MOL development.

INAPPROPRIATE DEVELOPMENT AND IMPACT ON OPENNESS

- 8.17 The Proposed Development comprises a series of projects across the East and West Sides of the Cemetery, to refurbish, conserve, restore, redevelop and construct new buildings and structures, as well as other works of landscaping and repurposing of existing buildings.
- 8.18 In applying MOL policy, it is necessary to decide whether the Proposed Development is inappropriate or not inappropriate (in light of Paragraphs 154 and 155 of the NPPF). Unless all of the development is deemed to be 'appropriate' then, as a matter of precaution, it has been considered as a whole as if it is inappropriate and subject to the tests of Very Special Circumstances ("VSC") to justify proposals.
- 8.19 The Applicant notes *Kemnal Manor*¹. That was a case where planning permission had been sought for redevelopment of a sports ground and pavilion into a cemetery and crematorium. The Court of Appeal (per Keene LJ at [34]) concluded that in considering Green Belt policy it was not appropriate to divide those elements of the proposal which would be appropriate development (e.g. the cemetery) and those elements which would be inappropriate (e.g. the crematorium), but it was to be treated as a single development proposal. In this particular case, although there is a case for treating relevant parts of the project separately, the Applicant has as a matter of precaution applied the approach in *Kemnal Manor*.
- 8.20 Paragraph 154(b) specifically refers to appropriate facilities for cemeteries as being an exception to inappropriate development (as long as those facilities preserve openness) and therefore requires a judgement on the appropriateness of such uses and buildings for the Cemetery's function. It is important to note that provision of a new building to provide an 'appropriate facility', which thereby will necessarily result in a spatial effect on openness, does not automatically conflict with the preservation of openness not the purposes of the MOL so as to prevent it being an appropriate facility under Paragraph 154(b) (see the Inspector's decision in the Barnet Cemetery case – APP/N5090/W/163/145010).
- 8.21 In undertaking an assessment of what an appropriate facility for is for a cemetery (for Paragraph 154(b)), it is considered that the LPA can have regard to the characteristics of the particular cemetery and unusual features of its kind. In this case, Highgate Cemetery has unique and very special features that serve both burial and visitor functions, and which ultimately contribute to the land being open space of metropolitan importance.
- 8.22 When considering the exception at Paragraph 154(d) – the replacement of a building which is in the same use and not "materially larger" than the one it replaces – the Courts have concluded that the test is an objective one by reference to size (footprint and volume), rather than permitting a qualitative judgment as to the comparative visual impact of the proposal or having regard to the degree to which a piece of land contributes to the objectives of Green Belt or MOL designations (which are different). This differs to other exceptions which considers whether something preserves the openness of the Green Belt or does not conflict with the purposes of including land within the Green Belt, or has "no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it" which involve matters of planning judgment for the relevant planning authority or decision-maker (see *Heath and Hampstead Society*²).

Impact on Openness

- 8.23 Openness for these purposes simply means the absence of built development. It has a spatial dimension (extent of building in footprint terms, as an absolute measure) and a visual dimension (scale of development which affects the perception of openness). In assessing impact on openness, one has to take into account the spatial dimension and the visual one, and even in cases where there is no or limited visual impact, it is important for the assessment to consider that potential for visual impact. It is not necessarily a statement about the visual qualities, although in some cases, this may be an aspect of the planning judgement.

¹ *Kemnal Manor Memorial Gardens Ltd v First Secretary of State* [2006] 1 P&CR 10

² *R(Heath and Hampstead Society) v Camden London Borough Council* [2008] 2 P&CR 13; [2008] EWCA Civ 193

- 8.24 As to the distinction between openness and visual impact, it is incorrect to suggest that it is wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. The concept of openness is not narrowly limited to a volumetric approach to development. It is open-textured and a number of factors can be relevant, including how built up the MOL is now, how built up it would be if development occurs and factors relevant to visual impact. This is a matter of planning judgement for the LPA.
- 8.25 The assessment of the effect of the Proposed Development on the openness of the MOL has also been informed by Computer Generated Images (“CGIs”) from within the Cemetery (produced by Hopkins Architect and Gustafson Porter + Bowman) and an Accurate Visual Representation (“AVR”) or ‘verified view’ (produced by Cityscape Digital) from Swain’s Lane. The CGIs are not verified views. Some are photomontages, whereas others are taken from Hopkins Architect’s computer model of the Site. As a result, they do not all accurately depict the position of trees or graves, but accurately model the proposed buildings, and have been used to inform the assessment of proposed buildings. A plan indicating the location of these viewpoints and the existing and proposed images are reproduced in **Appendix 1**.
- 8.26 The assessment considers that diseased trees are being removed from the Cemetery as part of separate Section 211 tree notices, outside the scope of the planning application.

EXCEPTIONS TO INAPPROPRIATE DEVELOPMENT

- 8.27 We consider the following ‘Projects’ if they were considered in isolation to be clearly exceptions listed in Paragraph 154 or deemed ‘not inappropriate’ development under Paragraph 155. In other cases, the works below do not amount to ‘development’ and therefore do not require planning permission.

Project 3 – Chapel Building

- 8.28 The proposals involve the internal and external refurbishment of the Grade II listed Chapel buildings, representing the re-use of an existing building of permanent construction (Paragraph 155(d)). The internal works do not require planning permission, only listed building consent. The external works comprise works of repair and maintenance to the listed building, with minor development works associated with the creation of a new entrance door. There are no additional extensions or new floorspace proposed and these works would preserve the openness of the MOL, comprising a NIL effect.

Project 7 – Public Realm

- 8.29 All development works associated with this element of the work are ‘engineering operations’ falling under Paragraph 155(b). The soft landscaping works do not amount to development. Much of hard landscaping areas, such as to the courtyard and land fronting Swains’ Lane may form works of repair and replacement, or form engineering works requiring planning permission. Considered on their own, as a standalone development, these works would fall within the Paragraph 155(b) works, and in themselves would not comprise inappropriate development in the MOL. Nevertheless, they form part of proposals which do comprise inappropriate development. Their impact would comprise a NIL effect.

Project 8 – Landscape Conservation

- 8.30 This project involves the widescale conservation of the landscape across the two sides of the Cemetery. As per the above, many of the works would not require planning permission as they do not amount to development, or would be covered by other regimes of control, such as Section 211 tree notices. Considered on their own, other works, for example to the paths, would amount to ‘engineering operations’, and therefore also fall within Paragraph 155(b), similar to the public realm works. The works do not have any additional impact on openness.

Project 9 – North Lodge and South Lodge

- 8.31 These proposals involve the refurbishment and re-use of the North Lodge and South Lodge on the West Side. The proposals involve limited works of development, mostly confined to the internal parts, which would require listed building consent. The lodges are to be retained in their current form and massing, with no alterations to extend the buildings. Therefore, these works have a NIL impact on the openness of the MOL.

Project 10 – Conservation and Repair

8.32 This is a broad project to describe the restoration and conservation of the numerous monuments, graves and mausolea across the Cemetery. The works to these funerary structures will not require planning permission, although may require listed building consent in some cases. If the decision maker determined that these did form development, then it would clearly be an exception under Paragraph 154(c) for alterations to a building with no disproportionate additions. It follows also therefore that these works would have a NIL impact on the openness of the MOL.

OTHER PROJECTS

8.33 We now turn to the other projects, which involve the development of new or replacement buildings and floorspace.

Project 4 – Storage

8.34 These proposals involve the replacement of the existing WC block with a new store. It has the following spatial considerations:

Table 8.1 – Spatial Considerations Summary

Storage	Existing	Proposed
Floorspace (sqm) GIA	9.6	16.8
Footprint (sqm)	13.6	23.4
Volume (cu/m)	35	68

8.35 In effect, the proposals replace one supporting Cemetery function with another. The provision of storage for bins, mobility aids and a charging station is an ‘appropriate facility’ for the Cemetery for the purposes of Paragraph 154(b), with all cemeteries requiring waste management and the need to provide mobility aids to visitors (of both grave owners and tourists) to access the site. Thus, were they to be considered on their own, they would not be inappropriate development. Further, it is considered the building would have a negligible impact on openness due to its spatial and visual effects, both of which are marginal and would not conflict with any of the purposes of the MOL.

8.36 The replacement store could be considered an exception under Paragraph 154(d) as a building that is not materially larger than the one it replaces. The proposed building occupies a slightly larger footprint than the existing. The above existing footprint figure does not include the hardstanding for the existing ramp and steps, which the proposed storage building extends out to. Whilst the floorspace and volume are greater, the footprint of the structure and hardstanding is similar, and this is a relatively small structure such that it would not appear materially larger in the context of the Cemetery.

Project 5 – East Side Sentry

8.37 These proposals involve the replacement of the existing sentry building in the East Side with a new building providing security and administrative functions at a small scale. It has the following spatial considerations:

Table 8.2 – Spatial Considerations Summary

East Side Sentry	Existing	Proposed
Floorspace (sqm) GIA	7.6	6
Footprint (sqm)	8.4	11.2
Volume (cu/m)	21	35

8.38 The sentry would be defined as an ‘appropriate facility’ for a cemetery, as there is a need to regulate entry and provide security to the East Side. Thus, considered on its own, these works would not conflict with the purposes of the MOL and its size and position on the same site as the existing would preserve the openness, under Paragraph 154(b), having a negligible impact on openness.

- 8.39 Under Paragraph 154(d), the sentry would not be materially larger than the existing building and therefore could be an exception to inappropriate development as a replacement building. In fact, the replacement building would be smaller in floorspace terms, but slightly larger in terms of footprint (33%). Whilst the overall volume increases, the size and scale of the building is comparatively small, and it is not considered to be a materially larger addition.
- 8.40 Viewpoint 4 is located on Crossland Path, looking west to the entrance of the East Side. A comparison of the existing and proposed views indicates that the proposed sentry would be of similar height, scale and mass as the existing building. The proposed form of the roof and canopy is different to the current pitched roof of the existing ticket office, but this change is not considered to affect the openness of the MOL visually. The upper part of the proposed sentry is glazed so there would be views through the façade, which do not exist currently. Overall, the proposed sentry would have a negligible effect on the visual openness of the MOL in comparison with the existing sentry.

Project 1 – Community and Education Building

- 8.41 This project involves the replacement of the existing maintenance compound to provide a new community and education building. Both the existing and proposed building are situated on the same plot of land and provide a single-storey building, plus basement level (which is extended in the proposed development to open up the tunnel). It has the following spatial considerations:

Table 8.3 – Spatial Considerations Summary

Community and Education Building	Existing	Proposed
Floorspace (sqm) GIA	87	176.3
Footprint (sqm)	86.5	101.4
Volume (cu/m)	384	884

- 8.42 Considered on its own, and under Paragraph 154(d), this building could be considered a replacement building for the same use (namely a Cemetery use and its ancillary activities). However, the building is likely to be considered as a materially larger building as the floorspace increases by 102%, the footprint by 17% and volume by 130%. The majority of the additional volume and floorspace is created in the basement level, although this is still relevant to the spatial aspect of impact on openness, as set out in the *Heath and Hampstead Society* case.
- 8.43 However, Project 1 is considered to fall within Paragraph 154(b) as the provision of an appropriate facility within the Cemetery. As noted in other parts of this assessment, consideration should be given to the appropriateness of facilities for the particular facility in question. Highgate Cemetery has a high historical interest, which attracts visitors as a cemetery and includes educational visits. Its purpose goes beyond just an active burial ground, as the Cemetery is a place for education, community togetherness, heritage, nature and landscape value among other things. These are all factors that make Highgate Cemetery 'very special' too.
- 8.44 In order to qualify as an exception to inappropriate development under Paragraph 154(b), the building must preserve the openness of the MOL and not conflict with the purposes of including land within it. This is not a test of whether the building is materially larger, but size would be relevant, as well as the visual impact. This building would replace an existing building and compound and much of its volume would be concealed underground, where it is intended to facilitate and enhance public access to the Cemetery.
- 8.45 Viewpoints 11 and 16 are located within the East Side of the Cemetery. Viewpoint 11 is located on the Workshop Path, looking west. In the existing view the gardeners' compound is visible, which appears to be a single-storey building, although there is basement accommodation, including in the remains of the listed tunnel between the East and West Side. The Winter House and 79 Swain's Lane are visible beyond the Cemetery, so one is aware of buildings along the boundary of the MOL.
- 8.46 The ground floor of the proposed Community and Education Building is of a similar scale and mass as the existing gardeners' compound, and the poche spaces modulate the additional volume at this level.

- 8.47 The proposed roof holds the majority of the building's volume but the design of the roof, using a tapered roof form, creates the external appearance of a reduced volume so it is not overbearing. Internally, the roof creates the feeling of the building being 'bigger on the inside'. The roof would partially curtail views of trees within the MOL in the West Side of the Cemetery, but would not curtail wider views or those important to the openness of the MOL.
- 8.48 Viewpoint 16 is located just to the south of Carriage Road looking south. In the existing view the gardeners' compound is partially visible, but is largely screened by an overgrown hedge. The Winter House is visible on the right of the view, outside the Cemetery, so buildings are evident along the boundary of the MOL, and provide a degree of enclosure.
- 8.49 The proposed Community and Education Building increases the enclosure and volume of built form in a location where there are already buildings along the boundary of the MOL. The proposed roof curtails views out of the Cemetery and the MOL. The proposed Community and Education Building introduces a change to the openness on the margin of the MOL.
- 8.50 Viewpoint 12 is located outside the Cemetery and the MOL, on Swains Lane adjacent to the Winter House, looking north. There are buildings evident along the western side of Swains Lane (to the left of the view), outside the MOL. The Goldhammer mausoleum forms a terminating feature in the view, visible within the MOL on the West Side, beyond the boundary wall. Along the length of the boundary on the eastern side of Swains Lane (to the right of the existing view) one can see open land within the MOL. There is a low brick wall topped with metal railing and regular brick piers; the railings are visually permeable so one can see trees within the Cemetery and can perceive the openness of the MOL behind a defined boundary. There is a glimpse of the existing gardeners' compound within the MOL.
- 8.51 The proposed Community and Education Building would increase the volume of built form in the MOL in this view on the boundary of the MOL. The upper part of the roof of the proposed building would be screened and filtered by trees that would be retained within the Cemetery. The tapered roof moderates this effect, and is not overbearing. There would be an increase in the enclosure of the street, although this would affect the space outside the MOL. It would still be possible to see trees within the Cemetery beyond the roof of the proposed building. The proposed building would have a limited effect on views into the MOL at this specific location and would not curtail wider views.
- 8.52 The AVR produced by Cityscape is from a similar position on Swains Lane as Viewpoint 12 but slightly further south, adjacent to 79 Swains Lane. The analysis of the existing and proposed view is similar to Viewpoint 12, except there is a greater perception of the openness of the MOL at this position, due to a gap in the trees along the boundary, so it is possible to look deeper into the MOL and see mature trees c. 80m away along the boundary of the Cemetery and Waterlow Park. The proposed building would not change this perception of openness because the view of these mature trees in the distance is retained in the proposed AVR.
- 8.53 Overall, the Community and Education Building would be perceptible and larger in spatial terms, but it is considered it would preserve the openness of the MOL in this location, particularly having regard to the visual effects and not conflict with the purposes of including land within the MOL. Overall, the assessment is that any impact on the MOL would be minor.

Project 2 – Visitor, Operations and Volunteers Building

- 8.54 Project 2 comprises a new building for visitor, operations and volunteer functions, on the West Side, alleviating pressure on the Chapel and providing a central point for such uses. The Site is currently occupied by former shipping containers, which are used for the storage of materials and vehicles associated with gardening and maintenance. These are currently unsightly, in a poor state of repair, and with the carriageway lined set-down and waste with materials, it prevents the use of this pathway, for safety reasons.
- 8.55 The building has been carefully designed to ensure that its location, built form, materiality and integration into the landscape has as minimal impact as possible. It has the following spatial considerations:

Table 8.4 – Spatial Considerations Summary

Visitor, Operations and Volunteers Building	Existing	Proposed
Floorspace (sqm) GIA	36.5	230.8

Footprint (sqm)	26.5	240.4
Volume (cu/m)	82	1199

- 8.56 Under Paragraph 154(b) of the NPPF, we consider that the building is an appropriate facility for Highgate Cemetery. Highgate Cemetery is in the unusual situation of attracting very significant amounts of visitors because of its history and the nature of the graves it accommodates.
- 8.57 As part of the 'visitor facilities', the building includes the provision of a café. Other cemeteries, including two of the Magnificent Seven (Abney Park and Brompton Cemetery) have recently built cafes, the latter of which is also within the MOL. When taking account of the particular characteristics of the Cemetery, noting that visitors are just as crucial to their operation (beyond grave sales), the provision of a café at Highgate Cemetery, which has high visitor demand for access to its history, landscape and nature, would also be an appropriate facility for a Cemetery use.
- 8.58 Therefore, the provision of a building for visitor, operations staff and volunteers arises from these unique characteristics and is considered appropriate as a Cemetery facility.
- 8.59 Paragraph 154(b) also requires an assessment of the appropriate facility's preservation of openness and whether it conflicts with the purpose of including land within it. The additional size of the new building is clearly greater than the storage containers it replaces, but it facilitates some of the purposes of the MOL, such as visitor access of the West Carriage Drive, which is currently closed.
- 8.60 As to visual impacts on openness, Viewpoints 9 and 10 illustrate the visual impact of the proposals as one moves from the entrance to the West Side at the Chapels, through the Courtyard and up West Carriage Drive.
- 8.61 Viewpoint 9 is located in the courtyard adjacent to the Chapels' undercroft. In this view the northern end of the Visitor, Operations and Volunteers Building would be visible, adjacent to the existing Colonnade, and opposite the Chapel, so in conjunction with existing buildings in the MOL. The proposed building curves out of view, following the curved edge of the West Carriage Drive, and imbedded into the embankment. The Visitor, Operations and Volunteers Building is therefore integrated into the landscape and makes use of the topography to limit any visual effect on the openness of the MOL. The proposed building is of similar height to the Colonnade, and is of low scale relative the scale of the Courtyard, the open space in which it is perceived. The proposed building would reinforce the existing spatial enclosure of the Courtyard. The openings in the proposed building and recessed ticketing office would limit the effect on openness. The proposed building would restrict the view of the embankment to the south of the Colonnade and partially occlude the bottom of trees growing on this slope. However, the proposed building would not curtail wider views or those of importance to the openness of the MOL.
- 8.62 Viewpoint 10 is located adjacent to the proposed Visitor, Operations and Volunteers Building on the West Carriage Drive, looking south-west. In the existing photograph a shipping container and hardstanding is visible to the right of the path, at the base of the embankment, which already encloses the path to the right to some extent. There is currently no public access to this part of the Cemetery. The shipping containers would be replaced with a building of larger footprint and volume and would increase the sense of the enclosure to the right of the path. But again, any potential impact on the visual openness of the MOL has been limited by the position of the building, which curves around the base of the embankment, making use of the topography to integrate it within the landscape. The large openings in the building also limit the effect on the visual openness of the MOL. The proposed building would restrict the view of trees to the right of the West Carriage Drive. However, it would not curtail wider views of those important to the openness of the MOL.
- 8.63 Viewpoint 13 is located to the west of the proposed Visitor, Operations and Volunteers Building on West Carriage Drive, looking east towards the Chapels. The shipping containers used by the gardeners are visible in the existing view, which are equivalent to two single-storey buildings. These would be replaced by a building of greater scale (stepping up to two-storeys at the western end), with a continuous footprint to the Colonnade. As in Viewpoint 10 this would increase the sense of the enclosure, in this direction to the left of the path. Again, the impact on the openness of the MOL has been limited by the position of the building, which curves around the base of the embankment, making use of the topography to integrate with the landscape. The large openings in the west elevation of the building also limit the effect on openness of the MOL. The proposed building would screen some trees to the left of West Carriage Drive. However, it would not curtail wider views of those importance to the openness of the MOL.

- 8.64 Overall, the proposed Visitor, Operations and Volunteers Building would clearly be larger than what it replaces but its effects on openness, particularly on the visual openness are as described above and it is considered overall that it would preserve the openness of the MOL as a whole and it would not conflict with the purposes of the MOL. Any effect, arising from the spatial impacts would be minor.

Project 6 – East Side Gardeners’ Building

- 8.65 This project involves the development of a new structure on an underutilised embankment of the Mound. It would provide facilities for the gardeners, burials team plus gardening volunteers, an essential part of a working Cemetery, providing storage and ancillary areas for those members of staff, who are on-site throughout the year. The building would consolidate the existing gardeners’ compounds in the East and West Sides, into this purpose-built building, rather than relying upon containers and external storage, which are not fit for purpose. Bringing all gardener facilities together into one facility is operationally very important. The total floorspace of the building is 201 sqm (GIA), over two floors.
- 8.66 The provision of such facilities is considered to be appropriate for a Cemetery and is directly linked to the need to maintain the expansive site (as per Paragraph 154(b)). As to an assessment of its impact on openness, it is already noted that the Paragraph 154(b) exception necessarily recognises that a new appropriate facility can have some effect on openness as the new facility will necessarily involve such an effect, but an appropriate facility can still preserve openness. The mere fact that it involves built form and maybe visible in the landscape is not a reason to conclude that it would not preserve openness.
- 8.67 In this respect, the size of this appropriate facility is commensurate with the size of the Cemetery and its need for the storage of equipment and welfare facilities for gardeners and maintenance staff. The size of the building has been minimised as far as possible, and it is situated on a narrow plot of land in one of the only plots that is suitable for development, due to other restrictions on the land. Location, design and use of the topography have all been used to minimise impact.
- 8.68 The provision of this building would not conflict with the purposes of including land within the MOL, given its function.
- 8.69 As to visual effects, Viewpoint 14 is located on Mound Road facing south, and provides a relatively wide view in which the openness of the MOL can be appreciated. A three-storey block of flats in the Whittington Estate is visible in the background of the view, so one is aware that this path is near the edge of the MOL.
- 8.70 The proposed Gardeners’ Building would introduce a new two-storey building in the MOL. The impact on the MOL has been reduced by the form of the building, which is long and narrow, given the proximity of burials, and integrated into the Mound embankment as a retaining wall structure. The proposed scale is low relative to the scale of the space in which it is perceived, in this case, far east of the East Side of the Cemetery. The proposed terrace moderates the scale and proposed planting, and erection of a green roof helps integrate the building in the landscape. The proposed Gardeners’ Building would partially curtail views of the MOL to the south, but also of the Whittington Estate beyond the MOL. The proposed building would increase the sense of enclosure along this edge of the Cemetery.
- 8.71 Viewpoint 15 is located to the rear of the Mound, on the higher made ground. There are existing wide views across the MOL to the west. One is also aware of the blocks of flats in the Whittington Estate immediately to the east and south of this part of the Cemetery.
- 8.72 The proposed Gardeners’ Building would appear to be single-storey from this perspective, given the lower floor is imbedded within the Mound embankment. The proposed scale is low relative to the scale of the space in which it is perceived, the burial space on the Mound. The proposed building is of similar but lower visual scale than the buildings within the Whittington Estate visible on the left of the view. The proposed planting around the building and green roof further helps to integrate the building within the landscape. The proposed Gardeners’ Building would curtail views to the west across the Cemetery, so that less of the trees would be visible. A terrace has been integrated at the north end of the building to retain a space from which visitors and grave owners can appreciate views across the MOL, as illustrated by Viewpoint 8.
- 8.73 Overall, in light of the factors identified above and the nature and design of it, it is the proposed Gardeners’ Building is an appropriate facility which would preserve the openness of the MOL and not conflict with the purposes.

INAPPROPRIATE DEVELOPMENT & HARM

- 8.74 As noted above, in light of *Kemnal Manor* the Applicant adopts the approach that if all of the development identified above is deemed to be 'appropriate', then it will be treated as appropriate development, but if it is concluded that any of the development would be inappropriate, then the development as a whole is considered as if it were inappropriate development and so subject to the tests Very Special Circumstances ("VSC"). The assessment of the projects sets out the Applicant's assessments. However, as the assessments are matters of judgment, the Applicant has gone on to consider the position if the development is treated as inappropriate development (for whatever reason) and the test of very special circumstances.
- 8.75 The following table summarises the assessment of the individual projects and whether these would be inappropriate development in regards to the NPPF, and their resulting harm on the MOL.

Table 8.5 – MOL Assessment of Projects

No.	Project Name	NPPF Exception (Paragraph no.)	Assessment
1	Community and Education Building	154(d) – replacement building	Minor effect arising from spatial impacts
2	Visitor, Operations and Volunteers Building	154(b) – appropriate facility	Minor effect arising from spatial impacts
3	Chapel Buildings	155(d) – reuse of building	Nil effect
4	Courtyard Store	154(b) – appropriate facility 154(d) – replacement building	Negligible effect
5	East Side Sentries	154(b) – appropriate facility 154(d) – replacement building	Negligible effect
6	Gardeners' Building	154(b) – appropriate facility	Minor effect arising from spatial and visual impacts
7	Courtyard Public Realm	155(b) – engineering works	Nil effect
8	Site-Wide Landscaping	155(b) – engineering works	Nil effect
9	Lodges	155(d) - reuse	Nil effect
10	Conservation of Funerary Structures and Mausolea	154(c) - alterations	Nil effect
-	Overall	-	Minor effect

- 8.76 We find therefore that the proposals have a minor level of impact on MOL openness arising from a combination of spatial, volumetric, visual effects. VSC justification for this is set out below, but we first comment on the spatial need, which is required on-site and cannot be accommodated elsewhere.
- 8.77 The spatial requirements arise from several operational and physical issues as set out in the Statement of Need. The Site has a number of key stakeholders who interact with the Site, and each have differing issues and needs. The proposed buildings have been developed with those users in mind, and spaces created that ensure the needs of gardeners, grave owners, mourners, volunteers, operational staff and visitors are met.
- 8.78 The buildings have been minimised as far as possible with Hopkins Architects undertaking a detailed assessment of the 'need' for each user and translating this into required area. Firstly, an audit of the existing accommodation was undertaken so that different areas and uses could be quantified. The proposed requirements were developed with the Trust, and with interviews with key users to establish the issues with existing accommodation.
- 8.79 The Proposed Development has reduced in overall size since the first pre-application discussions, and limited to only the strictest requirements, consolidating uses where possible. Every use and function have been scheduled out to ensure that each proposed area has a defined use. For example, the gardeners' facilities (and associated storage for maintenance equipment) are consolidated into a single building and volunteer areas are now combined into the dedicated West Side building, which shares services with operational staff.

- 8.80 The East Side Community and Education Building (Project 1) represents the largest uplift in area for a particular user/use. The existing Cemetery has limited functionality in which to host the educational and community programmes that would provide numerous benefits. The main uplift in spatial area therefore comes from this use.
- 8.81 There is a spatial requirement for all of these facilities to be on-site. Off-site solutions were considered and trialled in some cases, but these would not meet the operational requirements of the Trust. It is very clear that most of the functions are needed to be on-site. Facilities for burials, gardeners and maintenance must be within the Cemetery grounds. Supporting facilities such as toilets, storage and changing facilities are all required on-site.
- 8.82 On the operational side, many team members (including the positions of Chief Executive Officer, Head of Operations, Volunteer Co-ordinator, Visitor Experience manager, Registrar, and Sexton), are required on-site at all times or short notice throughout the day. On-site office space ensures efficient working for this small team, as well as fostering good working relationships with colleagues, and interactions with ground staff, volunteers, visitors and grave owners. Trustee and other meetings have sometimes taken place off-site, which as previously mentioned, has multiple functions, but this is at considerable cost to hire third party space and not economically sustainable.
- 8.83 The Cemetery has no ownership of land outside of the MOL. There are no viable alternative sites that present themselves as less harmful options. **Section 4.0** of the Statement of Need provides an analysis of other spaces that were considered. This included the purchase of nearby residential property (to convert to office space), but this not economically viable. There are no established venues close to the site that would provide accessibility to meeting space or events, and these come at a cost (including Highgate Library, Lauderdale House, St Michael's Church and Waterlow Park).
- 8.84 In order to achieve the Trust's community and education programme, including delivering the charitable objectives, a dedicated facility, on-site, is required. The best expression of the Trust's cultural and practical purpose is the Cemetery itself.
- 8.85 Within the Cemetery, developable plots are limited as the Site is highly constrained, most notably by existing graves and monuments, pathways, trees and tree root systems. Siting new buildings in the location of existing buildings reduces impact on openness, as these sites already have a visual impact. The Visitor, Operations and Volunteers Building (Project 2) in the West Side is sited on land that is currently occupied by the former shipping containers and other ad hoc storage. It is set back from Swain's Lane, and lines a pathway. The Gardners' Building (Project 6) in the East Side represents one of the only sites in the whole Cemetery, which is free from graves or trees. It is situated on the edge of the Cemetery near the Whittington Estate and is cut into the existing earth bank to limit visual impact.
- 8.86 The Applicant is satisfied that there are no realistic alternatives to the development proposed to meet the identified needs.

VERY SPECIAL CIRCUMSTANCES

- 8.87 What comprises very special circumstances justifying inappropriate development on MOL will vary from case to case, having regard to the particular circumstances and characteristics of a site and a development.
- 8.88 The VSC we consider justify the grant of a consent derive from the unique characteristics of this site. We consider the particular characteristics giving rise to the VSC as set out below.
- 8.89 The planning judgment takes into account the nature and extent of any harm to openness (spatial and visual) and also the weight to be given to the components comprising the VSC.
- 8.90 As to the nature and extent of harm, taking spatial and visual together, we conclude the harm to the openness of the MOL arising from the whole of the development to be very limited (see analysis earlier in this section).
- 8.91 None of these materially compromise the character or purpose of the Cemetery as MOL. Visual impacts are limited, and the spatial harm is limited relative to the total land area and even considered in a local context. The land will continue to operate as a 'green chain' alongside Waterlow Park and Hampstead Heath. It will continue to provide break within the built-up area, defining the built up edge of London, and likewise the historic, natural and habitat interest in the MOL is not materially affected. The proposals sustain and support the use of the land for burials and as a leisure and heritage destination. The strategic purpose of the MOL would not be eroded to any significant degree.

Very Special Circumstances

- 8.92 The benefits of the Proposed Development, which not only individually, but also (to the extent necessary) cumulatively amount to 'very special circumstances' are summarised as follows:
- a. Supporting and enhancing the need for development given Highgate Cemetery's characteristics, where improvements to accessibility and the appreciation of the space is paramount to this (Significant weight);
 - b. enabling the conservation of listed buildings (Significant weight);
 - c. retaining and enhancing the special landscape of Highgate Cemetery, which is a Grade I Registered Park and Garden, and a conservation area, including tree planting and management (Significant weight);
 - d. enhancements to ecology and the opportunities to deliver biodiversity net gains (Moderate weight);
 - e. Improving access to and enjoyment of MOL land (Significant weight);
 - f. opportunities to deliver significant sustainability benefits, either in the new buildings or structures and contribute to tackling the wider climate emergency (Significant weight);
 - g. the presence of outstanding or innovative design which should also be afforded great weight in national planning policy, provided the design is appropriate to its context (Moderate weight);
 - h. educational VSCs in providing an enhanced public understanding of this special feature of London's history as well as the provision of dedicated education and community space (Significant weight); and
 - i. Enabling the financial sustainability of a public amenity and asset (burials) (Significant weight).
- 8.93 Each of these VSCs are expanded on below.

Overarching Need for Development

- 8.94 The Statement of Need, which has been prepared in conjunction with the Trust, is informed by nearly a decade's work, understanding the heritage of the site and the functional and financial requirements arising from its operation. The need also encompasses educational outreach and the well-being of staff, volunteers and visitors, including grave owners.
- 8.95 There is an overarching need to preserve the Cemetery as a place of beauty, ensure its use as a public burial ground and secure its restoration for public benefit.
- 8.96 The masterplan addresses the Trust's charitable aim by addressing existing landscape issues across the two Sides of the Cemetery, which will preserve historic significance of monuments, and maintain a scenic, diverse and enriched landscape. In addition to the architectural projects, there is the opportunity to create beautiful spaces, buildings and structures that fit within this important landscape. This work has support and grant funding from the National Lottery Heritage Fund.
- 8.97 The Highgate Cemetery Act 2022 is instrumental in ensuring the Cemetery remains an active burial ground. The Act provides the opportunity to reclaim graves and will add to the number of burials as the Cemetery moves into this next phase, enabling it to generate funds to meet its charitable objectives.
- 8.98 These additional burials, alongside the increase in landscaping work will put pressure on existing resources and spaces. Accordingly, there is need to ensure that the Cemetery has the necessary spaces and supporting functions to ensure that these essential works can continue. The proposed works address issues with the multi-functional use of the Chapels and replaces the ad hoc storage and welfare facilities with purpose-built space. The quantum proposed is directly linked to the amount needed.
- 8.99 The masterplan also presents an opportunity to secure the Cemetery for the public benefit, for current and future generations. The Cemetery sits at the heart of Highgate and has the potential to provide a significant contribution to

community and educational programmes, opening its gates to offer engaging programmes that would represent an enhancement on its existing facilities. This is a significant benefit of the masterplan Proposals.

8.100 Highgate Cemetery has been a place for visitors since it opened in the 1839, providing a vital sanctuary for heritage and nature. Thus, its visitors are important stakeholders, and providing adequate facilities that supports this ensures that the Cemetery remains a respectful place for all to explore, but ultimately a viable operation into its future.

8.101 The Trust must act to address these issues and urgently. The consequences of not taking the steps now needed would be:

- Eventual closure of the site due to lack of funds to manage the landscape and care for the heritage assets;
- Deterioration and potential loss of significant heritage assets; and
- Inability to fulfil charitable obligation “to promote the public benefit in relation to Highgate Cemetery”.

8.102 The Proposed Development is born out of a Conservation Plan (2019) and developed through a 25-year masterplan which aims to enhance and improve landscape, buildings and funerary structures. The Site has a number of key stakeholders who interact with the Site, and each have differing issues and needs, which have become apparent in recent history. The proposed buildings have been developed with those users in mind, and spaces created that ensure the needs of gardeners, grave owners, mourners, volunteers, operational staff and cultural visitors are met.

Conservation of Listed Buildings and Wider Conservation

8.103 The Proposed Development provides for numerous heritage benefits as set out in the accompanying Heritage Statement. The Heritage Statement concludes that the works considered as a whole would deliver considerable heritage benefits which weigh heavily in favour of the proposals, quite apart from the wider public benefits of the proposal

8.104 Overall, the Proposals take the opportunity to address issues affecting heritage assets and the way in which they are appreciated and experienced. The approach of managed neglect and piecemeal repairs and maintenance has resulted in the gradual deterioration of the Cemetery. In line with the charitable objectives, the Proposed Development will ensure the continued use of the Cemetery for burials and will implement a sustainable management and maintenance strategy for the landscape and the heritage of the Cemetery, including all constituent designations.

8.105 The masterplan has been developed in order to sustain and build on the revenue streams from visitors and the sale of burial plots and memorials.

8.106 Individually, the Proposed Development is considered to have the following significant heritage benefits to the various components of the Site:

- Reinstatement of the pinnacles and cupola on the Chapels (Project 3), alongside their general repair to improve thermal efficiency, which would enhance the significance of the Grade II listed Chapels and railings;
- Reinstating visibility and partial public access via the proposed Community and Education Building (Project 1) to the eastern entrance of the tunnel would better reveal the significance of the Grade II listed chapel;
- Reinstatement of the original ground levels of the Courtyard (Project 7) and resurfacing it in more historically appropriate materials that are closer to the original would enhance and better reveal the significance of the grade I listed Cemetery;
- Removal of the detracting toilet block to the south of the Anglican Chapel (Project 4), enhancing the Grade I registered Cemetery and improving the setting of the Chapels;
- Reinstating public access to the West Carriage Drive and removal of temporary shipping containers and portacabin, maintenance machinery and associated set-down materials, to better reveal the significance of the Grade I registered Cemetery;
- Recovery of the historic sightlines and vistas to better reveal the significance of the Grade I registered Cemetery;
- Conservation of the historic landscape to better reveal the significance of the Grade I registered Cemetery;
- Conservation of significant monuments to enhance the significance of various listed monuments and the Grade I registered Cemetery;

- Conservation of the Grade II listed South Lodge to enhance its significance;
- Provision of an Education and Community Building (Project 1) plus a Visitor, Operations and Volunteers Building (Project 2) to improve public access and interpretation of the Grade I registered Cemetery;
- Conversion of former Dissenters Chapel (Project 3) from offices to multi-function exhibition and interpretation space through removal of modern partitions, stairs, mezzanine (partial removal) and finishes, to better reveal significance and improve public access and interpretation of the Grade II listed Chapels; and
- Increased opportunities for generation of revenue to ensure the ongoing viability and security of the Cemetery and to provide resource for the implementation of the various maintenance and conservation plans to sustain and enhance the significance of Highgate Cemetery and to ensure the ongoing viable use in line with its conservation.

Retaining and Enhancing the Special Landscape

- 8.107 In addition to the above heritage benefits to listed buildings and structures, Highgate Cemetery is also a Grade I Registered Park and Garden, one of only 10 cemeteries and memorial gardens designated at this high grade.
- 8.108 The masterplan delivers many landscape benefits, addressing long overdue maintenance, for example, and environmental challenges arising from climate change. Thus, the landscape proposals comprised in the masterplan would
- Define a more proactive approach to landscape management and maintenance;
 - Provide a comprehensive tree management strategy for the woodland and individual signature trees, and to tackle ash die back, reduce the risk of pest and disease more broadly, improve biodiversity, while respecting the historic design;
 - Restore, upgrade and install new built infrastructure, paths, furniture and lighting, to improve accessibility;
 - Enhance the public realm and access to roof of terrace at the entrance and access to the roof of the Terrace Catacombs;
 - Improvements to the drainage to including reuse of existing drainage structure, installation of new SUDs infrastructure and French drains with recycling of soil being explored;
 - Protect and increase ecological value and habitat structure;
 - Accommodate the future needs of the active burial ground; and
 - Review the Trust’s conservation approach to the unlisted graves and monuments.
- 8.109 The landscaping workstream has been developed by award-winning landscape architects, Gustafson, Porter + Bowman. The Proposals would be delivered over 25-years under the Trust’s stewardship.

Ecological Enhancements

- 8.110 Highgate Cemetery is a Site of Metropolitan Importance for Nature Conservation (“SMINC”) and therefore represents one of the best sites for habitats in London and the highest priority for protection within the capital. The Cemetery, which provides green infrastructure alongside a number of other designated spaces in the vicinity, is also home to a number of protected species.
- 8.111 The Proposed Development would create new habitats across the Site that would be more diverse than the woodland that will be lost through the removal of diseased trees. Measures defined in the submitted Ecological Management Plan will ensure that all new and retained habitats improve the ecology of the Site in the long-term.
- 8.112 The Ecological Impact Assessment concludes that impacts and effects on that resource would be either negligible, and not materially harmful, or minor positive. Positive effects are noted to the Highgate Cemetery SMINC, the Waterlow Park Site of Borough Importance for Nature Conservation, bats and the habitats associated with cemeteries / churchyards.
- 8.113 The existing Cemetery has a high biodiversity value. The Proposed Development would result in a Biodiversity Net Gain (“BNG”) increase of 10.7% across the Site. Whilst the BNG score is based only on changes to habitats, the provision of new areas of broadleaved woodland, neutral grassland and hedgerows, and the commitment to manage these habitats for 30 years, will result in new opportunities for a range of wildlife, including invertebrates, birds, bats and small mammals

(see Ashgrove Ecology reports). It is therefore predicted that these measures, together with the additional enhancement measures noted above will have significant positive benefits for the Site in the long-term.

Increased Public Access

- 8.114 Public access is another important part of the Cemetery's charitable purpose, and access also and obviously reinforces the Cemetery's contribution to the purposes of MOL (which includes heritage conservation and appreciation). Maintaining access to and the benefit from the Cemetery for a wide range of people, relies upon staying open. Currently, the Cemetery is at risk of forced closure due to lack of revenue from burials, reduced visitor ticket sales and health and safety issues. Health and safety concerns have already led to the closure of parts of the Cemetery (e.g. West Carriage Drive).
- 8.115 The Proposed Development increases public access and appreciation of the landscape and of heritage buildings. The improvements delivered by the Masterplan would attract and support higher visitor numbers, and also improve educational and other community outreach initiatives.
- 8.116 These works include improved access and facilities for maintenance and other staff, a better connection between the East and West Sides, enhanced access to the listed Chapel buildings through step-free access, resurfacing of the courtyard and other paths and the creation of fully accessible new buildings. In addition, the West Carriage Drive would be reopened through repair and the removal of the existing gardeners' store. Parts of the Site currently off limits would be accessible again.
- 8.117 Highgate Cemetery would continue to meet a pressing need to enhance public access and to engage with the MOL and RGP, which are strategic priorities for the Mayor of London and the Government.

Sustainability Benefits

- 8.118 The Proposed Development represents the opportunity to enhance the sustainability of the site through environmental performance and the introduction of energy efficiency measures. These measures include renewable technologies such as PVs and ASHPs in the new Gardeners' Building and ASHPs in the new West Side and East Side buildings. Each of these three buildings have been assessed for carbon reduction. This analysis demonstrates that the works would achieve a 35% to 69% improvement to efficiency according to Useful Projects, following the Energy Hierarchy. 15% of this improvement is achieved through sourcing energy from renewable sources.
- 8.119 Rainwater harvesting has been incorporated into Community and Education Building (Project 1) and Visitor, Operations and Volunteers Building (Project 2), with water attenuation in the landscape design.
- 8.120 The Development is informed by a Circular Economy Strategy which is exploring the use of low carbon materials and seeking to achieve a target of 95% of construction and demolition waste to be recycling, re-used or recovered.
- 8.121 Other forms of social, economic and environmental benefits have been set out in other VSCs noted in this Section.

Outstanding and Innovative Design

- 8.122 The presence of outstanding or innovative design is afforded great weight in the planning process, provided that it is appropriate within its context.
- 8.123 The architectural projects have been developed by experienced and award-winning architects, Hopkins, and the designs have evolved through an extensive pre-application process with LB Camden, Historic England. The team has also been through the Design Review Process. The building designs have also evolved in step with the hard and soft landscape design and the conservation works (where appropriate). Community consultation events have elicited comments on the appearance of the buildings. This architectural design of the buildings has, therefore, been optimised.
- 8.124 The Community and Education Building is intended to be a special and memorable building, reflecting its public use. The Gardener's Building uses innovative design on a very narrow plot (4.5 metres deep) to deliver the required facilities on one of the only available plots of land within the whole Cemetery. This has been achieved without compromising the useability of internal spaces and, as the same time, achieving an attractive building.

- 8.125 The design of the Visitor, Operations and Volunteers Building has been the subject to extensive options testing and discussion to achieve an appropriate contextual, taking into account the listed group of which it will form part (and notably the Grade II listed colonnade).
- 8.126 The buildings have a consistent architectural language, unified by a restrained palette of materials and forms, drawing on the materials and forms which are found across the Cemetery and have been adapted to modern purposes. The Heritage Statement concludes that this new generation of structures would add to the architectural interest of the Cemetery, making an important point in its long history.

Educational and Community Benefits

- 8.127 The Proposed Development also meets the needs of school groups and the wider community.
- 8.128 The Trust has engaged with the local community to understand these needs. It has appointed a Head of Public Programmes to develop an Activity Plan, which will constitute the Trust's approach to social value. This plan identifies programmes and activities which the masterplan supports. The potential benefits to the community are documented through the Socio-Economic Assessment ("SEA"), which will be supplemented by a Community Use Plan, to form a planning obligation. Further work is planned to refine the community offer.
- 8.129 The SEA identifies key areas of need in the Highgate area and the community outreach will be tailored to this. The community outreach enabled by the infrastructure the masterplan delivers, supported by the Activity Plan, would address mental and physical health and the isolated experienced by elderly people and those with disabilities, for example. The Proposed Development would address the lack of community infrastructure in the area and addressing the needs of local groups and families. The ability to attract and programme school visits would provide dedicated educational resource.
- 8.130 The Proposed Development would directly increase the capacity of the Cemetery to address local needs with the new Community and Education building providing dedicated space for community use. Increased provision of office and volunteer space, landscape works, and gardener facilities will also support these spaces, training and team needed to deliver these activities which would be transformational for the Cemetery's ability to generate social value for local people.

CONCLUSION

- 8.131 We conclude that the above identified benefits comprise a strong VSC justification. The limited harm to MOL openness is demonstrably outweighed by the masterplan's benefits.

9.0 PLANNING ASSESSMENT

9.1 This section assesses the Proposed Development against the statutory Development Plan, statutory provision and material considerations outlined in **Section 7.0**.

HERITAGE

9.2 This section examines the Proposed Development in the legislative context to have special regard to the desirability of preserving or enhancing the heritage assets.

9.3 NPPF Paragraph 200 requires the significance of any heritage assets affected to be described, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

9.4 NPPF Paragraph 205 notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

9.5 NPPF Paragraph 206 stipulates that any harm to the significance of a designated heritage asset, either through alteration, destruction or development within its setting should require, clear and convincing justification.

9.6 NPPF Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

9.7 NPPF Paragraph 212 states that local planning authorities should look for opportunities for new development in conservation areas and the setting of heritage assets to enhance or better reveal their significance.

9.8 London Plan Policy HC1 (Heritage Conservation and Growth) states that development affecting heritage assets and their setting should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

9.9 Camden Local Plan Policy D2 (Heritage) requires the Council to preserve and where appropriate enhance Camden's heritage assets and their setting.

9.10 A Heritage Statement has been prepared by Montagu Evans, which provides an assessment of the significance of the heritage assets, as required by Paragraph 200 of the NPPF.

9.11 The heritage assessment identifies some limited harmful impacts to the Grade I Registered Park and Garden ("RPG") by virtue of the principle of constructing new buildings within the landscape. Considered in isolation (before taking account of the heritage benefits delivered), this harm would be less-than-substantial at the lower end. The harm has been reduced by the careful design of the buildings which are as small in footprint and volume as necessary to meet the brief, consistent with Paragraph 206 of the NPPF.

9.12 However, there are also a large number of direct and significant heritage benefits to the RPG which are delivered, comprising:

- Ensuring the continued use of the Cemetery as a burial ground, supporting its ongoing historic function and purpose;
- Increasing opportunities for public access and engagement through provision of visitor amenities and interpretation areas, thereby enhancing appreciation of the cultural importance of the Cemetery and ensuring a sustainable operational model for the Cemetery;
- Creation of public access to the tunnel entrance that previously linked the Anglican Chapel with the East Side (and is a Grade II listed building), in turn better revealing the historic and architectural interest of the Cemetery;
- Reinstatement of public access to the West Carriage Drive, in turn increasing public access to the Cemetery;

- Repair and conservation of the listed buildings and mausolea, including reinstatement of the cupola and pinnacles to the chapel buildings;
- Repair and conservation work to unlisted mausolea;
- Resurfacing of the courtyard to an appearance closer to the original configuration, reinstating the original ground level that reveals the base of the Courtyard Colonnade;
- Resurfacing of pathways with gravel (secondary paths) to reflect the original materiality, or concrete with aggregates (primary paths and vehicular paths) and restoration of the drainage system;
- Reinstating historic views / vistas, in particular to restore the southerly view of the chapel buildings from the Terrace which is currently obscured by tree cover, in turn better revealing the historic and architectural interest of the Cemetery. This is mostly facilitated by separate Section 211 notices to remove trees, although those works form part of the wider holistic masterplan for the Cemetery;
- Removal of detracting temporary accommodation and maintenance machinery from the West Carriage Drive, in turn better revealing the architectural and historic interest of the Cemetery and facilitating management of the landscape;
- Removal of temporary ticketing kiosk from the courtyard, in turn providing a more appropriate arrival and thus better revealing the architectural and historic interest of the Cemetery; and
- Replacement of the detracting toilet block in the Courtyard (West Side) with a building of higher quality architectural design, in turn enhancing the RPG.

9.13 Considering the heritage harms as against the heritage benefits, the Applicant is satisfied that the heritage benefits significantly outweigh the heritage harms and overall, there would be a significant net enhancement to the RPG and the heritage assets to which great weight should be attached in favour of the scheme.

9.14 The assessment concludes that there would be slight harm to the following heritage assets, but that this would be outweighed by the significant heritage benefits to each asset, so overall the proposals would enhance their significance:

- The Chapels, including entrance arch (Grade II);
- The Courtyard Colonnade (Grade II);
- Mausoleum of Carl Rosa (Grade II); and
- Monument to General Sir Loftus Otway (Grade II).

9.15 The assessment concludes that the proposals would preserve the heritage significance of the following assets:

- Cory Wright Mausoleum (Grade II);
- Dalziel Mausoleum (Grade II);
- Hartley Mausoleum (Grade II); and
- The Winter House (Grade II*).

9.16 The assessment concludes that there would be no harm to, and that the proposals would enhance the heritage significance of, the following heritage assets:

- The Terrace Catacombs (Grade II*);
- The Egyptian Avenue and Lebanon Circle (Grade I);
- The Mausoleum of Julius Beer (Grade II*);
- Cheylesmore Mausoleum (Grade II);
- Jankovich Mausoleum (Grade II);
- Monument to Mrs Emma Guerrier (Grade II);
- Cuttings Catacomb (Grade II);
- North Lodge (Grade II);
- South Lodge (Grade II);
- Waterlow Park (Grade II*); and
- Highgate Conservation Area.

9.17 The Heritage Statement summarises the harmful and beneficial works to or proposals affecting these heritage assets to explain these conclusions. Overall, the numerous significant heritage benefits would outweigh the harm resulting from the Proposals, which has been limited as far as possible.

9.18 The benefits to other heritage assets include:

- Conservation works to the Egyptian Avenue and Lebanon Circle (Grade I listed), including the reinstatement of the missing obelisk;
- Conservation works to the Terrace Catacombs (Grade II* listed) including enhanced drainage, repairing of ironwork and access improvements to its roof terrace;
- Removal of 1980s interventions to the former Dissenters Chapel, reinstatement of the cupola and pinnacles to the Chapels (grade II listed), public access to the entrance of the listed tunnel;
- The reinstatement of the cupola and pinnacles to the Chapels would also enhance the Highgate CA and setting of the Waterlow Park RPG;
- Conservation works to the Cuttings Catacomb (Grade II listed), including improvements to drainage and repainting of ironwork;
- Lowering of the Courtyard to reveal the base of the Colonnade (Grade II listed); and
- Conservation works to the South Lodge (Grade II listed), including reinstatement of the skylights.

- 9.19 Some of these heritage benefits effect both the Highgate Cemetery RPG and individual listed structures within the RPG.
- 9.20 There has historically been some debate in the Courts as to how decision makers should consider proposals that cause both harm and benefits to designated heritage assets, and whether the heritage benefits should be considered as part of ‘an internal heritage balance’, or as part of the public benefits at Paragraph 208 of the NPPF. The Court of Appeal judgment known as *Bramshill (Bramshill v SSHCLG [2021] EWCA Civ 320)* concluded it is not necessary to carry out an ‘internal heritage balance’ (Paragraph 71), but there are different ways that a decision maker can apply the balance of harm versus benefits (Paragraph 74), which include weighing harm versus benefit to individual heritage assets (Paragraph 78). The *Bramshill* judgment concludes that the approach taken would not make any difference to the overall conclusion (Paragraph 71).
- 9.21 The Heritage Statement has considered the internal heritage balance because this is considered to be helpful for the decision maker. The assessment has not identified any residual harm to designated heritage assets, so further public benefits are not required to outweigh the very limited harm to designated heritage assets, in the balancing exercise required by Paragraph 208 of the NPPF.
- 9.22 Notwithstanding this, if they prefer, LB Camden could consider the heritage benefits (listed above) as part of the public benefits in the weighing exercise at paragraph 208. There are also considerable other public benefits of the Proposals, as summarised at **Section 11.0** of this Planning Statement.
- 9.23 Paragraph 205 of the NPPF states that the conservation of designated heritage assets is of great weight in the planning balance; great weight applies to benefits as well as harm. The proposals deliver considerable benefits to many designated heritage assets. The proposals therefore comply with Paragraphs 205 and 212 of the NPPF, London Plan Policy HC1 and Camden Local Plan Policy D2. In granting planning permission and listed building consent for the Proposals, LB Camden would be discharging their statutory duties with respect to listed buildings and conservation areas.
- 9.24 The weighty heritage benefits are also relevant to the assessment of the VSCs and any effect on Metropolitan Open Land in **Section 8.0**.

OPEN SPACE

- 9.25 Camden Local Plan Policy A2 (Open Space) requires the Council to protect, enhance and improve access to Camden’s parks, open spaces and other green infrastructure. In regard to protecting open spaces, relevant criteria of the policy set out that Camden would:
- “a) protect all designated public and private open spaces as shown on the Policies Map and in the accompanying schedule unless equivalent or better provision of open space in terms of quality and quantity is provided within the local catchment area”.*
- 9.26 The Cemetery is designated as Open Space with private access on LB Camden’s Policy Map. The nature of the masterplan, in turn this Application, seeks to protect the Cemetery so that it continues to serve the community and future generations. The Cemetery would continue to serve as a private open space with public access.

“c. resist development which would be detrimental to the setting of designated open spaces;”.

- 9.27 The Proposed Development would introduce a number of public benefits (summarised in detail at **Section 11.0**) beyond the existing situation which ensures the setting of open space designation benefits overall.
- “d. exceptionally, and where it meets a demonstrable need, support small scale development which is associated with the use of the land as open space and contributes to its use and enjoyment by the public;”*
- 9.28 The Statement of Need, which forms part of this Application, outlines the need for the quantum of built development to provide better facilities to support the operation of the Cemetery (a working cemetery) and the quality and quantity of the open space for public enjoyment.
- “f. conserve and enhance the heritage value of designated open spaces and other elements of open space which make a significant contribution to the character and appearance of conservation areas or to the setting of heritage assets;”*
- 9.29 The Cemetery contains vast number of heritage assets which creates the identity of the cemetery. The new built development and architectural features have been sensitively examined against the existing open space and heritage assets to ensure they conserve and enhance the heritage value of the Cemetery. Numerous pre-application discussions have taken place with LB Camden and Historic England spanning 2021 to 2024 to ensure these elements are appropriate and provide a positive contribution.
- “g. give strong protection to maintaining the openness and character of Metropolitan Open Land (MOL);”*
- 9.30 The assessment of the Proposed Development against the MOL policies is set out in further at **Section 8.0**, concluding that VSC exist to outweigh harm to openness arising from inappropriate development.
- 9.31 Highgate Neighbourhood Plan Core Objective 4 (Open Spaces and Public Realm) seeks to empower the community to protect, enhance and obtain the maximum benefits from its open space where this does not harm the existing integrity or character of the open space.
- 9.32 The Proposed Development upholds the designation of open space and should therefore be considered policy compliant.
- SUSTAINABLE DESIGN**
- 9.33 London Plan Policy D3 (Optimising Site Capacity Through the Design-led Approach) outlines development proposals should follow a design-led approach which requires consideration of design options to determine the most appropriate form of development that responds to a site’s context to create a safe and inclusive environment.
- 9.34 The Proposals have evolved through discussion and options, informed by a Statement of Need and charitable objectives which seek to reconcile competing interests. The Proposals involve the integration of design across different disciplines, architecture, landscape, ecology, conservation. For these reasons the Proposals comprise an optimised design.
- 9.35 London Plan Policy D4 (Delivering Good Design) requires a design and access statement to be submitted in order to demonstrate that proposals meet the design requirement of both the London and Local Plans. Policy D4 requires proposals to evolve through pre-application discussion and design review.
- 9.36 Our Proposals meet the terms of this policy (see DAS which demonstrates the scheme evolution through an iterative process).
- 9.37 London Plan Policy D5 (Inclusive Design) states that development proposals should achieve the highest standards of accessible and inclusive design. The proposals materially improve accessibility to the landscape and the site more generally through new facilities that cater for people of different ages and abilities, meeting their needs insofar as practicable on a site of this nature.
- 9.38 Camden Local Plan Policy D1 (Design) seeks to secure high quality design that is assessed against a policy list of requirements which is assessed, where relevant below.
- 9.39 We cite each of the relevant policy limbs and follow that with an analysis of the reasons why we conclude the Proposals meet the policy requirements.

Table 9.1 – Assessment Against Camden Local Plan Policy D1 (Design)

Policy D1 Criteria	Assessment
"a. respects local context and character;"	The design of the scheme has evolved since 2021, as it considers the different elements that make the Cemetery, its character and its local context. The architectural design, materials and colour palette of the new built development evidently responds to local context so that it seamlessly blends into the character of the Cemetery, uniting old with new, as well as from views along the public highway.
"b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;"	The accompanying Heritage Statement concludes that the Proposals would deliver a demonstrable benefit to the heritage on the site, removing risks that undermine its physical integrity, restoring lost features and enhancing the appreciation of this significance by providing better access to it.
"c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation"	The masterplan centres on creating a long-term and resistant future for the Cemetery, which has been built on sustainable practices seen at the design stage in terms of reusing materials and the location of new built development, but also in terms of drainage and energy solutions which enable the site to adapt to changing climatic conditions and particularly increased rainfall.
"d. is of sustainable and durable construction and adaptable to different activities and land uses"	The existing buildings, shipping containers and portacabin to be removed were small, some of poor quality and not suitable for long-term use. The proposed development would be built from durable materials with the majority of the layouts considered to be open plan, flexible and accessible so that different activities, uses and users can be supported.
"e. comprises details and materials that are of high quality and complement the local character"	The Design and Access Statement demonstrates the high architectural quality of the Proposals.
"f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage"	A focus of the Proposed Development is to deliver improvements to the public realm in the courtyard and forecourt of the West Side, so that the accessibility and useability of the space supports visiting members of the public. The opening of the Chester Road gate would provide additional connectivity to the East Side of the Cemetery. In addition, improvements to existing paths within the Cemetery would improve drainage and pedestrian movement.
"g. is inclusive and accessible for all"	The ambition is to create step-free access to the Courtyard, Chapels and all new buildings so that the Cemetery is inclusive and accessible for all. Measures include improvements to the forecourt and courtyard, provision of disabled parking spaces, disabled WCs and accessible lifts within the buildings.
"h. promotes health"	The Proposed Development provides a variety of different activities and spaces to improve health and wellbeing. The open space itself supports visitors enjoying the landscape, walking and experiencing the different characters of the West Side and East Side of the Cemetery. There would also be opportunities for members of the community and schools to utilise the Community and Education Building (Project 1) for social and educational purposes. The café would serve good quality food in a peaceful setting. Those who are visiting graves can use the Anglican Chapel (Project 3) as a space for quiet contemplation to support bereavement and mourning.
"i. is secure and designed to minimise crime and antisocial behaviour"	The Cemetery has controlled access for most visitors. The Cemetery is secure with boundary walls around both the East and West Sides. The operation and security of the Cemetery would be via the existing arrangements. The proposed East Side sentries have been designed to

	offer a 360 degree view, so staff have sight of visitors at the entrance gates.
“j. responds to natural features and preserves gardens and other open space”	The Site is heavily constrained with natural features, heritage assets and graves. The Proposed Development has utilised the landscape to dictate the layout, form and massing of the new buildings. Examples include the Community and Education Building (Project 1) where the layout has been constrained by the surrounding graves. The Visitor, Operations and Volunteers Building (Project 2) which has been built into the existing earth bank to reduce massing, and Gardeners’ Building (Project 6) built into the existing Mound to also reduce massing and preserve the openness.
“k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping” & “l. incorporates outdoor amenity space”	The proposed landscape design seeks to re-establish the historic landscape design of Cemetery as originally intended. This includes revisiting the planting of trees and plants, improving paths and installing benches. Greening opportunities are being utilised for the Visitor, Operations and Volunteers Building (Project 2) and the Gardeners’ Building (Project 6) in the form of green roofs and espaliers.
“m .preserves strategic and local views”	The proposed development has been assessed for its impact on local views, and this is set out within the above MOL chapter, as well as the Heritage Statement. Key views are local, rather than strategic and the landscape works provide the opportunity to open up historic views from the top of the West Side, providing an enhancement to the landscape and appreciation of the heritage significance of the Cemetery.
“o. carefully integrates building services equipment.	The proposed design of the new buildings seeks to discretely locate building services and plant equipment so that they do not detract from the design nor have wider impacts on the heritage assets and open space. The equipment is contained within the building and located in specific areas, so they are accessible.

- 9.40 The Design and Access Statement has been jointly prepared by the design team, which should be read in conjunction with this Application. It forms a number of volumes, covering the specialist workstreams that inform the masterplan, landscape, architecture and conservation.
- 9.41 NPPF Paragraph 96 states that planning decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which promote social interaction, are safe and accessible and enable and support healthy lifestyles.
- 9.38 NPPF Paragraph 131 states that good design is a key aspect of sustainable development, making development acceptable to communities, and helping to create better places for people to live and work.
- 9.39 NPPF Paragraph 135 stipulates that it is important to plan positively for the achievement of high quality and inclusive design for all development, which will function well over the lifetime of the development, are visually attractive, sympathetic to local character, establish a strong sense of place, optimise the potential of the site, and create places that are safe.
- 9.40 Considering the above design assessment, the Proposed Development is considered to be policy compliant at national, London and local levels.

LANDSCAPE AND TREES

- 9.41 Camden Local Plan Policy A3 (Biodiversity – Trees and Vegetation) seeks to protect and where possible secure existing trees and vegetation. The LPA will resist the loss of trees and vegetation, require trees and vegetation to be protected during construction and demolition, expect replacement trees to be provided where there is a loss and incorporate additional trees and vegetation into proposals where possible.

- 9.42 There are no Tree Protection Orders (“TPOs”) on Site but works to trees in the conservation area require serving notice to LB Camden.
- 9.43 Bartlett Consulting has prepared an Arboricultural Impact Assessment Report and Tree Protection Plan for both the West Side and East Side of the Cemetery.
- 9.44 The West Side requires the removal of four trees, T39 (English Yew), T40 (Bird Cherry), T41 (Bird Cherry) and T42 (Ash). In addition, to the removal of tree T323 (English Elm) for the construction of Community and Education Building (Project 1).
- 9.45 For the East Side, tree T314 (Hornbeam) would need to be removed to facilitate the construction of the Gardener’s Building (Project 6).
- 9.46 In total six Category B trees are proposed to be removed under this Application.
- 9.47 The Report acknowledges that the removal and erection of new paths (hard standing), and drainage systems is likely to impact many of the trees on Site. Therefore, root protection areas have been established to preserve the minimum rooting area of the tree during the construction phase. Where excavation works are required within the root protection areas, the ‘Broken Trench’ (hand-dug) method is deemed most appropriate. This is on line with BS5837:2012 ‘Trees in relation to Design, Demolition and Construction’.
- 9.48 The Report also sets out recommended procedures for encountering significant and insignificant tree roots, that should be followed. Tree removal should be regarded as the last resort and consulted with the qualified Arboriculturalist.
- 9.49 Gustafson Porter + Bowman has prepared a Planting Schedule which specifies the proposed trees and plants to be planted in the West Side and East Side of the Cemetery. Where trees are to be removed, as described above, the Trust would offset any loss with the replacement of trees throughout the Site. In total 280 trees are proposed to be planted, with 24 new tree species introduced.
- 9.50 A Landscape Maintenance and Management Plan has been prepared by Gustafson Porter + Bowman to cover the long-term maintenance of site furnishings, drainage, hard landscape areas, trees and planting, and general landscape management. The Trust would take responsibility for the long-term management and maintenance of landscaping, vegetation and trees.
- 9.51 It is deemed that the wider landscape benefits and proposed tree planting of 280 trees outweighs the loss of six existing trees and therefore is justified in the context of the Proposed Development.

ARCHAEOLOGY

- 9.52 Camden Local Plan **Policy D2 (Heritage – Archaeology)** sets out that the LPA would protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.
- 9.53 LB Camden has designated the Site as Highgate Archaeological Priority Area Tier II.
- 9.54 An Archaeological Desk Based Assessment has been prepared by MOLA to assess the impact of the Proposed Development on archaeological remains (buried heritage assets).
- 9.55 The Assessment considers the Site to contain around 170,000 individuals in 53,000 graves, creating a high density burial ground and acknowledges, prior to the Cemetery, the Site was previously Ashurst House (built in the late 17th century and demolished in 1830).
- 9.56 The Assessment reports that the West Side contains burials and associated monuments from 1839 onward, and the East Side from 1860 onward. Where individual burials are recorded these archaeological remains would be considered ‘high significance’. Although, burials that lack identification but located in common graves would be ‘medium or high significance’.

- 9.57 There are a few areas of the Cemetery that have been untouched by burials, these include some paths. The Assessment identified that there is moderate potential for post-medieval remains under secondary paths, and as such the remains here would be described as 'low or possibly medium significance'.
- 9.58 The Swain's Lane tunnel if archaeological features or fittings are found would be of 'medium significance'.
- 9.59 An archaeological evaluation was carried out by MOLA on the Mound in the East Side of the Cemetery between November and December 2023 to understand the archaeological remains under the embankment. This was conducted via two evaluation trenches. The results are reported to show that burials below the Mound and other archaeological features such as paths and drains may be affected by groundworks to the embankment.
- 9.60 In order to minimise disturbance to burials, MOLA recommends that an appropriately scoped and targeted archaeological watching brief is maintained during groundworks, including any geotechnical investigations. In addition, surveys should be required prior works to the Swain's Lane Tunnel so that archaeological remains are recorded.
- 9.61 If MOLA's recommendations are followed, the Proposed Development would protect archaeological remains and minimise possible impact where possible. As a result, the Proposed Development would be in accordance with planning policy.

BIODIVERSITY AND ECOLOGY

- 9.62 NPPF Paragraph 180 describes how planning decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on and providing net gains for biodiversity and help to improve local environmental conditions.
- 9.63 London Plan Policy G6 (Biodiversity and Access to Nature) supports development proposals that manage impacts on biodiversity and aim to secure net biodiversity gain. Proposals which reduce deficiencies in access to nature should be considered positively.
- 9.64 Camden Local Plan Policy A3 (Biodiversity) outlines the LPA will protect and enhance sites of nature conservation and biodiversity. LB Camden will assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the scale of development proposed.
- 9.65 Ashgrove Ecology has prepared an Ecological Impact Assessment to assess potential effects of the Proposed Development on the Site's ecology. The report includes a Preliminary Ecological Appraisal to identify the existing ecology, with a desk study and field surveys conducted between 2021 and 2024.
- 9.66 The Cemetery is a Site of Metropolitan Importance for Nature Conservation ("SMINC"). This designation secures high priority protection for nature conservation in London. The habitats present, under the UK Habitats classification system, include 'Cemeteries and Churchyard' (U1d 90), 'Buildings' (U1b 5) and 'Developed Land, Sealed Surface' (U1b). The Cemeteries and Churchyard habitat represented the majority of the Site which corresponds with the Cemetery's existing use as a working cemetery.
- 9.67 The report identifies designated sites in the surrounding area.
- 9.68 Waterlow Park is adjacent to the Site to the north-east and is designated as Site of Borough Importance for Nature Conservation ("SBINC"). Due to the park's connectivity with the Cemetery, it is likely to provide additional resources for animals at the Cemetery.
- 9.69 There is also a nationally designated Site of Special Scientific Interest ("SSSI") of Hamstead Heath Woods located approximately 960 metres to the west of the Cemetery.
- 9.70 The above sites were identified as ecological receptors along with habitats, bats and other species. The ecological receptors were assessed against the predicted effects of the Proposed Development at the construction phase and operational phase. Overall, the development would have a positive effect on ecology, particularly at the operational phase.

Whereas roosting bats and species may be most affected during the construction phase. As a result, mitigation measures are proposed.

- 9.71 To reduce the impact during the construction phase, the report recommends a Construction Environmental Management Plan to be secured via a planning condition which sets out detail on how to protect the ecological receptors. Furthermore, for buildings identified to support bat roosting, a Bat Mitigation Plan should be prepared. Additional recommendations are provided in the report. On the basis on the mitigation measures being implemented, the anticipated residual effects on the ecological receptors during the construction phase would be 'Negligible' and operational phase the majority would be 'Major Positive'.
- 9.72 The report concludes that the Proposed Development and mitigation measures would have an overall significant positive benefit for the Site in the long-term.
- 9.73 Ashgrove Ecology has also prepared a Biodiversity Net Gain Report and Metric Calculation. The total area used in the BNG calculation was 13.46 ha (the site area minus existing buildings or hardstanding).
- 9.74 The existing baseline biodiversity value of the Site was calculated as 123.83 habitat units based on a Cemeteries and Churchyard' (U1d 90) habitat classification. The habitats condition is described as moderate, with medium distinctiveness but of high strategic importance.
- 9.75 The architects have carefully selected the location of the proposed new built development to minimise the loss of existing habitats. The total loss of habitats under the Proposed Development would amount to c. 0.7 ha.
- 9.76 The Proposed Development is expected to generate 139.77 habitat units which represent a BNG of 10.70%, exceeding the mandatory BNG target of 10%.
- 9.77 The development proposals would enhance the ecology of the Site and support the requirement of BNG, in line with policy requirements at all levels.

FLOODING, DRAINAGE AND SUDS

- 9.78 The NPPF identifies that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Chapter 14 of the NPPF recommends that sustainable drainage systems ("SuDS") should be utilised, where possible, within all new drainage schemes.
- 9.79 At a local level, Camden's Local Plan Policy CC2 (Adapting to Climate Change) advises that all development should adopt appropriate climate change adaption measures, including not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of SuDS.
- 9.80 Camden Local Plan Policy CC3 (Water and Flooding) seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible.
- 9.81 Camden Planning Guidance 'Water and Flooding' (March 2019) states that the LPA expects all developments, whether new or existing buildings, to be designed to be water efficient by minimising water use and maximising the re-use of water.
- 9.82 A Flood Risk Assessment has been prepared by Max Fordham to understand the risk of flooding to the Site and surrounding area and impact of the Proposed Development.
- 9.83 The Environment Agency defines the Site as Flood Zone 1. This classification suggests the lowest probability of flooding, i.e., less than 1 in 1000 annual probability. Given the Site is located in Flood Zone 1, the risk from flooding from river (fluvial) and coastal (tidal) sources are 'very low'.
- 9.84 The Site is situated within a Critical Drainage Area. The majority of the Site is considered to have 'very low' risk from surface water flooding, with a small part of the East Side to have 'low' risk.

- 9.85 Other flooding sources such as from sewers or groundwater are also considered 'very low' risk. In addition, there is no likely residual flood risks from flood defence breach or reservoir failure.
- 9.86 Historic flooding records were reviewed, with an event recorded in 1975 where Swain's Lane flooded due to a surface water event. The flooding is believed to be caused by a larger storm on 14 August 1975. No other events have been recorded.
- 9.87 To prevent any possible flooding from similar weather or surface water flooding events, Max Fordham recommend the following mitigation measures that have been captured in the Proposed Development:
- Landscape electrical connection – Installed above external ground level, bringing down from ceilings where possible;
 - Water supply - All plumbing insulation to be of closed-cell design;
 - Landscape drainage measures – refer to the 'Drainage Strategy Statement' submitted with this Application; and
 - Flood Warning & Emergency Plan – Cemetery Operations Manager to sign-up to Met Office Weather Warnings.
- 9.88 The Flood Risk Assessment concludes that Development Proposals are located within Flood Zone 1, as such, they would not displace flood waters nor increase flood risk to surrounding areas.
- 9.89 Max Fordham has also prepared a Drainage Strategy Statement to demonstrate how the Site can satisfactorily drain without increasing flood risk.
- 9.90 The Statement identifies the Site's existing underground drainage system which carries both surface water and sewage (managed by Thames Water). Surface water drainage is transported through an underground piped system that collects runoff from the main paths, buildings, and surrounding landscape.
- 9.91 This Application would see the Proposed Development amount to a total of 12.6569 ha permeable area and 2.2942 ha impermeable area (buildings and pavements). In addition, the permeability differs for the West Side and East Side of the Cemetery, where infiltration testing showed the East Side has inadequate permeability. As a result, infiltration systems would only be feasible on the West Side. Consequently, a site-specific approach to drainage and the use of SuDS are proposed to mitigate the impact of impermeability.
- 9.92 Rainwater harvesting systems would be installed at the Terrace Catacombs and the Chapels at the West Side and, the new Education and Community Building, and the Chester Road gate on the East Side to conserve rainwater. The East Side would also include an active attenuation system at the Chester Road gate.
- 9.93 The West Side would employ a combination of soakaways, shallow French drains, and piped drainage. Runoff from the West Side would be discharged directly into the Thames Water sewage network.
- 9.94 The East Side would primarily rely on shallow French drains and piped drainage, discharging to the Thames Water surface water sewer at a controlled discharge rate of 29.49 l/s. The discharge performance has been assessed for all storm events up to and including the 100-year plus 40% climate change event.
- 9.95 The Proposed Development would retain and reuse the existing underground drainage system for surface water and sewage. For the Gardner's Building (Project 6) an underground pipe would be installed to connect to the Chester Road sewer to accommodate sewage from the new building.
- 9.96 In light of this, the Proposed Development has the lowest risk of flooding (Flood Zone 1) and introduces SuDS to improve surface water drainage, thereby, complying with relevant planning policy.

ENERGY AND SUSTAINABILITY

- 9.97 Whilst the Proposed Development is technically a 'major development' due to overall site area, the amount of built development is minor (less than 1000 sqm) and concentrated on a much smaller area. The Proposed Development has

been designed to be as sustainable as possible, although it should be noted that the full range of major requirements is challenging to meet due to limitations on the scale of development and heritage sensitivities.

- 9.98 London Plan Policy SI2 (Minimising Greenhouse Gas Emissions) outlines that major developments should be net zero-carbon, which means reducing carbon dioxide emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
1. Be lean: use less energy and manage demand during operation;
 2. Be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly;
 3. Be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site; and
 4. Be seen: monitor, verify and report on energy performance.
- 9.99 Under Policy SI2, a minimum on-site reduction of at least 35% beyond Building Regulations for major development. Residential development should achieve 10%, and non-residential development should achieve 15% through energy efficiency measures.
- 9.100 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: through a cash in lieu contribution to the borough's carbon offset fund; or off-site provided that an alternative proposal is identified, and delivery is certain. Boroughs must establish and administer a carbon offset fund. Offset fund payments must be ring-fenced to implement projects that deliver carbon reductions.
- 9.101 London Plan Policy SI4 (Managing Heat Risk) outlines that development proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure.
- 9.102 At the local level, Camden Local Plan Policy CC1 (Climate Change Mitigation) requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and operation. Policy CC2 (Adapting to Climate Change) supports development that provides appropriate climate change adaption measures including SUDs, green infrastructure and measures to reduce overheating.
- 9.103 Camden's CPG on Energy Efficiency and Adaptation (January 2021) requires all development to reduce carbon dioxide emissions by following the energy hierarchy. For non-residential development a 15% reduction (beyond part L Building regulations) is required. In addition, all non-residential development of 500 sqm or more floorspace to be BREEAM 'Excellent'.
- 9.104 NPPF Paragraph 157 explains that the role of the planning system is to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. In addition, to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.105 A Sustainability Statement has been prepared by Useful Projects in support of this Application. The Statement outlines that as the new buildings fall below 500 sqm of floorspace, the requirement for BREEAM was not triggered. Instead, the Trust have sought a sustainability strategy to ensure the Proposed Development is as sustainable as possible. The strategy includes the following themes:
- Energy and carbon;
 - Materials and waste;
 - Trees and biodiversity;
 - Water and resilience;
 - Culture and wellbeing;
 - Diversity, inclusion and accessibility; and
 - Partnerships and outreach

- 9.106 An Energy Statement has been prepared by Skelly and Couch to identify the energy strategy for the Proposed Development. The strategy has made every effort to comply with London Plan carbon reduction targets and enhance the energy performance of the buildings in line with the London Plan's hierarchies.
- 9.107 Where new built development is proposed options for low and zero technologies were explored via feasibility studies. The results found ASHPs and PVs were the only suitable onsite renewable technologies
- 9.108 Whereas the ability to utilise low and zero technologies in the refurbished buildings is limited. The existing gas boiler that heats the Chapel Buildings is to be retained, as the ASHPs would not significantly improve the thermal fabric.
- 9.109 The energy strategy has been developed following the energy hierarchy of "Be Lean, Be Clean, Be Green, Be Seen" as set out within London Plan Policy SI2. The following measures are proposed at each stage:
1. Be Lean
 - Passive design features including optimised orientation and layout, insulated fabric, air-tight construction, thermal bridging and natural ventilation (passive cooling).
 - Active design features including heat reclamation on mechanical ventilation, high efficiency internal lighting, waste water heat recovery and efficient heating equipment.
 2. Be Clean
 - Due to the size of the buildings and the distances between them, it was deemed unavailable to connect to a wider district heating network.
 3. Be Green
 - ASHPs and PVs to be included in the design.
 4. Be Seen
 - The Community and Education Building (Project 1), the Visitor, Operations and Volunteers Building (Project 2) and the Gardeners' Building (Project 6) would have thermal modelling analysis in addition to Building Energy Management system so that these buildings can be individually metered and monitored for energy consumption.
- 9.110 The Energy Statement reports that for the aforementioned buildings (Projects 1, 2 and 6), the development would result in:
- An overall on-site carbon emission reduction of 35%;
 - A minimum reduction of carbon emissions by 15% through energy efficiency measures; and
 - A maximum 15kW/m² annual heating energy demand.
- 9.111 All parts of the development have been designed with best practice in mind to minimise overheating and the requirement for cooling. Thermal modelling analysis was undertaken to understand the overheating risk and inform the cooling approach. The analysis demonstrated that all spaces for that part of the Application would provide thermal comfort using current climate scenarios.
- 9.112 The cooling strategy for the Dissenters Chapel (Project 3) is to utilise additional openings in the existing windows and high level roof lights to enable natural ventilation. The Visitor, Operations and Volunteers Building (Project 2) would include active cooling through a reversible heat pump to circulate chilled water through underfloor heating. No other active cooling methods are proposed in any of the other new buildings.
- 9.113 It should be noted that in extreme weather scenarios, the naturally ventilated spaces and cooling measures may not provide sufficient cooling.
- 9.114 Overall, the Proposed Development has sought to significantly improve the energy efficiency of the Site and incorporate appropriate sustainable measures. This would be in accordance with the London Plan and Local Plan policies, as well as the direction of the NPPF.

NOISE

- 9.115 London Plan Policy D14 (Noise) states that noise should be managed and mitigated in order to improve health and wellbeing. The management of noise is about encouraging the right acoustic environment, both internal and external, in the right place at the right time.

- 9.116 Camden Local Plan Policy A4 (Noise and Vibration) requires all noise to be controlled and managed and should have regard to Camden's Noise and Vibration Thresholds. Specific acoustic requirements are set out in Appendix 3 of Camden's Local Plan. For operational plant equipment, Policy A4, sets the noise limit to a minimum of 10 dB(A) below background noise levels.
- 9.117 LB Camden would only grant permission for noise-generating development, including any plant and machinery, if it can be operated without causing harm to amenity, and the development should seek to minimise the impact on local amenity from deliveries and from the demolition and construction phases of development.
- 9.118 LB Camden requires any installation of new plant equipment to be in accordance with BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.
- 9.119 The proposal includes the installation of external heat pumps in the Community and Education Building (Project 1), Visitor, Operations and Volunteers Building (Project 2) and Gardener's Building (Project 6). The proposed operational hours are between 09:00 and 21:00 every day. In addition, an internal air handling unit located in the basement of the Community and Education Building (Project 1) would run 24 hours a day. The air handling unit would include external inlet and exhaust grilles at the south-east corner of the building.
- 9.120 A Noise Impact Assessment has been prepared by Gillieron Scott Acoustic Design to undertake a background noise survey, associated impact and mitigation recommendations.
- 9.121 Gillieron Scott Acoustic Design carried out a background noise survey on 5 July 2024 at 10:30 and 8 July 2024 at 19:00 at a fixed monitoring location at the Site. A second survey was conducted on 9 July 2024 between 08:45 and 09:45 at a different location within the Cemetery.
- 9.122 The results identified the primary sound sources came from wind in trees, birdsong, occasional voices of people passing, and distant road traffic noise (Swain's Lane). The nearest noise-sensitive receptors were the residential properties of No. 81 John Winter's House, Retcar Place / Lulot Gardens (Whittington Estate) and Holly Lodge Mansions.
- 9.123 The results also demonstrated that the representative background noise levels were as follows:
- Noise level for 90% of the period analysed (15 minute period) – 38 dB $L_{A90,15min}$ during the daytime, and 33 dB $L_{A90,15min}$ at night; and
 - Equivalent continuous noise level for 5 minutes – 47 dB $L_{Aeq,5min}$ during the daytime, and 38 dB $L_{Aeq,5min}$ during the night.
- 9.124 The relevant noise levels measured at the nearest noise-sensitive receptors were at least 14 dB(A) below the representative background noise level during the day, and at least 10 dB(A) below at night.
- 9.125 Gillieron Scott Acoustic Design recommends that due to the location of Holly Lodge Mansions being in a direct line of sight with the proposed air handling unit exhaust on the Community and Education Building, a noise attenuator should be erected onto the exhaust to provide a further reduce the noise level by at least 5 dB(A).
- 9.126 The above results and mitigation measures, show that the proposed plant equipment would comply with the policy requirements set out above.
- 9.127 Gillieron Scott Acoustic Design also assessed the potential customer (entertainment) noise generated from the proposed new uses of the Community and Education Building (Project 1) and the Visitor, Operations and Volunteers Building (Project 2). The assessment was based on a 'worst-case scenario', when both buildings are at full capacity. Their assessment identified No. 81 John Winter's House as the nearest noise-sensitive receptor.
- 9.128 The results show that No. 81 John Winter's House would be exposed to noise levels of 49 dB L_{Aeq} during the day, and up to 43 dB L_{Aeq} at night. Both are below LB Camden's noise limits specified for customer (entertainment) uses. Therefore, no mitigation is required at this stage.

9.129 The Proposed Development has been carefully designed to ensure that the users of the Cemetery, nearest noise-sensitive receptors and surrounding area achieve a satisfactory level of acoustic amenity. In this instance, the Proposed Development is policy compliant.

TRANSPORT AND ACTIVE TRAVEL

9.130 London Plan Policy T1 (Strategic Approach to Transport) outlines how development proposals should facilitate the delivery of the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041. Additionally, all development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes and ensure any impact is mitigated.

9.131 London Plan Policy T2 (Healthy Streets) aims to improve London's health through delivering patterns of land use that facilitate residents making shorter and more regular trips by walking and cycling.

9.132 London Plan Policy T4 (Assessing and Mitigating Transport Impacts) states that when required in accordance with national or local guidance, transport assessments/statements should be submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed.

9.133 At the local level, Camden Local Plan Policy T1 (Prioritising Walking, Cycling and Public Transport) is the primary transport policy which promotes sustainable transport in the borough. The policy seeks to ensure that development is properly integrated with the transport network and supported by adequate walking, cycling and public transport links.

9.134 Neighbourhood Plan Policy TR1 (Promoting Sustainable Movement) recommends that new development should promote walking, cycling and public transport use. Development should make suitable provision to improve pedestrian, cyclist or public transport access. Provision may include:

- Convenient, safe and well-signed routes, including footways and cycleways designed to appropriate widths;
- Other features associated with pedestrian and cycling access to the development, where needed, for example seating for pedestrians, signage, high quality cycle parking, workplace showers and lockers;
- Safe road crossings where needed; and
- Bus stops, shelters, passenger seating and waiting areas, signage and timetable information.

9.135 Neighbourhood Plan Policy TR3 (Minimising the Impact of Traffic Arising from New Development) states that development to generate significant traffic movements are required to prepare a Transport Assessment and Travel Plan and provide information on parking and drop-off arrangements.

9.136 NPPF Paragraph 114 explains that when the LPA considers development proposals regard should be given to opportunities to promote sustainable transport modes, create safe and suitable access, consider the design of streets and transport elements and mitigate any significant impacts from the development on the transport network.

9.137 NPPF Paragraph 116 confirms that development should give priority first to pedestrian and cycle movements, address the needs of people with disabilities and allow for the efficient delivery of goods, and access by servicing or emergency vehicles.

9.138 A Transport Statement has been prepared by Caneparo Associates to review the Proposed Development regarding transport, highways and associated impacts. Consideration would include the existing situation, trip generation, transportation methods and parking.

9.139 Both the West Side and East Side of the Cemetery are accessed via Swain's Lane. Swain's Lane offers two-way movement up to the Cemetery's forecourt, but beyond this, narrows to a one-way passage northbound.

9.140 The Cemetery has a PTAL rating of 2, meaning it has a low level of public accessibility. The PTAL is categorised by levels 1 to 6 where 6 represents a high level of accessibility and 1 represents a poor level of accessibility.

9.141 The roads surrounding the Site are within the Controlled Parking Zone which operates Monday to Friday between 10am-12noon.

- 9.142 The Transport Statement reviewed the existing trip generation for the Cemetery. During the weekday 820 daily trips were reported, with 805 trips on Saturday. Sunday is the busiest day for the Cemetery with 1,780 trips generated throughout the day. It is anticipated that the number of trips would increase, however, they would be outside of peak periods on the local highway network.
- 9.143 Caneparo Associates concludes that the Proposed Development is acceptable in transport and highway terms. We cover cycling, car parking and deliveries below.

Cycle Parking

- 9.144 London Plan Policy T5 (Cycling) outlines the Mayor's strategy to increase cycling within the capital. The policy outlines that development should contribute to increase cycling through the provision of cycle parking facilities and on site changing facilities. Furthermore, developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards. For Cemeteries, there is no standard quoted.
- 9.145 Camden Local Plan Policy T1 (Prioritising Walking, Cycling and Public Transport) would promote sustainable transport and public transport methods in the borough. For cycling, development should provide accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan.
- 9.146 Cycle spaces on Site would increase from eight existing spaces to 10 short stay spaces and 12 long stay spaces (22 cycle spaces in total).
- 9.147 Short stay cycle spaces are to be secured on external racks located in the forecourt area.
- 9.148 Long stay cycle spaces for garden staff are to be secured on internal racks in the Gardener's Building (Project 6). The Gardener's Building offers site changing facilities and two showers.
- 9.149 The proposed cycle provision is in line with the requirements of the London Plan and Camden's Local Plan.

Car Parking

- 9.150 London Plan Policy T6 (Parking) outlines that the Mayor wishes to see car parking restricted in line with the levels of public transport accessibility and connectivity with a greater emphasis on car-free development. Whilst car-free development has no general parking, disabled persons parking should still be provided.
- 9.151 Camden Local Plan Policy T2 (Parking and Car-Free Development) would limit the availability of parking and require all new developments in the borough to be car-free.
- 9.152 Neighbourhood Plan Policy TR4 (Reducing the Negative Impact of Parking in Highgate) requires development to be car-free in areas that are designated as a Controlled Parking Zone.
- 9.153 Camden's Transport CPG (January 2021) outlines "For non-residential development, the Council will consider some parking provision where it is demonstrated that this is essential to the use, operation and / or servicing of the use, business or service" this includes operational parking for unclassified Sui Generis uses.
- 9.154 The Cemetery is a Sui Generis use, and due to the operational requirements of a working cemetery, the Site cannot be a car-free development. Car parking needs to be retained for staff and visitors for funeral purposes.
- 9.155 The Development Proposal seeks to reduce the number of car parking spaces to six within the Swains Lane forecourt area but include provision for two disabled accessible spaces for Blue Badge holders. The parking would be off-street and would not require parking permits. No electric vehicle charging points are proposed.
- 9.156 The car parking arrangements are to operate as per the existing operation, overseen by Cemetery employees.
- 9.157 It is acknowledged that the Proposed Development does not fully accord with relevant car parking policies, however, it does offer a reduction as well as the provision of dedicated disabled persons parking, and on balance is an improvement beyond the existing situation.

DELIVERY AND SERVICING

- 9.158 London Plan Policy T7 (Deliveries, Servicing and Construction) states that development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible. Construction Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments.
- 9.159 Neighbourhood Plan Policy TR2 (Movement of Heavy Goods Vehicle) seeks development that would generate significant movement of goods or materials by road, both during construction and in operation would need to prepare a Construction Management Plan and Servicing Management Plan for major developments prior to commencement of works. In addition, wherever possible, avoid the need for additional movement of vehicles over 7.5 tonnes in predominantly residential areas and make effort to accommodate goods and service vehicles on site, during and after construction. Opportunities to minimise disruption to the local community should also be considered.
- 9.160 Servicing, deliveries and loading activities are to be undertaken off-street within the Cemetery's forecourt area. This strategy would remain as existing. It is anticipated deliveries would be for office, education, café and gardening uses and remain similar to the existing quantum of deliveries per day (approximately 3-4 deliveries). The majority of deliveries are to be scheduled outside of visiting hours.
- 9.161 Light Goods Vehicles are expected to provide servicing and deliveries. Skip lorries would be required for collecting garden waste stored in a skip. The Transport Statement provides a vehicle swept path demonstrating the feasibility for these vehicles.

REFUSE AND WASTE

- 9.162 Camden Local Plan Policy CC5 (Waste) seeks to make Camden a low waste borough and aims to reduce the amount of waste produced in the borough and increase recycling and the reuse of materials to meet the London Plan targets of 50% of waste recycled / composted by 2020 and aspiring to achieve 60% by 2031. The policy also seeks to make sure that developments include facilities for the storage and collection of waste and recycling.
- 9.163 Waste and recycling would be stored in four 1,100L Eurobins (two bins for each).
- 9.164 The Proposal seeks to store waste within the West Side courtyard and to be transported to the forecourt area on collection days to be collected by LB Camden's waste collection vehicles. Collections are proposed to take place at the same frequency as the existing situation (twice a week), with green waste collected weekly via a skip.
- 9.165 The Proposed Development accords with the expectations of Local Plan Policy CC5.

CONSTRUCTION MANAGEMENT

- 9.166 The supporting text to Camden Local Plan Policy A1 (Managing the Impact of Development) (Paragraph 6.12) outlines that measures required to reduce the impact of demolition, excavation and construction works must be outlined within a Construction Management Plan.
- 9.167 Neighbourhood Plan Policy TR2 (Movement of Heavy Goods Vehicle), described above, also requires a Construction Management Plan for major development.
- 9.168 Caneparo Associates have prepared a draft Construction Management Plan and Pro-forma and demonstrates how construction impacts would be minimised in relation to the site's activity during demolition and construction works and the transport arrangements for vehicles servicing the Cemetery. This is in accordance with Policy A1 and TR2 above.
- 9.169 The Construction Management Plan and Pro-forma is a 'live' document that progresses to a final version should the Application be approved. It is anticipated the Construction Management Plan would be controlled by a planning obligation in a Section 106 Legal Agreement.

BASEMENT IMPACT ASSESSMENT

- 9.170 The Proposed Development involves excavation of the existing lower ground floor to Community and Education Building (Project 1) to increase the usable area of this basement level.
- 9.171 Camden Local Plan Policy A5 (Basements) sets out that the LPA will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:
- a. neighbouring properties;*
 - b. the structural, ground, or water conditions of the area;*
 - c. the character and amenity of the area;*
 - d. the architectural character of the building; and*
 - e. the significance of heritage assets.*
- 9.172 Policy A5 requires a Basement Impact Assessment to be prepared to assess the schemes impact on drainage, flooding, groundwater conditions, and structural stability. This has been prepared by Webb Yates and is submitted as part of this Application.
- 9.173 In addition, the design of the basement is in accordance with the policy as it is:
- Not more than one storey;
 - Not built under an existing basement
 - Less than 1.5 times the footprint of the host building in area
 - Set back from neighbouring property boundaries; and
 - Does not involve the loss of garden space or trees of townscape or amenity value.
- 9.174 The Basement Impact Assessment sets out that:
- The risk of damage to neighbouring buildings would be limited to Burland Scale 1 (very slight), in accordance with Policy A5(n);
 - There would be very low risk to groundwater flooding and impacts on the wider hydrogeological environment would be limited; and
 - There would be very low risk to surface water flooding and no impacts on the wider hydrological environment.
- 9.175 Through other documents submitted as part of this Application, the Proposed Development has been assessed to preserve archaeological remains, provide more than satisfactory landscaping, not harm the amenity of neighbours, not harm existing trees and not harm the appearance of the area.
- 9.176 We would expect the Proposed Development to be subject of a Construction Management Plan (“CMP”) and, if required, a Basement Construction Plan, secured via a Section 106 Legal Agreement.
- 9.177 The submitted Basement Impact Assessment will be independently assessed by LB Camden’s appointed assessors during the determination stage. At this stage, we conclude that the Proposed Development of the basement would comply with Policy A5 of the Local Plan.

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- 9.178 The NPPF Paragraph 8 explains that sustainable development has three overarching and interdependent objectives: economic, social and environmental. The Proposed Development would protect and enhance the natural, built and historic environment, improve biodiversity, minimise waste, and adapting to climate change in accordance with the environmental objectives. The development would also support community health, social and cultural wellbeing through promoting open space, with minor economic benefits arising from visitor use of the Cemetery.
- 9.179 NPPF Paragraph 11 sets out that decisions should apply a presumption in favour of sustainable development, which for decision-making, means approving development Proposals that accord with an up-to-date Development Plan without delay. However, Camden’s Development Plan policies are out-of-date, and therefore permission should be granted as there would be no adverse impacts that would demonstrably outweigh the benefits, when assessed against the framework taken as a whole.

10.0 S106 HEADS OF TERMS AND CIL

- 10.1 This section addresses the relevant developer contributions as required under Section 106 of the Town and Country Planning Act 1990 (as amended) and Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
- 10.2 Camden adopted 'Developer Contributions' CPG in March 2019 which provides procedural guidance on the requirements of Section 106 Legal Agreements (including planning obligations) and Community Infrastructure Levy. Specific guidance relating to individual planning obligation requirements, are set out in the topic-based CPG documents.
- 10.3 Set out below are the proposed draft S106 heads of terms in regard to planning obligations and community infrastructure levy applicable to this Application.

DRAFT S106 HEADS OF TERMS

- 10.4 Depending on the nature and size of proposed developments, planning obligations can be sought by the LPA on a case-by-case basis to ensure that potential impacts of the proposed development are mitigated so that the development would be acceptable in planning terms. These obligations are secured through a Section 106 Legal Agreement.
- 10.5 The Applicant acknowledges entering into a S106 Legal Agreement with LB Camden to secure reasonable planning obligations associated with the Proposed Development.
- 10.6 Planning obligations considered appropriate and relevant to the Proposed Development that form these draft heads of terms are listed below for future discussion with LB Camden:
- Construction Management Plan;
 - Construction Management Plan Implementation Support;
 - Construction Management Plan Bond;
 - Employment Skills and Supply Plan;
 - Energy Efficiency And Renewable Energy Plan;
 - Public Realm Contribution;
 - Micromobility Improvements Contribution;
 - Sustainability Plan; and
 - Travel Plan and Contribution.

COMMUNITY INFRASTRUCTURE LEVY

- 10.7 Community Infrastructure Levy ("CIL") is charged at regional level (London) and local level (LB Camden) to fund the provision, improvement, replacement or maintenance of infrastructure required to support development in the area. The CIL is liable on new development which creates net additional floor space of more than 100 sqm GIA or new dwellings. Some developments may be eligible for relief or exemption from the levy.
- 10.8 Mayoral CIL was first introduced in 2012 under the charging schedule MCIL1. This charging schedule was superseded by the new charging schedule MCIL2, which took effect on 1 April 2019 (index figure 330). The Site is located in Band 1 of the MCIL2 Schedule and is payable at the rate of £80.00 per sqm (plus indexation).
- 10.9 LB Camden adopted its revised charging schedule, taking effect on 30 October 2020 (index figure 334). The Site is located in Zone C and the land use falls under 'other commercial uses' with a payable rate of £32.00 per sqm (plus indexation).
- 10.10 As Highgate Cemetery is managed by the Friends of Highgate Cemetery Trust, a registered charity (charity number: 1058392) in England, and the Proposed Development is to be used wholly for charitable purposes, this Application would be eligible for mandatory charitable exemption under Regulation 43 of The Community Infrastructure Levy Regulations 2010. Therefore, the above levy's are not applicable and this exemption will be applied for.

11.0 PLANNING BALANCE AND CONCLUSION

ASSESSMENT AGAINST RELEVANT LEGISLATIVE FRAMEWORK

- 11.1 Section 38(6) of the Town and Country Planning Act 1990 in conjunction with section 70(2) of the Town and Country Planning Act 1990 requires applications for planning permission to be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.
- 11.2 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 also requires local planning authorities to have special regard to the desirability of preserving the setting of listed buildings in the exercise of all planning functions.
- 11.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that local planning authorities should pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering applications.
- 11.4 Full planning permission is sought for:

“Restoration, conservation, demolition and replacement of buildings in East Side and West Side of Highgate Cemetery, including Cemetery wide landscaping, drainage, public realm, access works and conservation of mausolea to support the function of a working cemetery, visitor attraction and community use. Namely:

East Side includes the demolition and replacement of gardener’s compound with a community and education building (single-storey plus extension to existing basement), removal of ticket booth and replacement with sentry at Swain’s Lane entrance, erection of additional sentry at Chester Road entrance, and the erection of a two-storey gardener’s building, for workshop, staff welfare and storage uses, plus alterations to the boundary wall.

West Side includes removal of existing shipping containers and erection of a two-storey visitor and operations building, demolition and replacement of visitor toilets building with a utility store, refurbishment of the former Dissenters’ Chapel and Anglican Chapel for community and funeral uses, restoration of South Lodge for visitor toilets and North Lodge for gardening staff and volunteer welfare, and relocation of Perkins monument.”

- 11.5 Listed building consent is sought for:

“External works to the Chapel, including works to the roof, reinstatement of pinnacles, cupola and creation of new door, reinstatement of steps under the Chapel Arch, and internal works to the Dissenters’ Chapel including reconfiguration of mezzanine and layout, new internal stair, rooflights and joinery. External and internal alterations to the South Lodge and North Lodge to suit future use, plus reinstatement of features, and alterations to the boundary walls on Swain’s Lane. Site-wide repair works and alterations to the Colonnade, The Cuttings Catacombs, The Egyptian Avenue, Circle of Lebanon, The Terrace Catacombs, and Mausolea.”

- 11.6 This Planning Statement provides a detailed assessment of the Proposed Development in relation to national, regional, local and neighbourhood planning policy, guidance and other material considerations in accordance with the relevant legislative framework.
- 11.7 The Proposed Development complies with the Development Plan when read as a whole. Accordingly, it benefits from the statutory presumption in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Moreover, there are no material considerations that indicate the Application should be determined otherwise than in accordance with the Development Plan.
- 11.8 On the contrary, this policy support is further reinforced by the compliance of the Proposed Development with (amongst other things) the NPPF to which substantial weight should be attached. In particular, the Proposed Development is sustainable development (within the meaning of the NPPF) and benefits from the presumption that planning permission should be granted without delay (per Paragraph 11(c)) of the NPPF).

PLANNING BALANCE ASSESSMENT

11.9 The Applicant is committed to delivering the numerous benefits that the Proposed Development provides. These benefits are significant and would not be delivered without this level of new built development and landscape intervention. The benefits can be summarised as follows:

- High quality design responding positively to the Site's context and surrounding area;
- Optimising development in terms of bulk, scale and massing to supports the Cemetery's needs;
- Conservation repairs and enhancements to heritage assets;
- Re-establishes the Cemetery's intended sense of place and character;
- Improves pedestrian and disabled experience and site-wide connectivity;
- Improves accommodation for a variety of users of the Cemetery, including grave owners, visitors, volunteers and staff;
- Enhances the cultural and visitor attraction offering;
- Supports community integration and provision for education and learning opportunities;
- Proposes to reduce on-site carbon emissions by 35% in accordance with the Major's Energy Hierarchy;
- Targets 20% of materials to come from reused and recycled sources;
- Delivers an area-based habitat Biodiversity Net Gain of 38.65%, which is in excess of the policy requirement of 10%;
- New jobs, work placements and apprenticeships to be created during the construction phase;
- Approximately 17 FTE staff to operate Highgate Cemetery; and
- Provision for 175 volunteers on a monthly or annual basis.

CONCLUDING REMARKS

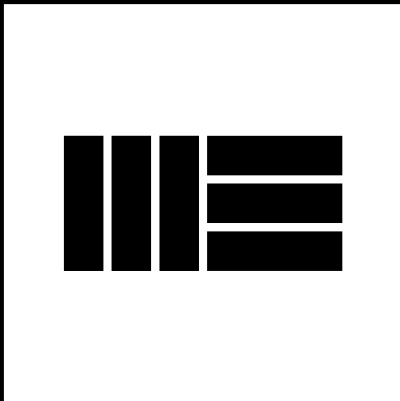
11.10 The Proposed Development has been formulated in accordance with the relevant legislation, including the Development Plan, as well as substantial technical and design work, and pre-application and public / stakeholder engagement concerning this Application.

11.11 As presented within this Planning Statement, there are very clear and demonstrable planning and public benefits brought forward by the Proposed Development. It is considered that the Scheme would not give rise to any significant harm and would deliver numerous benefits above the existing situation, securing the future of the Cemetery.

11.12 In the event of any perceived harm arising from the Proposed Development, the planning benefits created by the Scheme clearly represent significant material considerations in the determination of the Application, which outweigh any such harm. Applying the planning balance (as required by Section 38(6)), leads the decision maker to grant consent for the Application.

11.13 The planning benefits are very compelling and outweigh any harm that may arise. As such, we respectfully request that this Application for planning permission and listed building consent should be granted.

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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL