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Mr Charles Thuairé
London Borough of Camden
Development Control Planning Services
Camden Town Hall
Argyle Street
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Our Ref: MJO/064 Athlone House
Your Ref: 2013/7242/P
By Email

13 June 2014

Dear Mr Thuairé

**Athlone House Hampstead Lane London N6 4RU (ref. 2013/7242/P)
Objection on behalf of the City of London Corporation**

We are instructed by The City of London Corporation (The City), who manage Hampstead Heath, to submit objections to planning application (ref: 2013/7242/P) following the submission of the revised basement plans, Planning Statement and floorspace schedule by Athlone House Limited.

Background

This letter contains the basis of objections on behalf of The City. In summary it is considered that the planning application still cannot be supported as the City has a number of serious concerns relating to impacts on the character of the adjoining Metropolitan Open Land, the surrounding Conservation Areas and the hydrology of Hampstead ponds, which the latest documents do not seek to address in any way.

The City of London Corporation provides local government services for the City but has responsibilities that extend far beyond the Square Mile. It also provides a host of additional facilities, ranging from its Open Spaces such as Hampstead Heath to the Barbican Centre.

In the 1870s the City was concerned that access to the open countryside was being threatened and therefore promoted two Acts of Parliament. The Epping Forest Act and the City of London (Open Spaces) Act were passed in 1878 and enabled the City to acquire and protect threatened Open Spaces from future development. Since that time the City has acquired further Open Spaces under this and other legislation.

The City is statutorily obliged by virtue of various Acts of Parliament and, specifically, the provisions of the London Government Reorganisation (Hampstead Heath) Order 1989 as follows:-

- i. for ever to keep the Heath open, unenclosed, unbuilt upon and by all lawful means prevent, resist and abate all encroachment on the Heath and attempted encroachment and protect the Heath and preserve it as an open space;
- ii. at all times preserve as far as maybe the natural aspect of the Heath and to that end protect the turf, gorse, heather, timber and other trees, shrubs and brushwood thereon;
- iii. not to sell, lease, grant or in any manner dispose of any part of the Heath; and
- iv. to provide active and passive recreational facilities and information for members of the public.

The City took over title ownership and the responsibility for the management and protection of Hampstead Heath in 1989, and for making it available as open space. In addition the Local Government Reorganisation (Hampstead Heath) Order 1989 establishes a Trust Fund, the proceeds of which may be used to defray, in part, the cost of enhancing or replacing amenities on the Heath. The balance is met out of the City of London funds, at no cost to the public.

Although the City's duties do not extend to the Kenwood Estate, the estate was formerly held and managed as part of the Heath. The estate shares qualities and characteristics with the Heath and they combine to provide a seamless open space for visitors and it should be noted that it is the views from the Heath on the eastern edge of the Kenwood estate that will be most significantly affected by the proposals.

Objections

The Athlone House application Site lies within a prominent location and highly sensitive area, on the fringe of Hampstead Heath, the Highgate Conservation Area, and to the north of a number of ponds owned and managed by the City. Consequently the area is one of visual, heritage and hydrological sensitivity.

Metropolitan Open Land

The latest version of the Planning Statement still overlooks important advice regarding developments on Metropolitan Open Land. The revised London Plan (July 2011) provides a strategic framework for development in London. It also gives statutory effect to the protection of MOL on principles similar to those accorded to the Green Belt. London Plan Policy 7.17 supersedes policy 3D.10 (referred to above) and provides that:

"The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL."

Furthermore the London Plan further states at paragraph 7.56 that *"Appropriate development should be limited to small scale structures to support outdoor open space uses and minimise any adverse impact on the openness of MOL"*.

The application documents set out to compare the proposals with a number of previously refused and consented schemes (ref. 2003/2670/P and 2009/3413/P) in an attempt to demonstrate that the proposed increase in floorspace is acceptable. This approach, however, still fails to take into consideration the guidance set out in national planning policy since the previous application was refused by the Planning Inspector on 21 April 2011. The National

Planning Policy Framework (NPPF) (2012) confirms that *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*.

Paragraph 87 of the NPPF addresses inappropriate development as follows:

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

Furthermore the NPPF, states at paragraph 144:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;*
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- 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;*
- the replacement of a building, provided the new building is not materially larger than the one it replaces;*
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- limited infilling or the partial or complete redevelopment of previously developed sites (excluding temporary buildings), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*.

Annex 2: The Glossary of the NPPF provides further clarification, which states:

“Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally”.

The correct approach is, therefore, to compare the proposals with the original building as it existed on 1 July 1948, which excludes any extensions or outbuildings built after completion of the dwelling. Consequently it is the City’s view that the methodology for comparing the proposals with the 2003 and 2009 schemes merely serve to conceal the true extent of the additional floorspace and wholly ignores NPPF advice regarding the size of the original building.

The Planning Statement submitted with the planning application wholly ignores the clear words used in the NPPF including the definition of **“original building”** and the fact that any previous extension(s) will already have impacted on the openness of the MOL. It is considered that an increase in size compared to the original building and it subsequent additions would be disproportionate and should therefore be refused as they result in a materially larger building with a significantly greater massing. For

Consequently the applicant is required to demonstrate that very special circumstances exist to justify planning permission being granted in the present case, which is omitted within the

existing application documents. Specifically the applicant still fails to identify any 'other consideration' which clearly outweigh the substantial harm to the MOL.

Design and Visual Impact

The latest amendments to the size of the basement do not address the City's concerns regarding the impacts in terms of design and visual impact. Paragraph 81 of the NPPF states that local authorities should plan positively to enhance the beneficial use of the Green Belt and retain and enhance visual amenity.

The amended application proposals are still visible in a number of views across Hampstead Heath. Even in the summer when there is more foliage on the trees and bushes these views are possible. It is, however, in winter, that the proposal will be more visible and the impacts more sensitively felt. Views from Hampstead Heath and the adjoining green spaces are enjoyed by visitors and local people year round. It is also important to note that visitors to the Heath stop to enjoy the views across it and that these views are not, therefore, just glimpses.

It is considered that the impact of a building is not simply measured in quantitative ways such as floor area, volume and height. The proposed design of the building would exceed the envelope of the existing building and together with a more prominent roofline would simply exacerbate the impact of the additional bulk. Additional factors such as materials, positioning within the site and massing all affect the impact the building has on its surroundings. In views across the Heath the intrusive impact of the building would be noticed due to the bulkier appearance of the building and the brighter coloured materials proposed, which would render the proposal visually intrusive in this sensitive area.

Accordingly it is concluded that the revised design still fails to comply with the requirements of the Councils Development Policies Document, Policy DP24, which specifically relates to design and confirms that *"The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design"*. Aspects such as *"character, setting, context and the form and scale of neighbouring buildings"* will be considered as well as *"the character and proportions of the existing building, where alterations and extensions are proposed"*.

Highgate Conservation Area

Section 12 of the NPPF, entitled 'Conserving and enhancing the historic environment' is relevant to this application. Within that section paragraph 132 states 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".

Additional guidance is provided at paragraph 134, which states:

"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 securing its optimum viable use".

Paragraph 133 provides further guidance regarding heritage assets, which states:

"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent".

Athlone House lies within the Highgate Conservation Area (CA) and is identified in the Highgate Conservation Area Appraisal and Management Strategy (CAAMS) as making a positive contribution to the CA:

"It was built in 'red brick, with Jacobean gables, a big porch under the square tower, supporters on the tower instead of pinnacles, conservatories, outbuildings with an ugly French Turret and a superb view to the south'. This elaborate property is set into the hillside overlooking the Heath and is visible in long views such as from Kenwood House. As such, it is a positive contributor to the Conservation Area".

Referring to the historic development of the CA the CAAMS states that:

"In the post-war period, several of the larger houses were sub-divided into flats while the 1870s Athlone House, formerly known as Caen Wood Towers, was adapted for hospital use. It has since closed and the site has been sold for development, the eastern half into three blocks of flats which were designed to minimize visibility from Hampstead Heath. Other larger properties, such as Witanhurst, sold in 2007, are at risk as no viable use can be found for them. Some of the large landscaped gardens have been developed as exclusive housing estates, often with restricted public access and high security. In the 21st century, the Conservation Area is facing unprecedented pressure for residential development, often involving the demolition of existing single family dwellings to create luxury residences of high specification with potentially inappropriate scale and design for the character of the area".

In addition the CAAMS recognises that Athlone House is located within some of the important key vistas, views and approaches within the CA, as follows:

"An essential part of the character of Highgate Conservation Area is the open aspect. From Waterlow Park there is a panorama reaching across from the City to the Royal Free Hospital in Hampstead. On the western side of the Conservation Area the Heath makes an important backdrop closing the vista at the end of Merton Lane, Millfield Lane and Fitzroy Park. Looking into the Conservation Area from the Heath close to Hampstead Lane, Athlone House can be seen sitting in an elevated position with the spire of St. Michael's Church beyond the trees".

Appendix 2 provides further advice regarding 'positive buildings' within the CA, which states:

"Positive buildings are defined as buildings that make a positive contribution. There is a general presumption in favour of retaining all positive buildings and any proposals involving their demolition will require specific justification".

It is the City's view that the latest proposals will still create a more over-bearing visual affect that the centrally placed tower to the north reinforces, which will also be visible above the tree canopy. In addition the City wishes to highlight that some of the most significant views of the Athlone House site are actually located between the applicant's viewpoints numbers 1 and 2 as well as views from Athlone House Gardens, which also form part of the Heath (see attached annotated plan at Appendix A).

Camden's policies for conservation areas require developments to preserve and enhance the conservation area. The significantly increased bulk and design, and therefore the visibility of the proposed building, would intrude on the sense of openness and greenery of this historic outdoor space and erode an important distinguishing building within the CA. The proposals,

therefore, cause harm to the character and appearance of the Conservation Area and fail to comply with Local Plan policies CS14, DP24 and DP25.

There applicant has also failed demonstrate how circumstances have changed since the previous scheme (ref. 2003/2670/P) whereby costs of refurbishment of the existing building were deemed acceptable. Notwithstanding this, it is noted from the Planning Statement that a Market Report (Knight Frank) was submitted with the application although this is not evident on the Council's online planning applications portal.

Hydrology of the Heath

Nor do the latest amendments address the City's significant concerns regarding hydrology of the Heath. The City instructed Haycock Associates in 2009 to undertake an assessment of the previous application (ref. 2009/3413/P) due to concerns with regards to the basement and its affect on groundwater and the ponds, which are designated bathing ponds under the current Bathing Water Directive (76/1160/EEC) and accordingly must comply with EU requirements regarding water quality.

The Haycock assessment states that the house itself sits on the Claygate Beds of the London Clay Formation. The Claygate Beds are a transitory unit between the Bagshot Formation (sands and clays) and the London Clay. The Claygate Beds are classed as a minor aquifer and may transmit water to the Highgate Chain of ponds on Hampstead Heath as they contain layers of sand which discharge ground water. The Haycock assessment state that:

"Due to lack of borehole test pits to investigate the depths of the Claygate Beds and sand layers it is not possible to assess the impact that the basement development may have on the hydrology of Hampstead Heath".

The attached Environment Agency (EA) bathing water profiles (see Appendix B and C) confirm that Athlone House sits within the catchment areas for both the Ladies and Men's Bathing Ponds. Furthermore, the Haycock assessment states that *"due to the lack of geological data available an assumption has been made that groundwater flow directions will closely mimic those of surface water topography flow due to the subdued similarity in slop orientation and sub-surface geological units to surface topography"*. The City strongly opposes the applicant's assertion within the Basement Impact Assessment (BIA) that *"the site is not considered to be within their catchment"*. There is no mention within the application documents how the proposed basement will affect the hydrological functioning of the groundwater that supplies the ponds. Any changes to the groundwater flow may be detrimental to the ponds, particularly during the summer months.

The Haycock assessment advises that further modelling of groundwater flows taking account of the proposed basements, the geology of the site and the flow direction needs to be undertaken. The City, however, has serious concerns that such modelling work has not been undertaken, which also needs assess the cumulative impacts of other basements that have recently been permitted within the area. Accordingly the City requests that further detailed work needs to be undertaken to demonstrate that the proposed basements will not adversely impact on the hydrological functioning of water on the Heath and its designated ponds.

In the on-going absence of such an assessment the City concludes that the application still fails to comply with the requirements of Camden's Development Policies DP27 - Basements and

lightwells, which requires applicants to undertake *“an assessment of the scheme’s impact on drainage, flooding, groundwater conditions and structural stability, where appropriate”*.

Summary

In summary the amended application is still not in accordance with planning policy guidance and does not constitute a high quality proposal specific to the location, the surrounding designations and constraints. The aforementioned paragraphs have clearly demonstrated that all the relevant issues have still not been considered by the applicant and that the application has failed to demonstrate that adverse impacts on the appearance and character of the Conservation Area, the Metropolitan Open Land, and the ponds within the Heath have been appropriately mitigated. Very special circumstances have not been advanced by the applicant and there are no other material considerations that warrant the grant of planning permission or conservation area consent in these locations.

We conclude that the proposals are still not consistent with National Planning Policy Guidance and the general terms of policies within the Camden Development Plan. We have considered the relevant material considerations, none of which out-weigh the reasons why planning permission should be allowed.

The application is deficient in detail and contrary to the London Plan and the Council’s planning policies. There are no planning merits and no justification whatsoever for the grant of planning permissions and the only decision that a reasonable local planning authority could possibly make is a decision of refusal.

Reasons for refusal are plentiful. Caution and common sense needs to prevail with this development. It is therefore respectfully requested that the application is refused without delay. Recommendations regarding the reasons for refusal are set out below.

The application fails to comply with a number of adopted Development Plan policies, including:

- London Plan Policy 7.17 - Metropolitan Open Land;
- Core Strategy Policy CS14 - Promoting high quality places and conserving our heritage;
- Core Strategy Policy CS15 - Protecting and improving our parks and open spaces and encouraging biodiversity;
- Development Policy DP24 - Securing high quality design;
- Development Policy DP25 - Conserving Camden’s heritage;
- Development Policy DP27 - Basements and lightwells; and
- NPPF paragraphs 17, 56-58, 60-64, 81, 97, 114, 132, 133 and 134,

The City of London Corporation reserves the right to supplement the above objection in respect of specific matters relating to the applications and to be re-consulted regarding any further amendments or additional documentation submitted.

Yours sincerely,



Mary-Jane O'Neill
Director
For Renaissance Planning Ltd



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