

# Boundary Wall and Fence at Millfield Cottage, Millfield Lane

## Planning Design and Access Statement

January 2016





## Notice

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### Client signoff

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## Definitions

For ease of reference, the following terminology has been used throughout this Planning, Design and Access Statement:

| Term                     | Definition  |
|--------------------------|---|
| The Approved Development | Engineering works to the Hampstead and Highgate chains of ponds comprising dam raising at Model Boating Pond (2.5m) and Mixed Bathing Pond (1m), new walls along dam crest to increase the height of the dams at Men's Bathing Pond (1m) and Highgate No.1 Pond (1.25m), a 190mm kerb along part of the crest at Hampstead No.2 Pond, a new flood storage dam (5.6m) in the catchpit area, grass-lined spillways at most ponds, dam crest restoration, pond enlargement at Model Boating Pond, a replacement changing room building at Ladies' Bathing Pond and associated landscaping, habitat creation and de-silting |
| The Proposed Development | As specified in The Application which is the subject of this Planning, Design and Access Statement  |
| The Site                 | Land area of the Proposed Development   |
| The Application          | An application for planning permission and listed building consent to construct a flood containment wall and fence on the boundary of Millfield Cottage with West Hill Court  |
| The Applicant            | The City of London Corporation  |





# 1. Introduction

1.1 On behalf of the City of London, full planning permission and listed building consent is sought for a new flood containment wall and fence to replace the existing boundary fence at Millfield Cottage, Millfield Lane, London, N66JH.

1.2 Planning permission was approved under London Borough of Camden Council's reference 2014/4332/P (the 'Approved Development') for:

*Engineering works to the Hampstead and Highgate chains of ponds comprising dam raising at Model Boating Pond (2.5m) and Mixed Bathing Pond (1m), new walls along dam crest to increase the height of the dams at Men's Bathing Pond (1m) and Highgate No.1 Pond (1.25m), a 0.19m kerb along part of the crest at Hampstead No.2 Pond, a new flood storage dam (5.6m) in the catchpit area, grass-lined spillways at most ponds, dam crest restoration, pond enlargement at Model Boating Pond, a replacement changing room building at Ladies Bathing Pond and associated landscaping, habitat creation and desilting.*

1.3 The Approved Development included a sheet pile wall at Highgate No.1 Pond which cut through land within the ownership of Millfield Cottage. The owner of Millfield Cottage objected to the planning application on the basis that the wall would be built on his land, although the planning application was approved, it was noted in the Committee Report at paragraph 6.87 that the applicant was working with the owner of Millfield Cottage to come up with a workable solution.

1.4 The Proposed Development is for an alternative flood containment wall and fence to replace the sheet pile wall approved under the Approved Development (reference 2014/4332/P). The Proposed Development is located wholly within the boundary of Millfield Cottage which is a Grade II Listed building and as such this application is a combined planning and listed building consent application. 6 no. trees are proposed to be felled as part of this application as they are located in a Conservation Area, the tree felling is fully described as part of this application for planning and listed building consent and as such this application should also be treated as a Section 211 notice for these works and as such a separate Section 211 notice will not be submitted.

1.5 The planning and Listed building application comprises the following documents and drawings:

## Planning Application Documents

- Planning Application Form and certificates of ownership
- Planning, Design & Access Statement (this document)
- Highgate No.1 Pond Updated Arboricultural Impact Assessment, Atkins, January 2016
- Proposed Wall and Fence at Millfield Cottage Addendum to Existing Heritage Statement, MOLA, January 2016
- Scheme Drawings as set out in Table 1.1

Table 1.1 Scheme Drawings

| <b>Drawing Number</b>          | <b>Drawing title</b>   |
|--------------------------------|--|
| 5117039-ATK-P6-ZZ-DR-L-7009 P1 | Containment wall at Millfield Cottage site location plan                             |
| 5117039-ATK-P6-ZZ-DR-L-7010 P1 | Millfield Cottage existing site plan   |
| 5117039-ATK-P6-ZZ-DR-L-7011 P2 | Containment wall at Millfield Cottage worksites, compounds and site access           |
| 5117039-ATK-P6-ZZ-DR-L-7301 P3 | Containment wall at Millfield Cottage Landscape and ecology soft landscape details   |
| 5117039-ATK-P6-ZZ-DR-L-7502 P2 | Wall / fence at Millfield Cottage type A : sheet pile section details sheet 1 of 2   |
| 5117039-ATK-P6-ZZ-DR-L-7503 P2 | Wall / fence at Millfield Cottage type A : sheet pile section details sheet 2 of 2   |
| 5117039-ATK-P6-ZZ-DR-L-7504 P2 | Containment wall at Millfield Cottage type B post / sleeper wall detail sheet 1 of 2 |
| 5117039-ATK-P6-ZZ-DR-L-7505 P2 | Containment wall at Millfield Cottage type B post / sleeper wall detail sheet 2 of 2 |
| 5117039-ATK-P6-ZZ-DR-L-7506 P1 | Type C fence at Millfield Cottage  |
| 5117039-ATK-P6-ZZ-DR-C-0010 P2 | Millfield Cottage proposed site plan   |
| 5117039-ATK-P6-ZZ-DR-C-0008 P1 | Containment wall along Millfield Cottage routes of options considered                |
| Figure 1                       | Existing View from West Hill Court   |
| Figure 2                       | Visual of Proposed Development from West Hill Court                                  |

## Structure of this Document

1.6 The remainder of this Planning Design and Access Statement comprises the following sections:

- Section 2 provides the background to the development and alternatives considered;
- Section 3 provides a description of the Site and surrounding area;
- Section 4 gives a brief description of the nature and purpose of the Proposed Development;

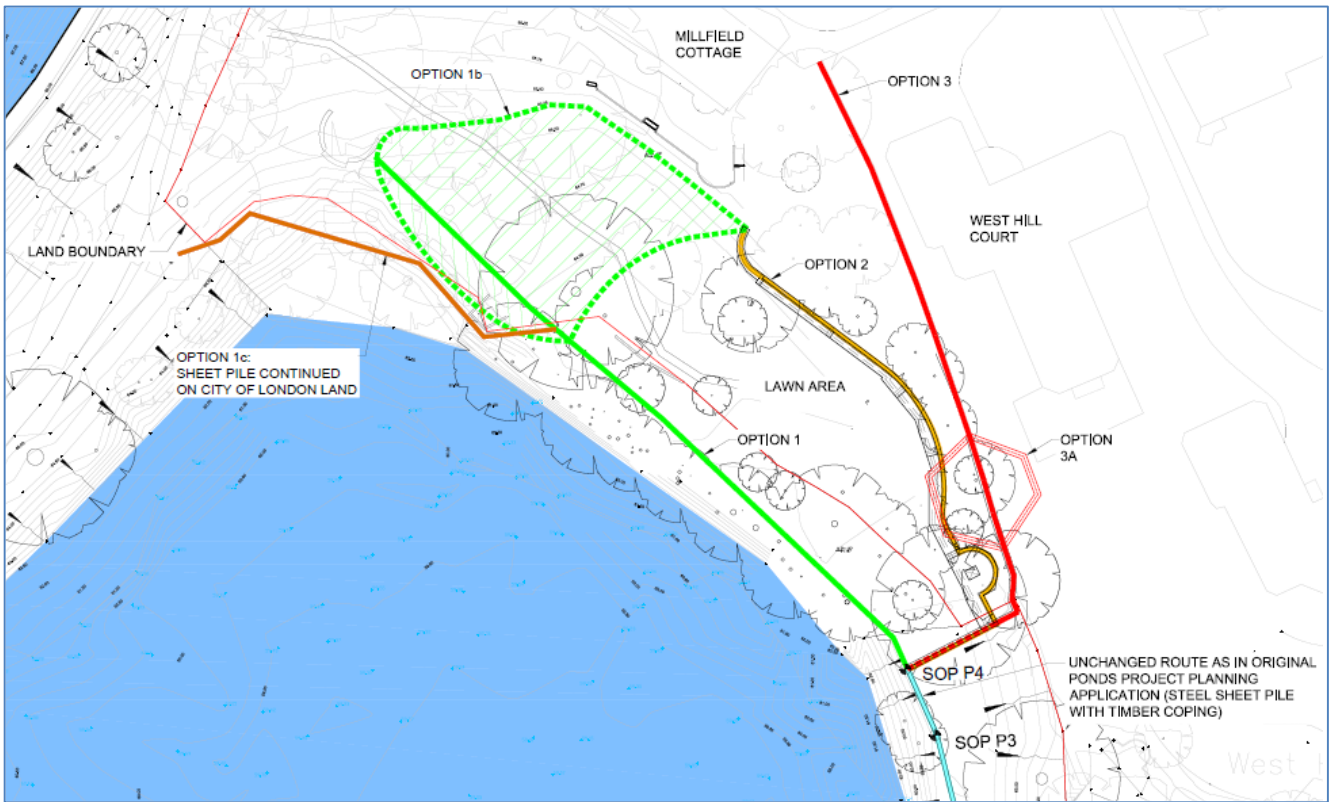
- Section 5 outlines the planning policy framework identifying any designations pertaining to the site and the wording of policies and guidance relating to key environmental issues;
- Section 6 provides an appraisal of the likely significant effects of the Proposed Development on the environment; and
- Section 7 draws conclusions on the acceptability of the Proposed Development.



## 2. Background to Development and Alternatives Considered

- 2.1 Planning permission was granted in January 2015 for the Hampstead Heath Ponds Project (Approved Development) under reference number 2014/4332/P. The purpose of the Approved Development is to make the dams safe from breach and to reduce risk to life and property downstream to comply with the Reservoirs Act 1975, whilst also taking into account the emerging requirements of the Flood and Water Management Act 2010.
- 2.2 The Approved Development included the raising of the dam at Highgate No. 1 Pond by a maximum of 1.25 metres, this was to ensure that the outflow from the last pond in the Highgate chain is no greater than the existing scenario. The raising of this dam was to be achieved using a steel sheet pile wall with timber coping sleepers. Part of the sheet pile wall was required to cross private land at Millfield Cottage in order to tie in with higher land. The Approved Development shows the wall crossing 20 metres into the garden of Millfield Cottage. Although planning permission was granted for this, the landowner objects to the sheet pile wall in its approved position as it detracts from the use and enjoyment of the residential garden. This issue was noted in the Planning Committee Report under paragraph 6.87 where it was confirmed that the applicant (City of London) was working with the owner of Millfield Cottage to come up with a workable solution.
- 2.3 Since the determination of the planning application, the City of London (the applicant), the Atkins Design Team and BAM Nuttall (the contractor) have been working closely with the owner of Millfield Cottage and the residents of West Hill Court (the adjacent property) to come up with a workable solution. Several different options have been put forward and assessed as part of the optioneering process described below.
- 2.4 The various options considered for the alternative route of the flood containment wall are illustrated on drawing number 5117039-ATK-P6-ZZ-DR-C-0008 P1 (reproduced in Figure 1 below) which accompanies this planning and listed building consent application. Table 2.1 below describes each option and provides reasons why it was discounted or taken forward.

**Figure 1 Alternative routes considered for the flood containment wall**



**Table 2.1 Options Summary Table**

| Option    | Description  | Advantages  | Reason for discounting / choosing option  |
|-----------|--|---|---|
| <b>1</b>  | Approved Development route: sheet pile wall at pond edge.  | Planning application has been approved.   | Route discounted<br>The owners of Millfield Cottage objected due to the disruption of piling works along the pond edge, obstruction of their view across the lawn to the pond and to the location of the wall which would cut off an area of their garden area.   |
| <b>1a</b> | Approved Development route (same route as Option 1): sheet pile wall at pond edge with brick wall across private land (instead of sheet pile). | Sheet piling works reduced as it would be replaced by a brick wall for part of its length.  | Route discounted<br>The route would still be the same as the Approved Development but the part within Millfield Cottage land would be constructed of brick. The owners of Millfield Cottage objected to this due to disruption, obstruction of view and the location of the wall which would still be an obstacle cutting off an area of their garden area. |
| <b>1b</b> | Approved Development route: sheet pile wall at pond edge with ground raising within the garden of Millfield Cottage.                           | Sheet piling works reduced in length as within Millfield Cottage's garden it would be replaced with land raising.<br>Access to the ponds edge is not cut off.<br>The raised ground will form a level platform and will not be a retaining embankment, | Route discounted<br>The owners of Millfield Cottage thought there would be too much disruption to the garden plants and trees. At least 2 mature trees would be removed, and veteran chestnut tree would be at risk due to the loading of fill material on its roots.   |

|           |  |   |   |
|-----------|--|---|---|
|           |  | so the owners of Millfield Cottage would not become undertakers under the terms of the 1975 Reservoirs Act.                   |   |
| <b>2</b>  | Garden wall route along eastern edge of lawn.  | Sheet piling works reduced further.<br>Tree loss reduced from 6 to 2.   | Route discounted<br>The owners of Millfield Cottage felt that the wall was too big and would cut off access to the flowerbeds / shrubberies and parts of lawn.  |
| <b>3</b>  | Route along boundary between Millfield Cottage and West Hill Court, with sheet piles / steel post & timber composite wall and trellis. | Minimal impact on Millfield Cottage garden, except for loss of 6 trees along boundary fence, 2 of which are Category U trees. | Route chosen<br>This is the chosen option and is favoured by the owners of Millfield Cottage. The residents of West Hill Court have been consulted and they considered this an acceptable option but requested that Oak trellis is used above the flood containment wall instead of solid fence panels and that replacement tree planting is incorporated into the proposal, both of which have been included in the Proposed Development (the subject of this planning and Listed building consent application). |
| <b>3a</b> | Same as Option 3 above but with a route diversion to preserve Sycamore tree  | Sycamore tree preserved.  | Route discounted<br>Route on West Hill Court side – This route would cut off required access path which couldn't be replaced and would involve the removal of part of West Hill Court's hedging.<br>Route on Millfield Cottage side – This route would cut off part of Millfield Cottage's garden and would adversely affect other trees such as a Beech.   |

- 2.5 Table 2.1 shows the various options that were considered and discounted before arriving at the chosen option, which is the subject of this planning and listed building consent application.
- 2.6 Option 1 is the Approved Development which is a sheet pile wall at the pond edge which would have cut through the garden of Millfield Cottage. Despite gaining planning permission for this the Applicant was aware of the objections made by the owners of Millfield Cottage to the sheet pile wall running through their garden so began a process of consultation with them to work towards providing a solution which would be acceptable to both parties. Several options were discussed with the owners of Millfield Cottage (identified as Options 1a, 1b and 2 in table 2.1), each of these options were to run the flood containment wall through the garden of Millfield Cottage or to raise the level of the land within the garden to act as flood containment. Each of these options were dismissed through consultation with the owners of Millfield Cottage for reasons of obstruction of view, detriment to the enjoyment of the garden and loss of mature trees.

- 2.7 Option 3 (the Proposed Development) proposes the replacement of the existing boundary fence on the boundary of Millfield Cottage and West Hill Court with a flood containment wall and fence. This route option was chosen as it ensured that the use of the garden and view over Hampstead Heath from Millfield Cottage was maintained. Option 3 does result in the loss of 6 no. trees (2no. of which are Category U trees), but is compensated by the fact that 6 no. trees approved to be felled as part of the Approved Development can be retained. This option was taken to the residents of West Hill Court for consultation. The residents of West Hill Court were supportive of the proposal to replace the boundary fence with a flood containment wall and fence however they requested that the wall / fence was redesigned so that as much of the height as possible would be constructed of Oak trellis to ensure that light could pass between the two properties, as such the design of the wall / fence was altered to include Oak trellis.
- 2.8 With regard to Option 3 the residents of West Hill Court suggested that the route of the wall / fence could be run around the large Sycamore tree to enable it to be retained, this suggestion was explored in Option 3a. Routes were looked at which would take the wall / fence either on the West Hill Court or Millfield Cottage side of the boundary. The route on the West Hill Court side was discounted as it would have resulted in the loss of part of the hedging and would have cut off the side access path at West Hill Court which could not be relocated due to a lack of space meaning that access to a part of the grounds would be prevented. The route on Millfield Cottage side was discounted as it would have cut off part of Millfield Cottage's garden and would have put other trees at risk.
- 2.9 As a result of the options development process all parties agreed that Option 3 was the best option to take forward to planning. During consultation with the owners and residents of Millfield Cottage and West Hill Court the types and sizes of the replacement trees were discussed and it was agreed that the replacement trees should be a mixture of native species of a good size, the replacement trees are discussed further in Sections 4 and 6 of this document.
- 2.10 Figures 2 to 7 are visualisations of the options discounted. The Option 1 sheet pile wall was not included in the visualisations / verified views for the Approved Development as the wall would have been screened by the line of trees on the pond edge and, therefore, not visible to the public looking across Highgate No.1 Pond from the southern side. The following visualisations have been created to illustrate Options 1a and 2. Visualisations of the Proposed Development are contained in Section 4 of this document and in the accompanying planning drawings.



**Figure 2 Existing view south east along pond side of Millfield Cottage garden (the pond is behind the trees on the right of the photo)**



**Figure 3 Visualisation of view with Option 1a brick wall through garden**





**Figure 4 Existing view south across the lawn towards the pond**



**Figure 5 Visualisation of view south across lawn towards pond with Option 1a wall blocking area of garden overlooking the pond**





**Figure 6 Existing view from Millfield Cottage looking south east (West Hill Court visible on left of photo)**



**Figure 7 Visualisation of Figure 5 view with Option 2 garden wall which makes access to this area of the garden and the flower beds difficult**





### 3. Site Location and Description

- 3.1 The Site is located within the garden of Millfield Cottage, Milford Lane, N66JH. The property is located on Millfield Lane which borders the north east side of Hampstead Heath. Built up residential areas lie to the east of the property and to the west of the property is Hampstead Heath. The property has gardens extending towards Highgate No.1 Pond, although there is a strip of land belonging to City of London separating the garden of Millfield Cottage and Highgate No.1 Pond.
- 3.2 Millfield Cottage is a nationally Listed Grade II building with the following description *'Detached house. Possibly C17 barn, converted to a house by early C18, much extended and altered. Red brick, 1st floor painted. Tiled pitched roof with late C20 dormers. 4 windows, altered. C20 entrance portico at south end. INTERIOR: not inspected. HISTORICAL NOTE: believed to have been initially converted to house a worker of the Hampstead Waterworks Company.'* The garden of the property is generally open but is divided up into a number of distinct areas. There is a clear view from the property across Highgate No.1 Pond and over to Hampstead Heath. A small strip of land along the edge of Highgate No.1 Pond is technically part of Hampstead Heath and owned by the City of London, however in practice it is treated as part of the garden of Millfield Cottage.
- 3.3 The Site is located within the Highgate Conservation Area which was first designated in 1968 to protect the essential character of the central Highgate area and was extended to include West Hill in 1978. It has since been extended further. The character of the area is generally described in the Conservation Area Character Appraisal as a close-knit village crowning one of the twin hills to the north of London.
- 3.4 Within the wider Highgate Conservation Area, the Site is part of the Merton Lane and Millfield Lane sub-area. The Character Appraisal specifically mentions Millfield Cottage *'On the opposite side is Millfield Cottage (listed grade II), thought to have started life in the 17th century as farm building, but converted to a house by the early 18th century. Of a rustic nature, it is detached with a red brick ground-floor plinth, and a painted first floor, with extensions that sit hard on the pavement.'* It also mentions West Hill Court *'On the return towards Highgate West Hill, is the pleasing Moderne or Art Deco West Hill Court backing onto the Edwardian Brookfield Mansions, which are Arts and Crafts inspired. Although remarkably different in their architectural styles, these two developments form a 'cliff' in terms of their common height, bulk and scale in defining the edge of the Conservation Area at the point where it abuts Parliament Hill Fields (Hampstead Heath). In both cases, views of the blocks from the Heath are softened by a belt of mature trees. West Hill Court comprises two flat-roofed blocks which are three and four storeys high, with white-painted render and grey-painted steel windows and white chamfered corners. They stand in generous grounds with lawns and tennis courts, and mature trees notably Lombardy poplars and London planes.'*

## Designations

3.5 Millfield Cottage is a Grade II Listed Building. The property is also covered by the following designations:

- Metropolitan Open Land – this designation covers Millfield Cottage and the whole of Hampstead Heath;
- Open Space Hampstead Heath – this designation covers Millfield Cottage, the whole of Hampstead Heath and land to the north of Millfield Cottage;
- Highgate Village Conservation Area; and
- The Site is located within designated view 3A.1 Kenwood Viewing Gazebo to St Paul’s Cathedral.
- The Site is located in Flood Zone 1.

3.6 Section 5 details the relevant planning policy framework which guides development within, or adjacent to, these designations. Section 6 provides an assessment of how the policy framework has been considered.

## 4. The Proposed Development

- 4.1 The Proposed Development is for the construction of a flood containment wall and fence on the boundary of Millfield Cottage with West Hill Court. The proposed wall and fence would be constructed entirely on land within the ownership of Millfield Cottage.
- 4.2 The Proposed Development is fully described in the drawings submitted to support this application for planning permission and listed building consent. Drawing reference 5117039-ATK-P6-ZZ-DR-C-0010 P3 is a detailed plan view of the proposed flood containment wall and fence. The total length of the wall and fence would be approximately 72.8 metres, split up into three sections marked A, B and C on drawing reference 5117039-ATK-P6-ZZ-DR-C-0010 P3, as follows:
- **Type A** (length 32.7 metres) – Sheet pile wall with Oak cladding both sides and Oak square trellis panels to 1.8 metres above ground level.
  - **Type B** (length 18.6 metres) – I-section posts with Oak sleepers up to a maximum of 0.5 metres above ground level and Oak square trellis panels up to 1.8 metres above ground level.
  - **Type C** (length 22.8 metres) – Replacement fence formed of I-section posts and square trellis panels cut to fit between trees on boundary line to a height of 1.8 metres above ground level.
- 4.3 The Proposed Development would replace existing fencing and trellis in the same location. The Proposed Development would form a flood containment wall for part of its length (Sections A and B), Section C does not have a flood containment function but is designed to help provide the appearance of a single boundary fence along the whole boundary. The lattice structure above the flood containment level was included at the request of the residents of West Hill Court who were concerned about light.
- 4.4 The Proposed Development will result in the loss of 6 no. trees (discussed further in Section 6 of this Planning Design and access Statement), drawing reference 5117039-ATK-P6-ZZ-DR-L-7301 P3 shows the proposed soft landscape plan which includes the planting of 8 no. replacement trees. The proposed replacement trees are as follows:
- 3 no. Betula Pendula multistem (3-4 metres high);
  - 3 no. Acer Compestre 12-14cmg (approximate height 4 - 4.5 metres); and
  - 2 no. Sorbus Torminalis 14-16cmg (approximate height 3.5 - 4 metres).
- 4.5 All of the trees chosen are native medium sized trees which offer a variety of interest through the year, such as different bark colours and textures, autumn colour, berries and flowers.
- 4.6 The replacement trees have been carefully chosen in consultation with owners of Millfield Cottage and the residents of West Hill Court to ensure that they are happy with the variety and size of the trees proposed.
- 4.7 Figure 7 below shows an existing post and sleeper wall at stock pond. This is what is proposed for Section B, but with Oak square trellis panels above.



**Figure 8 Post and sleeper wall at Stock Pond**



- 4.8 Figure 8 and 9 are existing and proposed visualisations of the proposed flood containment wall from West Hill Court. The proposed visualisation includes the proposed replacement trees at Year 1 to show the immediate impact of the Proposed Development.



**Figure 9 Existing photograph of boundary of Millfield Cottage from West Hill Court**



**Figure 10 Visualisation of Proposed Development from West Hill Court**





## 5. Planning Policy Context

- 5.1 This section outlines the planning policy framework and the policies and guidance relating to issues which are likely to warrant further consideration in the planning application.

### Introduction

- 5.2 The Planning and Compulsory Purchase Act 2004 (the '2004 Act') requires that planning applications should be determined in accordance with the Development Plan unless material circumstances indicate otherwise.
- 5.3 Local planning authorities are also required to have regard to other material considerations, so it is appropriate to consider first the national planning policy guidance with which all development plans must be in broad conformity.

### The National Planning Policy Framework

- 5.4 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is the Government's single planning policy framework. It sets out the Government's planning policies for England and how these are expected to be applied.
- 5.5 The NPPF is a material consideration in the determination of planning applications as part of the statutory development plan.
- 5.6 The key theme running through the NPPF is the 'Presumption in favour of Sustainable Development'. In terms of decision making the NPPF states (Paragraph 14) that development proposals that accord with the Development Plan should be approved without delay, where the Development Plan is up to date, or where the Development Plan is absent, silent or material considerations indicate otherwise. Paragraph 19 explains that planning should operate to encourage and not act as an impediment to sustainable growth.
- 5.7 Paragraph 17 outlines a set of core land-use planning principles that should underpin both plan-making and decision-taking. Relevant to the Proposed Development are:
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
  - Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
  - Section 7 of the NPPF talks about the requirement for good design. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good



planning, and should contribute positively to making places better for people. Under paragraph 58 of the NPPF it requires that planning decisions should aim to ensure developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- Are visually attractive as a result of good architecture and appropriate landscaping.

5.8 Section 9 'Protecting green belt land' states that 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. When considering any planning application, 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, is clearly outweighed by other considerations.

5.9 Section 10 'Meeting the challenge of climate change, flooding and coastal change' requires under paragraph 100 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.

5.10 Section 12 of the NPPF deals with 'conserving and enhancing the historic environment' and requires that heritage assets are recognised as being an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, 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. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

5.11 Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

## The Statutory Development Plan

- 5.12 The Proposed Development lies within the London Borough of Camden administrative area.
- 5.13 The London Borough of Camden's Local Development Framework (LDF) was adopted in November 2010 and replaced Camden's Unitary Development Plan (UDP).
- 5.14 The development plan for the Proposed Development, therefore, comprises the:
- London Plan (Consolidated with alterations since 2011) (March 2015);
  - Camden Local Development Framework (LDF) (November 2010), a set of planning documents including:
    - Camden Core Strategy 2010 - 2025 (November 2010);
    - Camden Development Policies 2010 - 2025 (November 2010).

## Regional Policy

### The London Plan (2015)

- 5.15 The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications by Councils and the Mayor.
- 5.16 The policies listed below are relevant to the determination of the application.
- 5.17 **Policy 5.12 'Flood Risk Management'** states that development proposals must comply with the flood risk assessment and management requirements set out in PPS25 over the lifetime of the development and have regard to measures proposed in Thames Estuary 2100 and Catchment Flood Management Plans.
- 5.18 **Policy 7.4 'Local Character'** at a strategic level requires that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. There should be a high quality design response that contributes to a positive relationship between the urban structure and natural landscape and should be informed by the surrounding historic environment.
- 5.19 **Policy 7.6 'Architecture'** requires architecture to make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.

- 5.20 **Policy 7.8 'Heritage Assets and Archaeology'** requires that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. Development affecting heritage assets and their setting should be sympathetic to their form, scale, materials and architectural detail. The policy also requires that new development should make provision for the protection of archaeological resources.
- 5.21 **Policy 7.11 'London View Management Framework'** designates a list of strategic views, including Parliament Hill and Kenwood to central London. Development will be assessed for its impact on the designated view if it falls within the foreground, middle ground or background of that view.
- 5.22 **Policy 7.12 'Implementing the London View Management Framework'** requires that development in the foreground and middle ground of a designated view should not be overly intrusive, unsightly or prominent to the detriment of the view.
- 5.23 **Policy 7.17 'Metropolitan Open Land'** provides the strongest protection to London's Metropolitan Open Land (MOL) and inappropriate development should be refused, except in very special circumstances, giving the same level of protection as Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of the MOL. The guidance contained in the NPPF relating to Green Belts should be applied equally to MOL. The NPPF under paragraph 90 states that 'certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt', engineering operations are included in the list development that is not inappropriate.
- 5.24 **Policy 7.21 'Trees and Woodlands'** states that existing trees of value should be retained and any lost as the result of development should be replaced and wherever appropriate the planting of additional trees should be included in new developments.

## Local Policy

### Camden Local Development Framework (November 2010)

- 5.25 The Camden Local Development Framework (LDF), which replaced the Camden Unitary Development Framework (UDP) in November 2010, is a collection of planning documents that in conjunction with national planning policy and the London Plan sets out the strategy for managing growth and development in the borough.
- 5.26 The Core Strategy is the principal document in the LDF and provides vision, objectives and spatial policies to guide development in the borough up to 2025.
- 5.27 The Development Policies contributes towards delivering the Core Strategy by setting out detailed planning policies that the Council will use for determining planning applications.
- 5.28 The key policies of relevance in the Core Strategy and Development Policies are detailed below.

### Camden Core Strategy (November 2010)

- 5.29 **Policy CS5 'Managing the impact of growth and development'** states that the Council will manage the impact of growth and development in Camden, ensuring that development meets the full range of objectives of the Core Strategy and other LDF documents, with particular reference given to:
- a) providing uses that meet the needs of Camden's population and contribute to the borough's London-wide role;
  - b) providing the infrastructure and facilities needed to support Camden's population and those who work in and visit the borough;
  - c) providing sustainable buildings and spaces of the highest quality; and
  - d) protecting and enhancing our environment and heritage and the amenity and quality of life of local communities. The Council will protect the amenity of Camden's residents and those working in and visiting the borough by:
    - e) making sure that the impact of developments on their occupiers and neighbours is fully considered;
    - f) seeking to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities; and
    - g) requiring mitigation measures where necessary.
- 5.30 **Policy CS13 'Tackling climate change through promoting higher environmental standards'** requires that all development takes measures to minimise the effects of, and adapt to, climate change and encourage all development to meet the highest feasible environmental standards that are financially viable during construction. In terms of water and surface water flooding, the policy requires the protection of reservoirs and requires development to avoid harm to the water environment, water quality or drainage and to prevent or mitigate local surface water and down-stream flooding.
- 5.31 **Policy CS14 'Promoting high quality places and conserving our heritage'** requires development of the highest standard of design that respects local context and character; preserves and enhances Camden's heritage assets and their settings; and promotes high quality landscaping and works to public spaces.
- 5.32 In terms of views from Kenwood and Parliament Hill, these views will be protected in accordance with London-wide policy and will resist proposals that would harm them. The Council will also seek to protect locally important views that contribute to the interest and character of the borough, these may include views of and from large public parks and open spaces such as Hampstead Heath and Kenwood Estate, views into and from Conservation Areas and views of listed and landmark buildings, monuments and statues. Development should be compatible with such views in terms of setting, scale and massing and development that is considered to cause harm would be resisted.

- 5.33 Paragraph 15.7 addresses Metropolitan Open Land and states that *'[MOL] is open space of London-wide significance which provides a break in the built up area and receives the same presumption against development as green belt land. There are four main areas of Metropolitan Open Land in Camden, which are of great importance to the borough and its character – Hampstead Heath and adjoining areas;...'*
- 5.34 The commentary in paragraphs 15.23 – 15.25 is also of relevance, in particular the use of surrounding conservation area statements to assist in preserving and enhancing the Heath.

#### **Camden Development Policies (November 2010)**

- 5.35 The Camden Development Policies relevant to the determination of the planning application are as follows:
- 5.36 **Policy DP22 'Promoting sustainable design and construction'** requires development to incorporate sustainable design and construction measures.
- 5.37 **Policy DP23 'Water'** requires developments to reduce the risk of flooding. All sites over one hectare are required by national planning policy contained within the NPPF to produce a site specific Flood Risk Assessment, in Camden these assessments should focus on the management of surface water run-off and should address the amount of impermeable surfaces resulting from development and the potential for increased flood risk both on site and elsewhere within the catchment.
- 5.38 **Policy DP24 'Securing high quality design'** requires all developments to be of the highest standard of design and will expect developments to consider the character, setting, context and the form and scale of neighbouring buildings; the quality of materials; existing natural features such as topography and trees; the provision of appropriate hard and soft landscaping including boundary treatments; the provision of appropriate amenity space and accessibility; its contribution to public realm, impact on views and vistas; and the wider historic environment, buildings, spaces and features of local historic value.
- 5.39 The text under the policy states that development should give careful consideration to the characteristics of the site and features of local distinctiveness and the wider context and applications should provide an assessment of local context and character and set out how the development has been informed and responds to it. Development should respond to the natural assets of a site and its surroundings.
- 5.40 **Policy DP25 'Conserving Camden's heritage'** states that the Council will seek to protect heritage assets and will protect remains of archaeological importance by ensuring acceptable measures are taken to preserve them and their setting. The text under the policy confirms that Hampstead Heath is an archaeological priority area and that Camden only has one Scheduled Ancient Monument, Boadicea's Grave located within Hampstead Heath.



5.41 **Policy DP26 'Managing the impact of development on occupiers and neighbours'** states that the Council will protect the quality of life of occupiers and neighbours considering factors such as visual privacy, overlooking, overshadowing and outlook.



# 6. Development Appraisal

## Introduction

- 6.1 The following section examines the Proposed Development in the context of the Development Plan, national policy guidance and other material considerations.
- 6.2 The planning, environmental, design and access considerations relevant to this application include:
- Development in Metropolitan Open Land;
  - Design and Visual Impact;
  - Historic Environment;
  - Landscape and Trees;
  - Flood Risk, and
  - Design and Access.
- 6.3 This Statement examines how these issues are considered and mitigated where necessary in such a way as to minimise the impact on the surrounding environment, including the amenity of nearby land uses. These issues and justifications for the proposed development are now considered in turn below.

## Metropolitan Open Land

- 6.4 The development site is located within Metropolitan Open Land (MOL). The London Plan confirms that MOL should be given the strongest protection and that inappropriate development should be refused, except in very special circumstances, giving it the same protection as Green Belt land.
- 6.5 The Proposed Development is a flood containment wall and fence along the residential boundary between Millfield Cottage and West Hill Court. The Proposed Development replaces an existing fence in the same position and has been designed to be as unobtrusive as possible with its upper section being constructed from Oak trellis rather than a solid panels as suggested by the landowners and neighbouring property. The height of the flood containment wall and fence would be 1.8 metres above ground level and would be well screened by the existing vegetation and planting proposed as part of the development.
- 6.6 The Proposed Development would be small scale, unobtrusive and would replace an existing fence in the same location and as such would not be inappropriate development in the MOL and is therefore acceptable in this regard.

## Design and Visual Impact

- 6.7 The planning guidance of general relevance for landscape and visual is found within the NPPF which lists within its core principles that high quality design should be sought, taking into account different roles and the character of different areas. Section 7 of the NPPF deals in more detail with the requirement for good design and section 11 deals with conserving and enhancing the natural environment and requires the protection of valued landscapes.
- 6.8 At London level the London Plan refers to panoramic views of London as referred to in the London View Management Framework, which identifies panoramic views of London from Kenwood. At local level the following policies from the Camden Local Plan are relevant: CS14 'Promoting high quality spaces and conserving our heritage', CS15 'Protecting and improving our parks and open spaces and encouraging biodiversity' and DP24 'securing high quality design'.
- 6.9 The Proposed Development replaces an existing boundary fence in the same location and has been designed to be in keeping with the sensitive setting within a Conservation Area and within the curtilage of a listed building. The Proposed Development has three distinct sections designed to appear as a single boundary fence. Section A is a sheet pile flood containment wall with Oak cladding on both sides and Oak square trellis above to a height of 1.8 metres. Section B has Oak sleepers with Oak trellis above and Section C is just Oak square trellis as this section is not required to be used for flood containment. The Proposed Development would not be visible in views from Kenwood due to its small scale and screening by the existing trees and shrubs on and near the boundary. Proposed replacement planting (see below) will ensure that the thick vegetation screen between Millfield Cottage and West Hill Court is maintained. The careful design and use of high quality materials ensures that the Proposed Development would be acceptable in terms of design and visual impact.

## Historic Environment

- 6.10 The Proposed Development is located within the boundary of a listed building and is within the Highgate Conservation Area. At the national level the NPPF requires the conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations and recognizes that heritage assets are an irreplaceable resource. At regional level the London Plan contains policy 7.8 relating to heritage assets and archaeology. At local level Camden's LDF contains policy CS14 which aims to promote high quality places and conserve heritage and policy DP25 deals with conserving Camden's heritage by maintaining the character of conservation areas, preserving or enhancing listed buildings and protect archaeology and other heritage assets.

- 6.11 A Heritage Statement (Proposed wall and fence at Millfield Cottage Addendum to existing heritage statement, MOLA, January 2016) has been submitted to support this application for planning and listed building consent. The Heritage Statement confirms that Millfield Cottage is a Grade II Listed building and is of high significance as a heritage asset. The Heritage Statement concludes that as the Proposed Development is to run along the existing property boundary it is likely to be obscured by flora for the most part and is not considered to have any adverse impact on either the listed building or its setting. The overall impact of the Proposed Development on Millfield Cottage would be neutral, preserving the building's high significance.
- 6.12 In terms of the Highgate Conservation Area, the Heritage Report confirms that this is a heritage asset of high significance and that the flood containment wall and fence will border an area of open space that extends across Hampstead Heath. The garden of Millfield Cottage plays a significant role in relating the Conservation Area to the Heath at this point, allowing views from the Heath to terminate in open space and views of buildings. The Proposed Development will be at the rear of the garden and at the limit of the open space and is therefore not thought to have any adverse impact on the character of the Conservation Area or its relationship. Additionally, the setting relationship between this part of the Conservation Area and the Heath is dominated by the 'cliff' of West Hill Court. The Proposed Development would also be dominated by this building and it would therefore have an overall neutral impact on the Conservation Area.
- 6.13 In terms of West Hill Court, this is an undesignated heritage asset of medium significance. It is within the Highgate Conservation Area and is part of the way the Conservation Area relates to the open space of Hampstead Heath and acts as a 'cliff' terminating views across Highgate No.1 Pond, the Proposed Development would not change this and would be considered to have a neutral impact.
- 6.14 When comparing with the Approved Development, the Heritage Statement confirms that the Approved Development is thought to have the potential to interrupt the relationship between Millfield Cottage (the garden), the pond and the wider Hampstead Heath. This disruption is in the form of the impact on the setting of Millfield Cottage which relies on an open view of the pond and Heath and the impact on the character of the Highgate Conservation Area, of which open views in the area are a significant part. The Approved Development is considered to have a minor adverse impact on the heritage significance of Millfield Cottage and a minor adverse impact on the heritage significance of the Highgate Conservation Area.
- 6.15 In conclusion, the Proposed Development is considered to have an overall neutral impact on the heritage significance of Millfield Cottage, West Hill Court and the Highgate Conservation Area and as such is acceptable in this regard.

## Landscape and Trees

- 6.16 At that National level the NPPF requires that developments are visually attractive as a result of appropriate landscaping. Policy 7.21 of the London Plan states that existing trees of value should be retained and any lost as a result of development should be replaced. Camden Development Policy DP24 requires that proposals consider existing natural features such as topography and trees and the provision of hard and soft landscaping including boundary treatments.
- 6.17 An Arboricultural Impact Assessment (AIA) and Tree Protection Plan has been produced to support this planning and listed building consent application. The AIA confirms that 6 no. trees would need to be removed as a result of the Proposed Development, these comprise 2no. BS Category U trees, 2 no. BS Category C trees and 2 no. Category B trees. It should be noted that 2 no. of these trees are BS Category U trees and are in poor structural condition meaning that their removal can also be justified on the grounds of safety and sound arboricultural management. As the trees to be felled are located within a Conservation Area this planning and listed building consent application should also be treated as a Section 211 notice for these works, as such a separate Section 211 notice will not be submitted.
- 6.18 To ensure the safety of trees which are not identified for removal the AIA requires that fence posts for new fencing or timber walls outside of the existing fence post holes should be excavated by hand to a depth of 1m, where works are within the root protection zones of retained trees. The AIA also recommends protective barriers where trees are being retained to create Construction Exclusion Zones in order to protect root protection areas of trees.
- 6.19 The AIA compares the Proposed Development to the Approved Development in terms of impact on trees. The Approved Development required the removal of 6 no. trees that can now be retained, these comprise 1 no. BS Category B trees and 5 no. BS Category C trees. Therefore, the total number of trees now requiring removal is equal to the total previously agreed within the original planning application, this is through the saving of certain trees to offset the new ones now identified for felling. Therefore, the change has a neutral impact in terms of tree loss in comparison with the Approved Development. It also must be noted that two of the trees now proposed to be felled are in poor structural condition meaning their removal can also be justified on the grounds of safety and sound arboricultural management. In terms of visual impact the Proposed Development would have a slight positive impact when compared to the Approved Development as the tree loss related to the Approved Development was closer to the pond and more visible from the public realm.

- 6.20 New tree planting is proposed to compensate the loss of the 6 no. trees to be felled and to ensure that the vegetation screen between West Hill Court and Millfield Cottage is retained. The planting plan proposes 3 no. *Betula Pendula* multistem (Silver Birch), 3 no. *Acer Campestre* (Field Maple) and 2 no. *Sorbus Torminalis* (Wild Service Tree). The *Betula Pendula* would be approximately 3 – 4 metres tall. The *Acer Campestre* would be an extra heavy standard at 14-16cmg and would be approximately 4 – 4.5 metres tall. The *Sorbus Torminalis* would be a heavy standard at 12 – 14cmg and would be approximately 3.5 – 4 metres tall. The proposed planting will ensure that the existing well vegetated screening between Millfield Cottage and West Hill Court is maintained.
- 6.21 Of the 6 no. trees to be removed, 2 no. are Category U trees which are in poor structural condition meaning that their removal can also be justified on the grounds of safety and sound arboricultural management. The remainder of the trees to be removed are a Category C Yew, a Category B Common Ash and two self-seeded Sycamores which are Category B and C. The proposed replacement planting will increase the diversity of the trees by using native species and they have been chosen for their variety of interest. For example, the *Betula Pendula* have white bark with drooping twigs, yellow leaves in Autumn and catkins, whilst the *Acer Campestre* have rich golden-yellow leaves in Autumn and the *Sorbus Torminalis* have white / pink clusters of flowers in Spring/ Summer, berries in Summer / Autumn and their leaves turn to orange and red in Autumn.
- 6.22 The Proposed Development would have a neutral impact in terms of trees and a positive landscape impact over the Approved Development and incorporates additional planting to supplement the vegetation on the boundary of the properties and as such is acceptable in this regard.

## Flood Risk

- 6.23 At London level the London Plan policies 5.12 'Flood Risk Management' is relevant. At local level Camden's CP13 'Climate Change' and DP23 'Water' are relevant.
- 6.24 The Site is located outside of Flood Zone 2 and 3 and is therefore within Flood Zone 1. Part of the Proposed Development is a flood containment wall to replace the one which formed part of the Approved Development.
- 6.25 The original ES and Flood Risk Assessment submitted to support the Approved Development confirmed that no significant effects on the water environment are identified for the construction phase and that the operational phase of the Approved Development would have a major beneficial effect for downstream urban areas due to reduced risk of dam failure.
- 6.26 The Proposed Development has the same impact in terms of flood risk as detailed in the FRA submitted to support the Approved Development and as such the Proposed Development is acceptable in terms of Flood Risk.

## Design and Access

- 6.27 The purpose of this section is to provide a summary of the design rationale behind the planning and listed building consent application, so that the proposal may be clearly and succinctly understood in terms of the principles and concepts that have informed it. This enables, firstly, the decision-making behind the proposal in relation to site-specific opportunities and constraints affecting the development to be clearly documented; and, secondly, to demonstrate how the final proposal has been informed by a set of principled objectives, which have stemmed from the preceding analysis and appraisal work.
- 6.28 **Design** – The Proposed Development has been carefully designed to take account of its sensitive setting within the curtilage of a Grade II Listed building and within the Highgate Conservation Area. To this end high quality materials are proposed and the Proposed Development has been designed to have an open trellis structure above the flood containment level to ensure that it is not overly dominant within its setting and to ensure that light passes between the gardens of Millfield Cottage and West Hill Court. Additionally, planting is proposed to compensate for the loss of 6 no. trees. The proposal includes the planting of 8 no. trees to replace the 6 no. trees to be removed as a result of the Proposed Development and it should be noted that 2 of the 6 no. trees to be removed are Category U trees so it is recommended to remove them on grounds of sound arboricultural practice. The proposed replacement planting will ensure that the thick vegetation screen between Millfield Cottage and West Hill Court is maintained.
- 6.29 The design of the Proposed Development has been assessed in the Heritage Statement that accompanies this application and in this Planning Design and Access Statement, both of which confirm that the design is suitable for this sensitive location. The Heritage Statement confirms that the Proposed Development would have a neutral impact in terms of the setting of this listed building and character of the Conservation Area compared to the minor adverse impact of the Approved Development.
- 6.30 **Access** – Access for construction will be via the Heath through the works area defined within the Approved Development. The Proposed Development will be constructed from Millfield Cottage’s land, however occasionally contractors may need to access West Hill Court’s land during construction. Once complete no access to the fence will be necessary except for general maintenance when required.



## 7. Conclusion

- 7.1 Planning permission and listed building consent is sought for the construction of a flood containment wall and fence at Millfield Cottage.
- 7.2 Section 54A of the Town and Country Planning Act 1990, requires that all planning applications should be determined in line with the policies and proposals of the Development Plan unless other material considerations determine otherwise. The emphasis of the plan-led system continues to provide the policy context for the consideration of planning applications for the development or use of land under Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 7.3 It has been demonstrated that the Proposed Development is in conformity with relevant national and local planning policy and it is considered that the Proposed Development would be acceptable in principle and would have no adverse impacts in terms of development in MOL, design and visual impact, historic environment, landscape and trees and flood risk.
- 7.4 For the reasons set out above, the Proposed Development accords with the provisions of the Development Plan and no material considerations have been identified which indicate that a decision on the application should be other than in accordance with the Development Plan. Therefore the Council is respectfully requested to support this full planning and listed building consent application for the reasons outlined.