



**Proposed wall and fence at Millfield Cottage  
Millfield Lane  
London Borough of Camden  
N6 6JH**

Addendum to existing heritage statement



[www.mola.org.uk](http://www.mola.org.uk)

**January 2016**



**Proposed wall and fence at Millfield Cottage  
Millfield Lane  
London Borough of Camden  
N6 6JH**

Addendum to existing heritage statement

**Sign-off history**

issue no.	issue date	prepared by	reviewed by	approved by	reason for issue
1	07/12/2015	James Dixon (Senior Archaeologist)	Mark Strawbridge Lead Consultant Built Heritage	Mark Strawbridge Lead Consultant Built Heritage	Draft issue
2	18/01/2016	James Dixon	Mark Strawbridge	Mark Strawbridge	Issue

PO code: P0730 ASB



# Contents

Contents	i
Figures	ii
Executive summary	1
<u>1</u> Introduction	<u>2</u>
1.1 Origin and scope of the report	2
1.2 Aims and objectives	2
<u>2</u> Baseline and Statement of Significance	<u>3</u>
2.1 Built heritage baseline	3
2.2 Statement of significance	7
<u>3</u> Proposed Development	<u>8</u>
3.1 Overview of proposed development	8
3.2 Existing permission	8
<u>4</u> Impact of Proposed Development	<u>10</u>
4.1 Millfield Cottage	10
4.2 Highgate Conservation Area	10
4.3 West Hill Court	10
4.4 Comparison with approved scheme	10
<u>5</u> Conclusions and Recommendations	<u>11</u>
5.1 Conclusions	11
5.2 Recommendations	11
<u>6</u> Planning framework	<u>12</u>
6.1 Statutory protection	12
6.2 National Planning Policy Framework	12
6.3 Greater London regional policy	14
6.4 Local planning policy	15

# Figures

Fig 1 Millfield Cottage from east on Millfield Lane (MOLA, 12.11.2015) .....	3
Fig 2 View west from rear of Millfield Cottage, across garden to Highgate No.1 pond (MOLA, 12.11.2015) .....	3
Fig 3 Boundary (purple) of Highgate Conservation Area with Millfield Cottage indicated (LB Camden website) .....	4
Fig 4 West Hill Court (MOLA, 12.11.2015).....	6
Fig 5 Boundary between West Hill Court garden and Millfield Cottage (MOLA, 12.11.2015) .....	6
Fig 6 Highgate No. 1 Pond, G.A. Plan of Conjtainment Wall at Millfield Cottage, Detailed Plan (Atkins, drwg no. 5117039-ATK-P6-ZZ-DR-C-0010, 02.11.2015) .....	8
Fig 7 Approved scheme, green and blue lines (Atkins, drwg no. 5117039-ATK-P6-ZZ-DR-C-0008, 28.09.2015) .....	9

Note: site outlines may appear differently on some figures owing to distortions in historic maps. North is approximate on early maps.

# Executive summary

*The City of London has commissioned MOLA to carry out a heritage assessment in advance of proposed works within the grounds of Millfield Cottage, Millfield Lane, London Borough of Camden. The proposed works comprise the construction of a wall and fence to act as flood defences within the grounds of the Grade II listed Millfield Cottage as part of a wider programme of works on the Hampsted Heath Ponds.*

*This desk-based study assesses the impact on built heritage assets (standing buildings). Although below ground heritage assets (historic structures) are not discussed in detail, they are noted where they assist in the archaeological interpretation of the site. It is intended as an addendum to the existing Heritage Statement produced to accompany the planning application for the project and does not reproduce general background information included in that document.*

*Built heritage assets that may be affected by the proposals comprise:*

- **Millfield Cottage:** a Grade II listed house, the garden of which will contain the proposed works;
- **Highgate Conservation Area:** conservation area surrounding the site and to the character of which the site makes a positive contribution. The site is also within an area of Open Space designated as part of the Conservation Area.

*The proposed development will see the construction of flood defences, partially buried, that consist of a timber wall and fence running along the property boundary between Millfield Cottage and the neighbouring West Hill Court.*

*It is considered to have an overall neutral impact on Millfield Cottage and Highgate Conservation Area.*

*Further, the proposed scheme effectively mitigate by design the potential adverse impact on the setting of Millfield Cottage and the character of Highgate Conservation Area thought to arise from the existing approved scheme.*

*No further archaeological work is considered necessary in connection to this application.*

# 1 Introduction

## 1.1 Origin and scope of the report

---

- 1.1.1 The City of London has commissioned MOLA to carry out a heritage assessment in advance of proposed works within the grounds of Millfield Cottage, Millfield Lane, London Borough of Camden. The proposed works comprise the construction of a wall and fence for the purposes of flood defence within the grounds of the Grade II listed Millfield Cottage as part of a wider programme of works on the Hampsted Heath Ponds.
- 1.1.2 This desk-based study assesses the impact of the scheme on built heritage assets (standing buildings). It forms an initial stage of investigation of the area of proposed development (hereafter referred to as the 'site') and may be required in relation to the planning process in order that the local planning authority (LPA) can formulate an appropriate response in the light of the impact upon any known or possible heritage assets. These are parts of the historic environment which are considered to be significant because of their historic, evidential, aesthetic and/or communal interest.
- 1.1.3 The assessment has been carried out in accordance with the requirements of the National Planning Policy Framework (NPPF) (DCLG 2012, 2014; see section 10 of this report) and to standards specified by the Institute for Archaeologists (IfA Oct 2012/Nov 2012), English Heritage (2008, 2011), and the Greater London Archaeological Advisory Service (GLAAS 2014), and the City of London (CoL 2004). Under the 'Copyright, Designs and Patents Act' 1988 MOLA retains the copyright to this document.
- 1.1.4 Note: within the limitations imposed by dealing with historical material and maps, the information in this document is, to the best knowledge of the author and MOLA, correct at the time of writing. Further archaeological investigation, more information about the nature of the present buildings, and/or more detailed proposals for redevelopment may require changes to all or parts of the document.

## 1.2 Aims and objectives

---

- 1.2.1 The aim of the assessment is to:
- identify the presence of any built heritage assets that may be affected by the proposals;
  - describe the significance of such assets, as required by national planning policy (see section 6 for planning framework and section **Error! Reference source not found.** for methodology used to determine significance);
  - assess the likely impacts upon the significance of the assets arising from the proposals; and
  - provide recommendations for further assessment where necessary of the historic assets affected, and/or mitigation aimed at reducing or removing completely any adverse impacts upon buried heritage assets and/or their setting.



## 2 Baseline and Statement of Significance

### 2.1 Built heritage baseline

#### *Millfield Cottage*

2.1.1 The building is nationally listed at Grade II 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.



*Fig 1 Millfield Cottage from east on Millfield Lane (MOLA, 12.11.2015)*

2.1.2 The garden of the property is, in general, open although divided into a number of distinct areas. There is a clear view from the rear of the property across Highgate No.1 Pond to Hampstead Heath. A small strip of land along the edge of the pond is technically part of the Heath and property of the City of London although it is, in practice, treated as part of the garden of Millfield Cottage.



*Fig 2 View west from rear of Millfield Cottage, across garden to Highgate No.1 pond (MOLA, 12.11.2015)*



## Highgate Conservation Area

2.1.3 Highgate Conservation Area 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 as follows in the area appraisal:

The essential character of the Highgate Conservation Area is of a close-knit village crowning one of the twin hills to the north of London. Highgate's proximity to London, combined with the benefits of its elevated position, providing clean air, spring water and open spaces, has ensured that from its earliest beginnings in about the 14th century, it has been a very popular place to live or visit. The generally 18th and 19th century character of the present buildings may conceal the existence of earlier structures; for example, a late medieval jettied timber structure has been identified within one of the High Street buildings across the borough boundary in Haringey. The early village high street with its characterful small-scale houses and traditionally fronted shops and businesses and the open square, around the site of the original pond remain the heart of the village. Large and fashionable historic houses from the 17th, 18th, 19th and 20th centuries stand clustering around the historic core, and imposing properties set in landscaped gardens stand on the hill slopes below the village enjoying the southern aspect. From Highgate looking south there are wide-reaching views of London with Crystal Palace and the North Downs forming a distant backdrop. The Highgate Conservation Area, in particular, enjoys a wealth of open spaces and green surroundings. Lanes and farm names live on alongside open areas of allotments and parks, Hampstead Heath, Highgate Cemetery, Waterlow Park, South Grove reservoir, Fitzroy Park allotments and the many large gardens contribute to the informal landscape setting and rural atmosphere which is an important part of the Conservation Area character. Highgate Cemetery, opened in 1839, forms a large and important part of this Conservation Area. Dating from the 19th century, many of the monuments and tombs within the East and West Cemeteries are individually protected by statutory listing, while in recognition of the importance of the landscaping the cemeteries are included in the List of Historic Parks and Gardens. The character of the Highgate Conservation Area is formed by the relationship of topography, open spaces, urban form and architectural details.

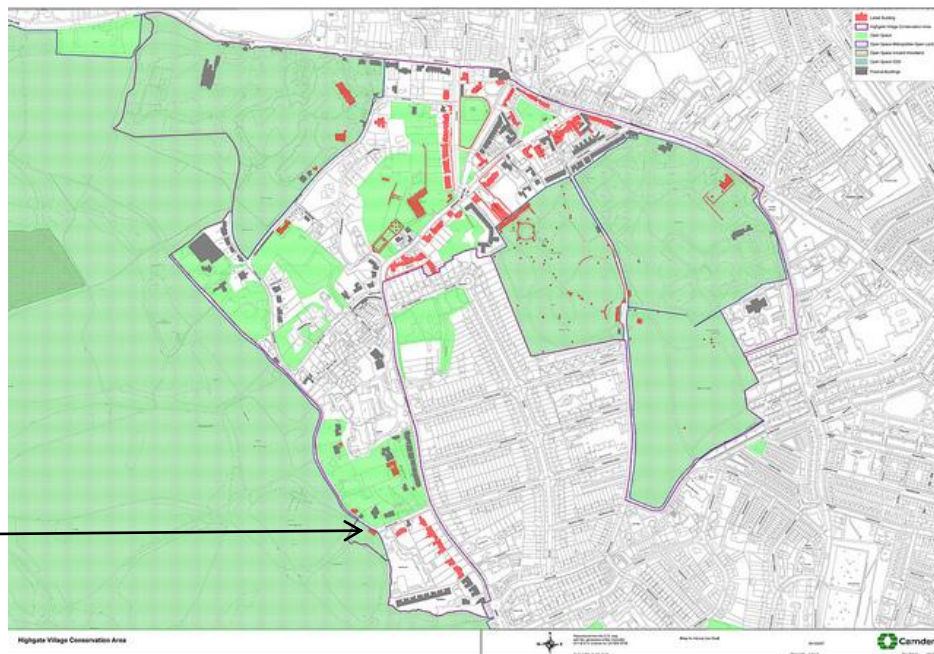


Fig 3 Boundary (purple) of Highgate Conservation Area with Millfield Cottage indicated (LB Camden website)

2.1.4 Within the wider Highgate Conservation Area, the site is part of the Merton Lane and Millfield Lane sub-area. The appraisal says the following about Millfield Lane:

Millfield Lane. The northern end Millfield Lane is very open, since the road forms the boundary with the Heath. The east side is defined by the high boundary treatment, with glimpses of buildings behind. The buildings are set back and vary in character and design. At the northern end the lower portion of the Westhill Park Estate is visible. No 48, with a distinctive copper-clad roof, is visible in long views from the south. No 44 is out of keeping in terms of its height and bulk. The buildings of the Russian Trade Delegation, the Embassy of the Russian Federation and the Office of the Defence Attaché are higher than their neighbours and the utilitarian wire boundary fence is inappropriate and in poor condition. There has also been an introduction of over-zealous security features, such as an abundance of CCTV cameras (see Westfield, Highgate West Hill). Nos 40-42, Hill House, is a huge two-storey neo-Georgian 20th century residence with a wide frontage raised above the street level. No 38 is a later 20th century example of architectural interest: a wide-fronted low brickbuilt house with a stepped-back front elevation, designed by the architect Philip Pank, which has recently been listed grade II for its contribution post-war architecture. No 36 is an extended 1930s house. No 34 is a 20th century two storey property with a gable. No 30, with a half-timber gable, dates from the interwar period, and is partly visible over the high fencing, hedges and entrance gate bordering the street.

As the lane approaches the bend at its southern end, the houses are hard on the pavement and much older, dating from the 17th and 18th centuries. No 24 (listed grade II) is a detached two-storey house from the early 18th century that has been altered and extended. It sits along the road and is roughcast with a pantile roof. The right hand bay is gabled with a bargeboard and a finial detail. 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. Dominating the view south along the lane is the high tiled pitched roof with late 20th century dormers. At the southern end of Millfield Lane, where it returns east towards Highgate West Hill, there is an important collection of small-scale houses, built in the 20th century in a variety of materials. Here are good examples of sensitive modern infill. The house on the northern corner of the bend in the road, is a postwar property located in generous landscaped gardens behind an electronic gate. The property has been extended and remodelled in a dynamic fashion, with accommodation over three floors including a roof garden and two balconies. Nos 12 & 12a, comprising Syskon Cottage, Millbrook and the adjoining coach house, are stuccoed 19th century houses adhering to an Italianate style. They are set back and raised from the pavement line and have overhanging eaves and a hipped roof (containing an insensitively large dormer window at the rear). There are prominent stucco piers at the entrance. No 5, on the south side, is a detached double-fronted two-storey house dating from 1823 (listed grade II), also stuccoed, with later additions. It has a hipped, slated roof and projecting eaves.

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. Brookfield Mansions date from the early 20th century and form two groups, with two blocks facing onto Highgate West Hill and the remaining blocks at right-angles facing directly onto the Heath away from the road. The main features are the halftimbered gabled upper floors, which contrast with the red brick lower floors, the steeply pitched tiled roofs, the rhythm of the entrance recesses, the bay windows and ornate wrought iron

balconies, and the wooden sash windows with multiple panes in the upper lights. The blocks have a spacious, comfortable feel and are set in generously landscaped communal gardens. A service road skirts the northern edge of the site, giving access to car parking and garages, and is overlooked by the surprisingly utilitarian brick rear elevations of the mansion blocks.

- 2.1.5 Of particular note here is the mention of the bulkiness of West Hill Court and the 'cliff' effect it has. It is also worth highlighting the statement that views of the building from Hampstead Heath are 'softened by a belt of mature trees'.

#### *West Hill Court*

- 2.1.6 West Hill Court neighbours Millfield Cottage and is on the other side of the proposed wall. It is an unlisted early-mid twentieth century apartment block.



*Fig 4 West Hill Court (MOLA, 12.11.2015)*

- 2.1.7 The garden space consists of a lawn adjacent to the buildings bounded to the south-west by the hedge and fence line that forms the border with the garden of Millfield Cottage.



*Fig 5 Boundary between West Hill Court garden and Millfield Cottage (MOLA, 12.11.2015)*

## 2.2 Statement of significance

---

- 2.2.1 Millfield Cottage is nationally listed at Grade II and of **high significance** as a heritage asset.
- 2.2.2 It has a significant setting relationship with Highgate No 1 Pond and the wider Hampstead Heath. There are views from the rear of the property over the pond towards the heath.
- 2.2.3 Hampstead Heath itself is undesignated although it is considered to be of **high significance** as a heritage asset.
- 2.2.4 The site of the proposed development is within the London Borough of Camden's Highgate Conservation Area, of **high significance** as a heritage asset.
- 2.2.5 West Hill Court is an undesignated apartment block from the earlier 20th century. It occupies a prominent position along Millfield Lane and has views over the garden of Millfield Cottage towards Highgate No 1 Pond and Hampstead Heath. It is considered to be of **medium significance** as a heritage asset.



## 3 Proposed Development

### 3.1 Overview of proposed development

- 3.1.1 The proposed development is for a flood defence wall to be constructed along the line of the boundary between Millfield Cottage and West Hill Court.

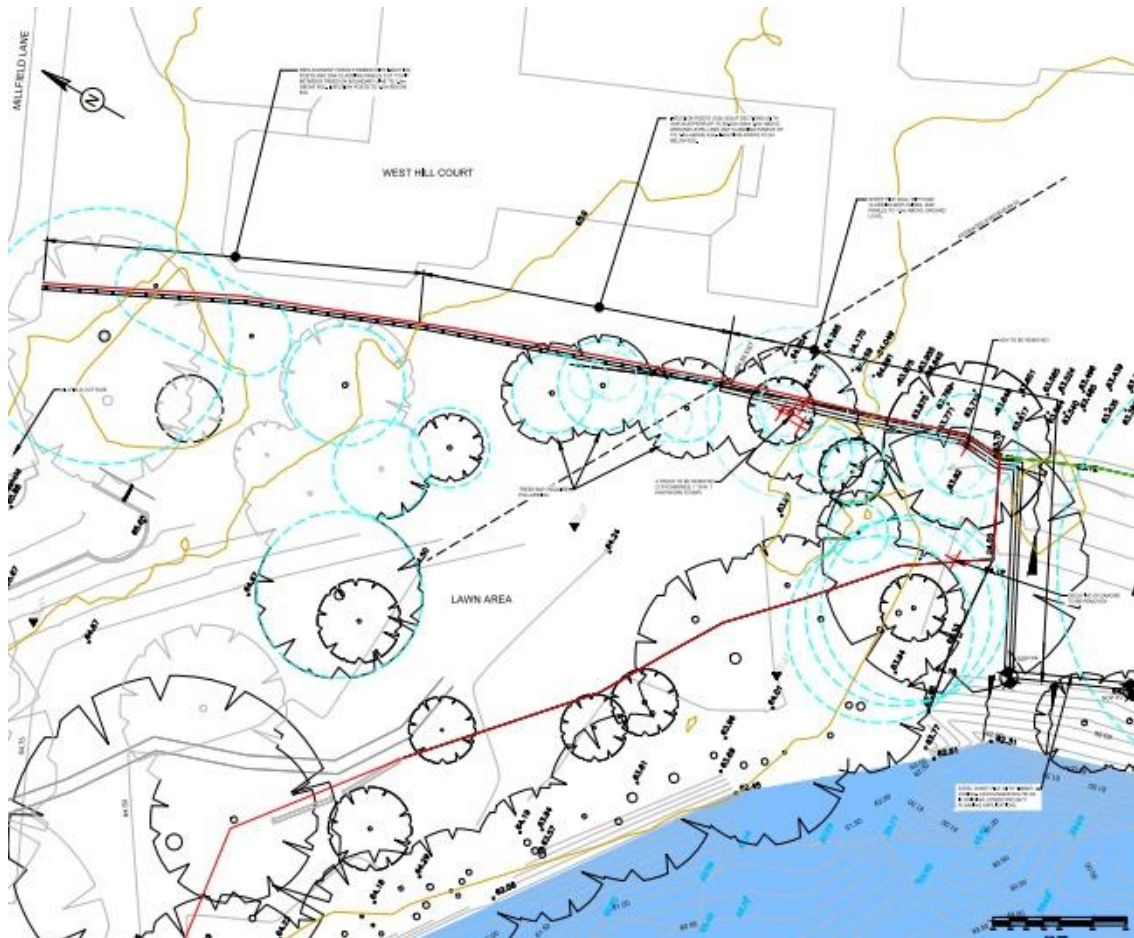


Fig 6 Highgate No. 1 Pond, G.A. Plan of Conjtainment Wall at Millfield Cottage, Detailed Plan (Atkins, drwg no. 5117039-ATK-P6-ZZ-DR-C-0010, 02.11.2015)

- 3.1.2 As can be seen in Fig 6, the wall will consist of three sections, each of slightly different construction. The westernmost section will consist of a replacement fence formed with I-section posts and oak cladding panels cut to fit between trees on the boundary line to 1.8m above existing ground level, with the I-section posts going to 0.5m below ground level.
- 3.1.3 The central section will consist of I-section posts with oak sleepers to 0.5m above ground level and oak cladding panels to 1.8m above ground level, with the I-section posts going to 2m below ground level.
- 3.1.4 The easternmost section will consist of a sheet pile wall with oak cladding on both sides and panels to 1.8m above ground level.

### 3.2 Existing permission

- 3.2.1 Permission exists for an alternative scheme that would see a sheet pile wall with timber coping run along the boundary between Millfield Cottage and the strip of City of London land along the edge of the pond and into the garden of Millfield Cottage.

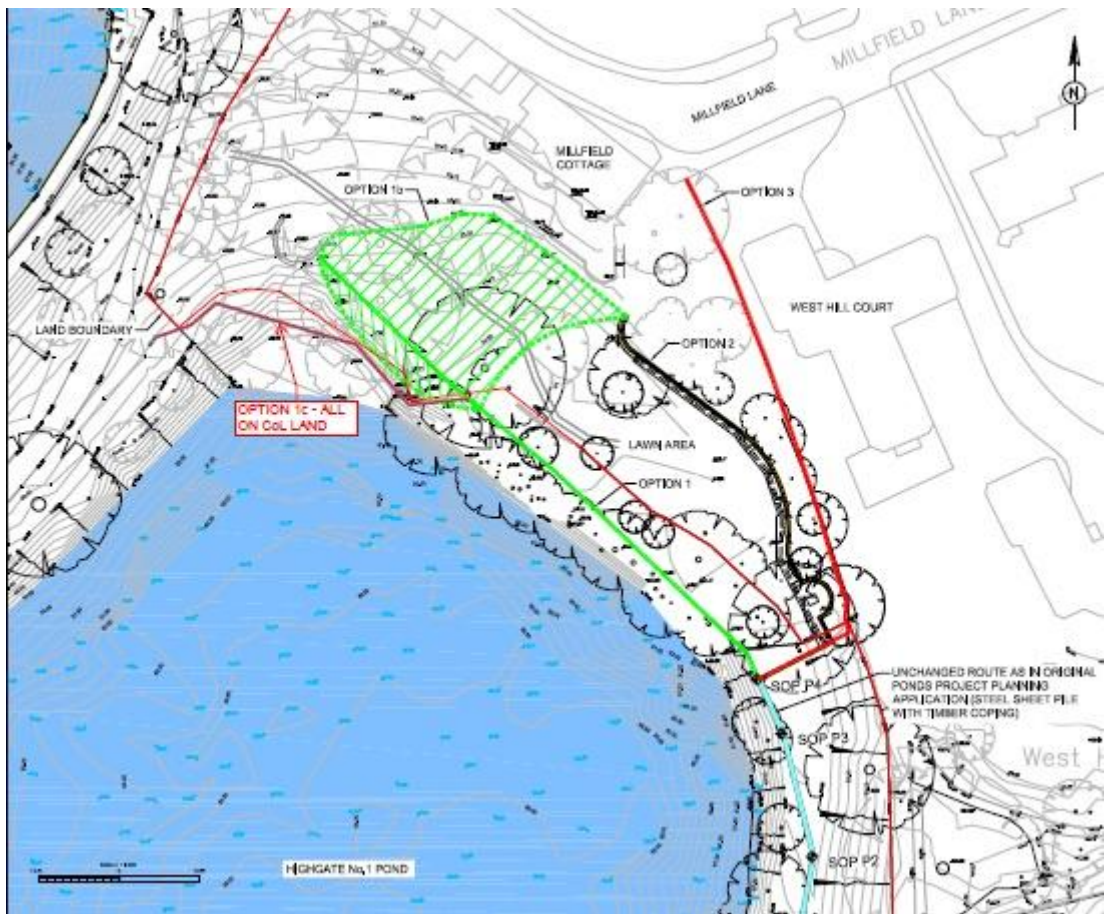


Fig 7 Approved scheme, green and blue lines (Atkins, drwg no. 5117039-ATK-P6-ZZ-DR-C-0008, 28.09.2015)



## 4 Impact of Proposed Development

### 4.1 Millfield Cottage

---

- 4.1.1 Millfield Cottage is nationally listed at Grade II and of high significance as a heritage asset.
- 4.1.2 The proposed wall/fence will replace an existing fence running along the property boundary between Millfield Cottage and West Hill Court, rising to a height of 1.8 m.
- 4.1.3 As it run along the existing property boundary and likely be obscured by flora for the most part, the proposed wall/fence is not considered to have any adverse impact on either the listed building or its setting. The overall impact on Millfield Cottage will be **neutral**, preserving the building's high significance.

### 4.2 Highgate Conservation Area

---

- 4.2.1 The proposed development is within Highgate Conservation Area, a heritage asset of high significance. Specifically, the wall/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 wall/fence 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 of its relationship. Moreover, the setting relationship between this part of the Conservation Area and the Heath is dominated, as discussed in the Conservation Area appraisal, by the 'cliff' of West Hill Court. The proposed wall/fence will also be dominated by this building and it will have an overall **neutral** impact on the Conservation Area.

### 4.3 West Hill Court

---

- 4.3.1 West Hill Court is an undesignated heritage asset of medium significance. It is within Highgate Conservation Area and is part of the way in which it relates to the open space of Hampstead Heath. As mentioned in the Conservation Area appraisal, the building acts as a 'cliff' terminating views across Highgate No. 1 pond. The proposed wall/fence will not change this and the impact on it is considered to be **neutral**.

### 4.4 Comparison with approved scheme

---

- 4.4.1 By comparison, the approved scheme is thought to have potential to interrupt the relationship between Millfield Cottage (and garden), the pond and the wider Hampstead Heath. This disruption takes two related forms, the impact on the setting of the listed Millfield Cottage in its own right, which relies on the open view of the pond and Heath, and the impact on the character of Highgate Conservation Area, of which the open views in this area are a significant part.
- 4.4.2 The approved scheme 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 Highgate Conservation Area.

## 5 Conclusions and Recommendations

### 5.1 Conclusions

---

- 5.1.1 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.
- 5.1.2 It effectively mitigates by design the potential adverse impact on the setting of Millfield Cottage and character of the Highgate Conservation Area thought to arise from the approved scheme.

### 5.2 Recommendations

---

- 5.2.1 No further archaeological work is thought necessary in connection to this application.

## 6 Planning framework

### 6.1 Statutory protection

#### *Scheduled Monuments*

- 6.1.1 Nationally important archaeological sites (both above and below-ground remains) may be identified and protected under the *Ancient Monuments and Archaeological Areas Act 1979*. An application to the Secretary of State is required for any works affecting a Scheduled Monument or its setting.

#### *Planning (Listed Buildings and Conservation Areas) Act 1990*

- 6.1.2 The Act sets out the legal requirements for the control of development and alterations which affect buildings, including those which are listed or in conservation areas. Buildings which are listed or which lie within a conservation area are protected by law. Grade I are buildings of exceptional interest. Grade II\* are particularly significant buildings of more than special interest. Grade II are buildings of special interest, which warrant every effort being made to preserve them.

#### *Human remains*

- 6.1.3 Development affecting any former burial ground is regulated by statute, principally the *Burial Act 1857*, the *Disused Burial Grounds Act 1884* and 1981, and the *Pastoral Measure 1983*. The prior exhumation and re-interment of human remains is required and must be carried out under the terms of a Burial Licence, to be obtained from the Ministry of Justice.
- 6.1.4 Where likely survival of human burials in ground consecrated under the rites of the Church of England has been identified in a Historic Environment Assessment it is possible that a 'Faculty' may need to be sought by the developer in addition to Planning Consent. Faculty is issued by the office of the Chancellor of the Diocesan authorities in accordance with the provision of the *Faculty Jurisdiction Measure 1964* (as amended by the *Care of Churches and Ecclesiastical Jurisdiction Measure 1991*). Separately, exhumation of any human remains should be notified to the Ministry of Justice who may also need to issue a Burial Licence. A Burial Licence is required from the Ministry of Justice if the remains are not intended for reburial in consecrated ground (or if this is to be delayed - for example where archaeological or scientific analysis takes place first).
- 6.1.5 Under the *Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1930*, the removal and re-interment of human remains should be in accordance with the direction of the local Environmental Health Officer.

### 6.2 National Planning Policy Framework

- 6.2.1 The Government issued the National Planning Policy Framework (NPPF) in March 2012 (DCLG 2012) and supporting Planning Practice Guidance in 2014 (DCLG 2014). One of the 12 core principles that underpin both plan-making and decision-taking within the framework is to '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' (DCLG 2012 para 17). It recognises that heritage assets are an irreplaceable resource (para 126), and requires the significance of heritage assets to be considered in the planning process, whether designated or not. The contribution of setting to asset significance needs to be taken into account (para 128). The NPPF encourages early engagement (i.e. pre-application) as this has significant potential to improve the efficiency and effectiveness of a planning application and can lead to better outcomes for the local community (para 188).
- 6.2.2 NPPF Section 12: Conserving and enhancing the historic environment, is produced in full below:

**Para 126.** Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at

risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

**Para 127.** When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

**Para 128.** 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. 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.

**Para 129.** Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

**Para 130.** Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

**Para 131.** 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.

**Para 132:** 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

**Para 133.** 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, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

**Para 134.** 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.

**Para 135.** The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

**Para 136.** Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

**Para 137.** Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

**Para 138.** Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

**Para 139.** Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

**Para 140.** Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

**Para 141.** Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

## 6.3 Greater London regional policy

---

### *The London Plan*

6.3.1 The overarching strategies and policies for the whole of the Greater London area are contained within the London Plan of the Greater London Authority (GLA July 2011). Policy 7.8 relates to Heritage Assets and Archaeology:

A. London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.

B. Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.

C. Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.

D. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

E. New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.

- F. Boroughs should, in LDF policies, seek to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy as part of managing London's ability to accommodate change and regeneration.
- G. Boroughs, in consultation with English Heritage, Natural England and other relevant statutory organisations, should include appropriate policies in their LDFs for identifying, protecting, enhancing and improving access to the historic environment and heritage assets and their settings where appropriate, and to archaeological assets, memorials and historic and natural landscape character within their area.

- 6.3.2 As part of the Revised Early Minor Alterations to the London Plan (GLA Oct 2013), amended paragraph 7.31 supporting Policy 7.8 'Heritage Assets and Archaeology' adds 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 securing its optimum viable use. Enabling development that would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset should be assessed to see if the benefits of departing from those policies outweigh the disbenefits.' It further adds 'Where there is evidence of deliberate neglect of and or damage to a heritage asset the deteriorated state of that asset should not be taken into account when making a decision on a development proposal'.
- 6.3.3 The Draft Further Alterations to the London Plan (GLA Jan 2014), incorporate the changes made to paragraph 7.31 but add no further revisions to the elements of the London Plan relating to archaeology and heritage.

## 6.4 Local planning policy

---

- 6.4.1 Following the Planning and Compulsory Purchase Act 2004, Planning Authorities have replaced their Unitary Development Plans, Local Plans and Supplementary Planning Guidance with a new system of Local Development Frameworks (LDFs). UDP policies are either 'saved' or 'deleted'. In most cases archaeology policies are likely to be 'saved' because there have been no significant changes in legislation or advice at a national level.

### *London Borough of Camden*

- 6.4.2 Camden's Local Development Framework (LDF) replaced its Unitary Development Plan (UDP) in November 2010. At the centre of the LDF is the Core Strategy (Greater London Borough of Camden, 2010a) which sets out the key elements of the Council's planning vision and strategy for the borough.
- 6.4.3 Policy CS14 *Promoting high quality places and conserving our heritage* adheres broadly to the principles of the NPPF (see above).
- The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:
- a) requiring development of the highest standard of design that respects local context and character;
  - b) preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;
  - c) promoting high quality landscaping and works to streets and public spaces;
  - d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;
  - e) protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views (Greater London Borough of Camden, 2010a, 89–90).
- 6.4.4 Development Policy 25, *Conserving Camden's heritage*, states:

#### **Conservation areas**

In order to maintain the character of Camden's conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;



- c) prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;
- d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and
- e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.

#### **Listed buildings**

To preserve or enhance the borough's listed buildings, the Council will:

- e) prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention;
- f) only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building; and
- g) not permit development that it considers would cause harm to the setting of a listed building.

#### **Archaeology**

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken to preserve them and their setting, including physical preservation, where appropriate.

#### **Other heritage assets**

The Council will seek to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares (Greater London Borough of Camden, 2010b, 117).