

Delegated Report		Analysis sheet	Expiry Date:	28/03/2016
(Members Briefing)		N/A / attached	Consultation Expiry Date:	24/06/2016
Officer			Application Number(s)	
Gideon Whittingham			1) 2016/0501/P 1) 2016/1263/L	
Application Address			Drawing Numbers	
Millfield Cottage Millfield Lane London N6 6JH			Refer to Draft Decision Notices	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
1) Erection of flood containment wall and fence along the boundary of Millfield Cottage with West Hill Court 2) Erection of flood containment wall and fence along the boundary of Millfield Cottage with West Hill Court				
Recommendation(s):		1) Grant Planning Permission 2) Grant Listed Building Consent		
Application Type:		Full Planning Permission and Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	43	No. of responses	26	No. of objections	25
					No. of support	1
Summary of consultation responses:	<p>First consultation:</p> <ul style="list-style-type: none"> • Site notice placed – 09/03/2016 • Press Notice placed – 10/03/2016 <p>Objections raised by West Hill Court Residents Group (which reports to the Management Committee which manages the company Spiruline on behalf of all 39 West Hill Court freeholders), individually West Hill Court flats - 11; 37; 14; 30; 34 x 2; 7; 24; 8; 6; 9; 4; 35; 36; 16; 10; 35; 34; 1; 2; 20; 17; 33; 23 and 48 Montpelier Grove can be summarised as follows:</p> <p><i>Background and requirement for containment wall:</i></p> <ul style="list-style-type: none"> • Applicants supporting information misrepresents views of residents at West Hill Court • Other workable alternatives <p><i>Design – MOL, scale, bulk and detailed design:</i></p> <ul style="list-style-type: none"> • Wall too high • Harm to Listed Building <p><i>Impact on neighbouring amenity:</i></p> <ul style="list-style-type: none"> • Obstruct views and outlook towards Heath <p><i>Impact on trees:</i></p> <ul style="list-style-type: none"> • Loss of trees • Loss of tree in West Hill Court (Sycamore) <p><i>Transport issues:</i></p> <ul style="list-style-type: none"> • Disruption as a result of construction 					
	<p>Second consultation (following the revision of the scheme):</p> <ul style="list-style-type: none"> • Site notice placed – 02/06/2016 • Press Notice placed – 03/06/2016 <p>Objections raised by West Hill Court Residents Group (which reports to the Management Committee which manages the company Spiruline on behalf of all 39 West Hill Court freeholders) commented:</p> <p><i>[we] would maintain our objection to the first proposal put forward to Camden but do not oppose the revised plans as set out in the latest submission. Basically we would continue to object to the sheet pile wall</i></p>					

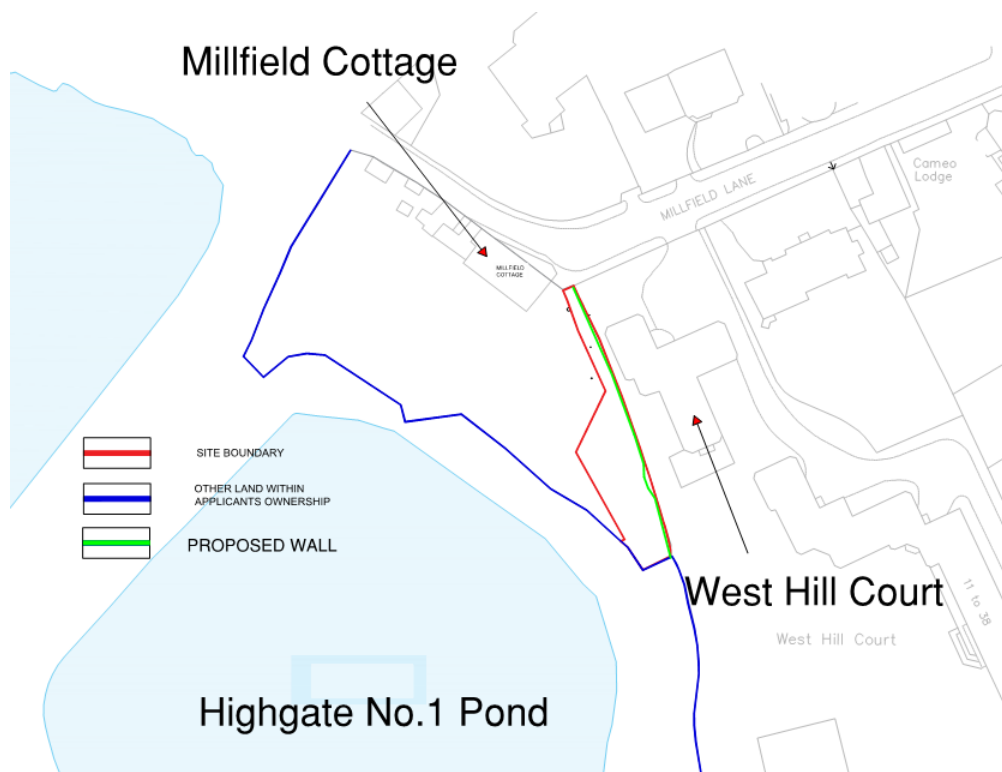
	<p><i>continuing along our boundary but accept the change to a sleeper wall which will not involve as much disruption.'</i></p> <p>A letter of support was received by Millfield Cottage.</p>
CAAC/Local groups comments:	<p>Highgate CAAC objections can be summarised as follows:</p> <ul style="list-style-type: none">• Loss of trees and ecology• Loss of tree in West Hill Court (Sycamore)• What is the purpose of the containment wall <p>A comment regarding the second consultation has not been received to date.</p>

Site Description

Millfield Cottage:

Detached house located on the south side of Millfield Lane. The building is within Highgate Village Conservation Area and is Grade II listed.

The adjacent apartment block of West Hill Court is located to the south-east of **Millfield Cottage**. **Both buildings are approximately 60m from Highgate No.1 Pond to the south.**



Hampstead and Highgate chains of ponds - Hampstead Heath:

Hampstead Heath has a variety of site designations. The entire Heath is designated as Metropolitan Open Land, Public Open Space and a Metropolitan Site of Nature Conservation Importance (by English Nature). The application proposals relate to works at Highgate No. 1 Pond.

Relevant History

Millfield Cottage:

2008/3536/P: Retention of trellis on the garden fence and garage roof. Granted 13/01/2009

Hampstead and Highgate chains of ponds - Hampstead Heath

2014/4332/P: Proposed 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, grasslined 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. Granted 27/01/2015

Relevant policies

National and London wide policies and guidance

Planning (listed building and conservation area) Act 1990 as amended
Enterprise and Regulatory Reform Act (ERR) 2013.
National Planning Policy Framework 2012
National Planning Policy Guidance 2014
London Plan 2016

LDF Core Strategy and Development Policies

CS1 Distribution of growth
CS4 Areas of more limited change
CS5 Managing the impact of growth and development
CS8 Promoting a successful and inclusive Camden economy
CS10 Supporting community facilities and services
CS11 Promoting sustainable and efficient travel
CS13 Tackling climate change through promoting higher environmental standards
CS14 Promoting high quality places and conserving our heritage
CS15 Protecting and improving our parks and open spaces and encouraging biodiversity
CS16 Improving Camden's health and well-being
CS17 Making Camden a safer place
CS19 Delivering and monitoring the Core Strategy
DP13 Employment premises and sites
DP16 The transport implications of development
DP17 Walking, cycling and public transport
DP20 Movement of goods and materials
DP21 Development connecting to the highway network
DP22 Promoting sustainable design and construction
DP23 Water
DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP27 Basements and lightwells
DP28 Noise and vibration
DP29 Improving access
DP31 Provision of, and improvements to, open space, sport and recreation
DP32 Air quality and Camden's Clear Zone

Other Planning Policies / Guidance

Camden Planning Guidance (CPG) 2015 – CPG 1, 2, 3, 4, 8
Camden Planning Guidance (CPG) 2011 – CPG 6 and 7
Dartmouth Park Conservation Area Appraisal and Management Strategy 2009
Hampstead Conservation Area Statement 2001
Highgate Conservation Area Appraisal and Management Strategy 2007
Holly Lodge Estate Conservation Area Appraisal and Management Strategy 2012
Mansfield Conservation Area Appraisal and Management Strategy 2008
Redington and Frogna Conservation Area Statement 2001
South Hill Park Conservation Area Statement 2001
Sites of Nature Conservation Importance in Camden SPD 2006
Camden SFRA Strategic Flood Risk Assessment 2014
Camden Biodiversity Action Plan 2013-2018

Other Documents / Guidance include

Reservoirs Act 1975

Hampstead Heath Act 1871

Flood and Water Management Act 2010

English Heritage Landscape Advice Note: Historic parks and gardens and changes to reservoir safety legislation 2013

Equality Act 2010

Assessment

1. PROPOSAL

1.1 The application proposes:

- The erection of flood containment wall and fence (1.8m in height) along the boundary (approximately 60m in length) of Millfield Cottage with West Hill Court
- The containment wall would comprise horizontal Oak sleepers (up to 1m in height), embedded to a depth of 1.7m with steel posts. Set above the containment wall would be square oak trellis panels, 0.8m in height.
- A total of 3 trees shall be removed to make way for the boundary wall – An ash and sycamore in the grounds of Millfield cottage and a Yew in the grounds of West Hill Court.
- Construction would entirely take place on land within the ownership of Millfield Cottage.

Revisions

1.2 During the course of the application, the scheme was amended upon officer advice and in mind of the comments following public consultation, to incorporate the following:

- Wall material and construction type changed to steel post and sleeper type within the site boundary;
- Wall route amended to go round the group of sycamore trees and the hawthorn stump, on the Millfield Cottage garden side;
- Number of trees to be removed reduced from 6 to 3
- Tree replacement planting reduced from 8 to 6;
- Steel posts reduced to the level of top of the timber sleepers;
- Trellis panels increased to be a minimum of 0.5m high, increasing to 1.8m as the natural ground rises away from the pond;
- Construction entirely on land within the ownership of Millfield Cottage.

1.3 The main issues for consideration therefore are:

- **Background and requirement for containment wall**
- **Whether the proposals constitute appropriate development on MOL**
- **Design – MOL, scale and detailed design**
- **Flood Risk**
- **Impact on neighbouring amenity**
- **Impact on trees**
- **Transport issues**

Background and requirement for containment wall

1.4 Planning permission was granted on 27/01/2015 for engineering works to the Hampstead and Highgate chains of ponds (see site history above). .

1.5 The approval included a sheet pile containment wall around the north east corner boundary of

Highgate No.1 Pond, which cut through land within the ownership of Millfield Cottage.

1.6 The proposal would allow an alternative containment wall and fence to replace the sheet pile wall along the shared boundary of Millfield Cottage with West Hill Court (approximately 60m in length).

Whether the proposals constitute appropriate development on MOL

1.7 In terms of the NPPF, paragraph 79 outlines that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Metropolitan Open Land (MOL), which the entirety of the Heath and partial element of Millfield Cottage site is, is given the same level of protection as the Green Belt. Paragraph 87 continues by detailing that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 88 continues that “Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

1.8 Paragraph 89 then details that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Paragraph 90 then details that certain other forms of development, with engineering operations specifically referenced, “are also 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 Green Belt”.

1.9 MOL is considered within the London Plan at policy 7.17. At a strategic level the Mayor strongly supports the current extent of MOL and its protection from development having an adverse impact on the openness of MOL. For planning decisions, the strongest protection should be given to London’s MOL and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.

1.10 At the local level, the LB Camden LDF includes a number of policies relevant to the necessity of and justification for the proposed works, with the most pertinent being CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity).

1.11 As detailed in the description of the proposal, this proposal by virtue of its nature can be classed as an engineering operation. With this in mind, paragraph 90 of the NPPF is of relevance. As such, engineering operations will not be considered inappropriate should they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Considering first the openness of the Green Belt, it is considered that the principle of the proposal has been established as appropriate by the ponds engineering permission.

Design – scale and detailed design

1.12 The proposed structure would replace, along most of its length, a green metal railing likely to date from the construction of West Hill Court in the 1930s or sometime thereafter. Its replacement with an alternative barrier with a high-quality natural finish would not detract from West Will Court’s beneficial setting of the mature trees along the Pond beyond. At the south end of the site, the structure would be at sufficient distance from Millfield Cottage not to harm the setting of the latter; closer to the house, its simple finish would eventually be largely screened by planting, and would otherwise appear appropriately as a boundary to the grounds of the cottage.

1.13 the impact on important views across the Highgate No. 1 Pond from the Heath will be negligible,

since the proposed structure will be both recessive in material and colour and substantially screened by the same mature trees which soften views of West Hill Court. The alternative siting of the structure, between Millfield Cottage and the Pond, would have substantially and damagingly interceded in the valuable view of the Cottage from the Heath.

1.14 The proposed course of the structure ensures that setting of the listed building will not be harmed and the character and appearance of the Conservation Area will be conserved. The solid, exposed sleepers are honest but attractive, and will visually recede in the garden and woodland surroundings.

Flood Risk

1.15 Under the approved development (2016/0501/P), the engineering works ensure that overtopping of the dam crest does not occur, for all flood events up to and including the Probable Maximum Flood (PMF). Each of the ponds will have a spillway or box culvert which will be designed to safely convey water around or through the dam. Modelling of the Proposed Development has confirmed that the new spillway to be constructed at Highgate No. 1 Pond will not discharge water during the 1 in 100 (1%) flood event. This represents an improvement in the Standard Operating Procedures (SoP) and a reduction in the risk of flooding to downstream areas arising from overtopping of Highgate No. 1 Pond.

1.16 The proposed flood containment wall (in the new route) stops the floodwater from flowing to West Hill Court, in all floods including the PMF, in the same way that the approved wall route did. This, and the slight reduction in flooding frequency, mean that the new wall route has no significant bearing on the results and conclusions of the Flood Risk Assessment (FRA) for the approved Ponds Project. Sustainability team officers are now satisfied with these conclusions and the proposal as a whole.

Impact on neighbouring amenity

1.17 The proposed wall/fence will replace an existing fence and tree/shrub boundary running between Millfield Cottage and West Hill Court, rising to a height of 1.8 m. The containment wall would not be a mechanical structure.

1.18 At its closest point, the proposed wall would be 1.8m away from West Hill Court. The lower section (0-1m) of the wall would be solid whilst the upper section would be trellis panels.

1.19 Within this context, the impact of the proposal, by virtue of its height, opacity at upper level and proximity to habitable windows at West Hill Court would not result in a detrimental loss of sunlight/daylight or outlook to the occupiers of either Millfield Cottage or West Hill Court.

Impact on trees

1.20 The design of the wall has been amended to a post and sleeper type construction, with the aim of retaining the sycamore tree set within the grounds of West Hill Court, by installing the posts between the tree roots. The removal of an ash (category B) and sycamore (category U) in the grounds of Millfield cottage and a Yew (category B) in the grounds of West Hill Court, which did not form part of the extant permission, is a result of being located within the proposed footprint of the works and through indirect impact where the tree roots will be severed to such an extent that the tree's should be removed given concerns over the tree's remaining stability and health. The removal of said trees is therefore unavoidable and the proposal in this form could not take place.

1.21 Although the proposal would remove 2 x category B trees, with a life expectancy of 20 years or more, and a category U tree with a life expectancy of 10 years, which themselves provide a degree of visual amenity, it should be noted that the area immediately surrounding the trees to be removed is densely planted. Therefore, the loss and subsequent replacement would be of low impact on the immediate area, the character of the heath and neighbouring conservation area.

1.22 Comprehensive details of the replacement trees have been provided as part of this submission and include all native replacement species, all of which are considered suitable for the site and in keeping with the existing planting. It should also be noted the proposal would result in a net gain of trees throughout the sites. The tree officer is therefore satisfied with the proposals in this regard and the gain to the amenity value of the immediate area. The tree protection plan and method statement are considered sufficient to demonstrate that the trees to be retained both on site and on neighbouring sites will be adequately protected during development and to be in line with BS5837:2012 – Trees in relation to design, demolition and construction. Conditions will secure the proposed replacement trees and protection of nearby trees during construction work.

Transport issues

1.23 Access for construction will be via the Heath through the works area defined within the extant permission. This proposal would be constructed from Millfield Cottage's land, although it is likely at some point minor works may occur West Hill Court's land during construction. Within this context, the Transport Statement and the Project Management Plan submitted as part of the approved scheme, in addition to the approved CMP remains and substantially describes the logistics which would be required to undertake the proposed works and are considered to be appropriate and accord with the relevant policies. It should also be noted that the construction works have also been discussed at the Construction Working Group associated with the extant permission.

Recommendation

2.0 The proposal seeks an alternative location for a flood containment wall approved as part of a comprehensive flooding strategy for the Heath. The approved position of the containment wall in relation to Millfield Cottage was located on a recessed bank to the north of Highgate No.1 Pond. Although practical, its position swathed through the land of Millfield Cottage in an unsympathetic and overly apparent position. This application seeks to address such concerns, whilst maintaining its ability to contain potential flooding.

2.1 The relocation of the wall along the densely planted boundary between Millfield Cottage and the adjacent apartment block of West Hill Court would provide a low impact alternative, both visually and in terms of potential construction disruption. The proposal would however require the removal of 3 trees, considered of moderate value, to enable the development. The area immediately surrounding the trees to be removed is densely planted, it is therefore considered that the degree of harm caused by removing the 3 trees is of an acceptable level due to the low impact on character of the heath and neighbouring conservation area. The proposals include the planting of 6 replacement trees which is considered to be sufficient to mitigate against the loss of visual amenity and canopy cover the trees to be removed provide. Within this context the proposal is considered acceptable.

- 1) Grant Planning Permission
- 2) Grant Listed Building Consent

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 4th July 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.