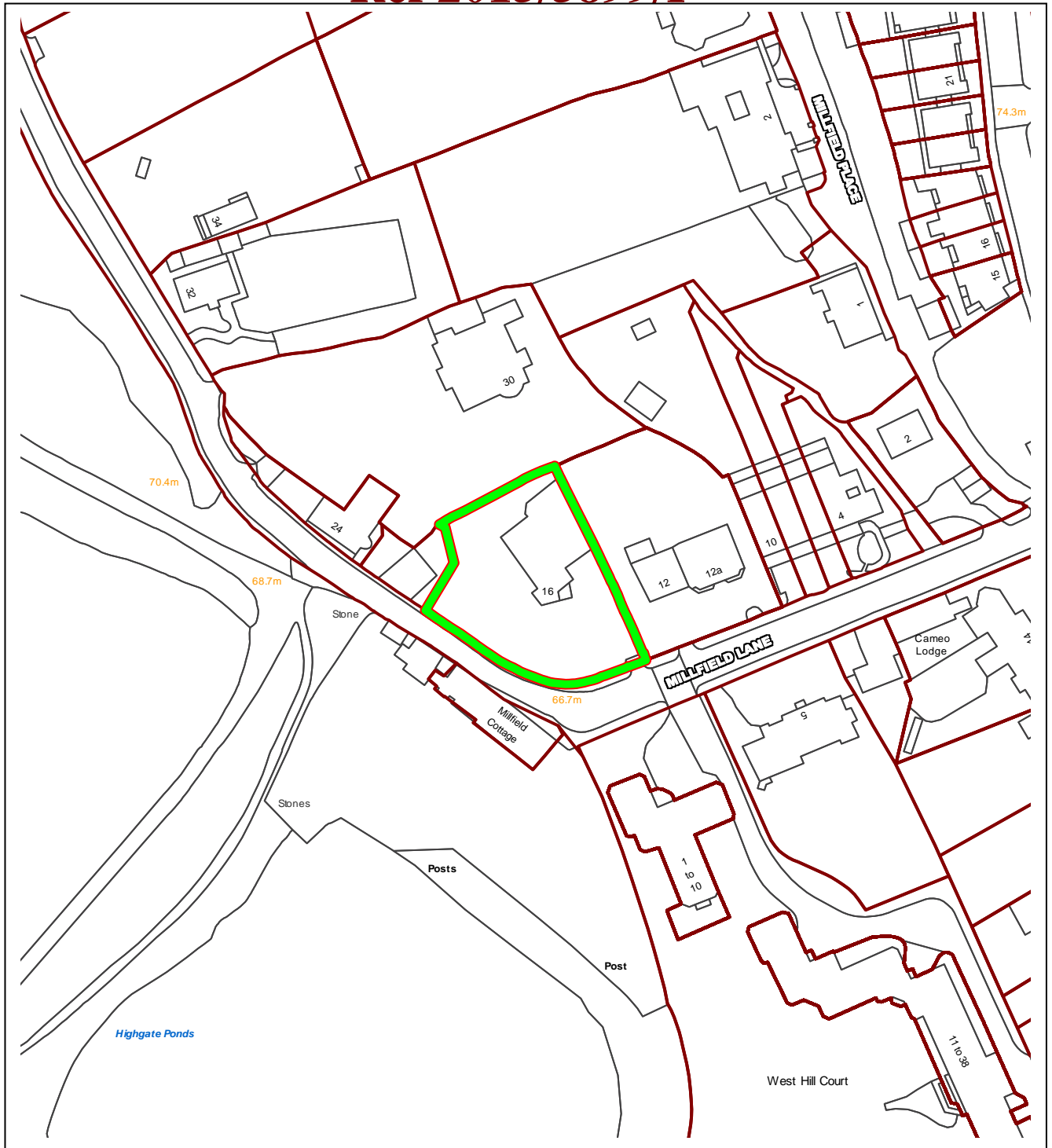


# OS Map and Photos

## Ref 2015/5899/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Site of existing gate



View towards the bend on Millfield lane





View beyond the gate to the Property



The existing Cobble stone Driveway  
(materials to be retained in new Driveway)



# The narrow road leading up to Hampstead Heath



<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>15/12/2015</b>
		N/A /		<b>Consultation Expiry Date:</b>	<b>19/04/2016</b>
<b>Officer</b>			<b>Application Number(s)</b>		
James Clark			2015/5899/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
16 Millfield Lane London N6 6JD			See Draft Decision Notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Creation of a new driveway entrance/exit, including a new vehicle crossover, demolition of existing entrance gate, erection of fencing across the existing entrance and the removal/replacement of trees.					
<b>Recommendation(s):</b>		Grant Conditional Planning Permission subject to a S106 Legal agreement			
<b>Application Type:</b>		Full Planning Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	11	No. of responses	5	No. of objections	5
			No. Electronic	5		
Summary of consultation responses:	<p>A site notice was displayed on 18/11/2015 &amp; a press notice was advertised in the Ham &amp; High 19/11/2015 (expiry 10/12/2015)</p> <p><u>The Initial planning application received 5 objections.</u> <b>22, 24, 12a, 12 Millfield Lane &amp; Millfield cottage</b></p> <p>Objections were based on,</p> <ul style="list-style-type: none"><li>- Vehicle noise &amp; exhaust emissions</li><li>- Gates to be used are unattractive &amp; loud</li><li>- An established crossover already exists</li><li>- Narrow Lane and blind corner no suitable for new access</li><li>- Dangerous turning in to Lane</li><li>- Removal of Trees will erode rural character</li></ul> <p>The <b>Highgate Society</b> responded with the following objections,</p> <ul style="list-style-type: none"><li>- The proposal lacks a Construction/Traffic management Plan and Landscaping Design Plan.</li><li>- Negative amenity impacts to No 22 Millfield Lane.</li><li>- Lane is very narrow resulting in poor visibility and therefore leading to traffic safety issues.</li><li>- Pedestrian safety would be compromised by the new entrance with inadequate lines of sight.</li><li>- The tree report proposes the removal of more trees than necessitated by the buildings alone. The pruning, pollarding and thinning suggested will further deteriorate the quality of greenery and landscape coverage, a key aspect of the Conservation Area.</li></ul> <p><u>Amendments</u> have been subsequently agreed with the applicant to overcome elements of the proposed development that were not in accordance Development Plan or Core strategy policies.</p> <p>The neighbouring properties were re-notified by letter on the 16/02/2016 and given 14 days to response to the new plans. Three neighbouring properties replied to the re-notification.</p> <p><u>Two objections and one comment have been received following the re-notification of amended plans for 14 days;</u></p> <p><b>22 Millfield Lane</b> <b>Anonymous addressed response</b> <b>12 Millfield Lane (commented to express no concern)</b></p> <p>Summarised below</p>					



	<ul style="list-style-type: none"> <li>- The Title deeds prevent structures from being established on the “South west side of the hereditaments”.</li> <li>- The proposed crossover requires the correct lines of sight should meet highway criteria and acceptable sight splays established.</li> <li>- The proposed cross over should not be detrimental to the CPZ.</li> <li>- Confusion over the perceived footway during consultation from the highway. What was considered highway is actually private forecourts.</li> <li>- The owner provided no proof that Camden Council provided an explicit indication that the strip of land on the entrance to the driveway was part of the highway</li> </ul> <p>- <b>Officer Comment:</b></p> <p>The comments and objections submitted after the re-notification do not generally cover planning concerns but do touch upon highway related issues. The issues surrounding title deeds are not assessed by Camden planning policy. The Highways implications will be covered in para 3.1 – 3.4</p>
<b>Dartmouth Park CAAC</b>	<p>The <b>Highgate CAAC</b> were formally consulted on this application and made the following response.</p> <p>Highgate CAAC has some concerns that the new entrance proposed is awkwardly positioned on a narrow road where there is much car parking. It does not have good sight lines and the existing entrance is very much better positioned in this respect. Neighbours' views should also be taken into account.</p> <p>- <b>Officer Comment</b></p> <p>The Highgate CAAC did not make further comment at the time of re-notification and therefore the comments reflect the initially submitted plans which were not acceptable and have been subsequently changed. The concerns of the CAAC have covered in paragraphs 2 and 3 of this report.</p>

## Site Description

The application site is a part three part two storey dwelling located on the North side of Millfield Lane within the Highgate Conservation Area and categorised as a positive contributor to the Conservation Area. The property is located within the northern part of the site with the majority of the garden area located between the property itself and Millfield Lane, designated as private open space. The existing single access entrance to the site is located to the south east of the site adjacent the boundary with no 12 Millfield Lane and comprises an electronic gate leading to a hard surface driveway. Millfield Lane is very narrow and there is a sharp right turn in the road ascending up the hill following the boundary of the property. The site has a PTAL rating of 2, considered poor within the borough.

## Relevant History

### 16 Millfield Lane (Application site)

Ref - P9602608 - Conversion of two dwelling units into one house, erection of a two storey extension (south side) and formation of glazed areas to the roof, as shown on drawings WHPP 001, WHPP 002 and WHPP 003, Granted October 1996

Ref - PE9800610R1 - The retention of two gate posts, and the installation of a sliding gate at the entrance to the site, and the erection of a bin store adjacent to the front boundary, as shown on drawing numbers LML 001; SK0010, SK0011 and one unnumbered sketch, Granted November 1998

Ref 2015/5496/T – Notification of intended Work to Tree - 1x Swedish whitebeam, 1x Black Poplar, 1x Cherry: Fell to ground level.

Ref - 2015/5668/T - Notification of intended Work to Tree Various Pruning Works to x15 Trees as schedule and plan

## Relevant policies

### **National Planning Policy Framework (2012)**

### **The London Plan March 2015, consolidated with alterations since 2011**

### **LDF Core Strategy and Development Policies**

#### **CS1 Distribution of Growth**

CS5 (Managing the impact of growth and development)

CS13 (Tackling Climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

DP16 (The transport implications of Development)

DP19 (Managing the impact of Parking)

DP21 (Development Connecting to the highway Network)

DP22 (Promoting sustainable design and Construction)

DP23 (Water)

DP24 (Securing high quality design)

DP25 (Conserving Camden Heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

### **Camden Planning Guidance**



CPG1 Design (2015)  
CPG6 Amenity (2011)  
CPG7 Transport (2011)

## **Highgate Conservation Area Appraisal and Management Strategy (adopted October 2007)**

### **Assessment**

#### **Background:**

The application has been submitted to apply for a new access to allow unrestricted right of access to the property. Between the highway and the entrance gate there is a small parcel of land lying across the width of the entrance. An initial search by the applicant provided information illustrating the small parcel of land belonged to the highway authority. However it has been subsequently been proved that the parcel of land is owned by no 24 Millfield Lane. Potentially the strip of land could prevent right of access to the property and therefore a replacement entrance has been considered necessary.

#### **1. Proposal:**

##### Proposal

The originally submitted plans proposed a new entrance/exit driveway on the South-West corner of the site. The dimensions of the gate would be identical or as closely as possible reflect the existing gate and driveway. Two trees, a Plum and Holly tree both category C (Category C is a low quality tree) would be removed as part of the development.

##### Amended Proposal

The proposal has now been amended and relocates the proposed new entrance/exit to a position adjacent to the existing driveway on the south east of the site. The design of the gate remains the same and the existing driveway will be fenced and associated dropped kerb will be re-instated to pavement. Four trees would be removed as part of the development located on the site of the new driveway and gate post (As shown marked T4, T5, T6 & T1 on the Arboricultural report). The removed trees would be a cherry, horse chestnut, Ash and sorbus respectively. Tree T6 to be removed IS a category B tree (T6 – Considered Moderate quality). Two replacement trees will be planted on the site to mitigate the loss. The replacement trees will be located behind the reinstated fence but an exact location will be confirmed at the approval of details stage.

#### **2. Design & Impact on the Conservation area:**

2.1 The site has a semi-rural appearance owing to the trees on the site and the narrowing of Millfield Lane as it bends upward towards Hampstead Heath. Millfield Cottage and no 24 Millfield Lane are both Grade II listed buildings and 12 and 12a are positive contributors to the Conservation Area. The location has a high heritage value.

2.2 Guidance in the Highgate Conservation Area Appraisal and Management Strategy states “The loss of historic boundaries, the installation of insensitive and inappropriate boundary treatment, including excessively high entrance gates, impermeable designs, non-authentic detailing, security grilles, barbed wire, broken glass, excessive security measures all help to create a hostile and visually negative environment which harms the character or appearance of the Highgate”. The existing metal entrance/exit gate would be dismantled and re-instated as close boarded fencing, retaining the existing natural materials of the boundary treatment along Millfield Lane thereby preserving the character of the conservation area.

2.3 The proposed replacement gate and driveway would match the existing in terms of size and design. The modest shift in location closer to the bend on Millfield Lane is not considered to have any adverse character implications on the appearance and setting within the Highgate Conservation Area. The existing balance between hard and soft landscaping would be maintained therefore preserving and enhancing the Conservation Area.

### **3. Highway Safety**

3.1 Development Plan Policy DP21 expects development to avoid causing harm to highway safety or hinder pedestrian movement. Vehicle entrances and exits should ensure adequate sightlines for vehicles leaving the site. The proposed new entrance/exit would be positioned adjacent the existing entrance/exit, albeit closer to the bend on Millfield lane. The closer proximity of the entrance to the bend on Millfield Lane has been assessed by the transport officer and is considered acceptable on account of the adequate sight splays and visibility for vehicles exiting the site, maintaining the safety of pedestrians as well as vehicles.

3.2 Policy DP21 stipulates access to developments should avoid harm to on street parking conditions or require detrimental amendments to Controlled Parking zones. The site is in a parking controlled area and the proposed new driveway entrance would remove a parking space to provide access to the site. However the loss of a vehicle space would be mitigated by the provision of a new parking space in front of the existing entrance. Therefore there would be no change in the provision of on street parking and the repositioning of the parking space would not impact on road safety or the surrounding highway network in accordance with Policy DP21 & DP19.

3.3 The existing dropped kerb would be re-instated to its original form using the same materials as existing on the highway and the proposed new dropped kerb would be constructed to dimensions and materials that are identical to the existing driveway including the re-use of cobbled stone blocks. The highways works are to be secured by a s106 legal agreement.

3.4 The hardstanding within the front forecourt would be dug up to permit the planting of the replacement trees behind the existing gate and dropped kerb. The existing paving will be retained and utilised as ground protection.

3.5 The Highways works including the provision of a replacement on-street car parking space, new dropped kerb and re-instatement of the existing dropped kerb are to be secured via a s106 agreement. The works would be considered as environmental improvements. The definition refers to the public realm. The detailed plans and method of construction will be assessed and approved by the Highways Authority prior to commencement of the development.

### **4. Impact upon the trees**

4.1 The applicant has submitted an arboricultural impact analysis report documenting the impact of the new driveway and gate upon the trees on site. The tree officer has assessed the arboricultural impact assessment and considers the removal of trees and the protection measures to be acceptable. The new driveway would be constructed using porous materials and the existing root area of the existing trees would be protected.

4.2 The removal of four trees on site (T1, T4, T5, T6) including a category B (T6) will remove some of important natural landscaping on the site. The loss of trees, are to be mitigated by the replacement with two trees on the site located behind the re-instated close boarded fencing. The planting of two replacement trees is considered to maintain the existing quality of tree cover on site and would retain the character of the conservation area. The proposed development will be conditioned to include the replanting of trees on site. A minimum of two trees would be expected however the tree officer has advised that additional tree planting may be required depending on the landscape details submitted

as conditioned, prior to the commencement of development.

4.3 Policy DP19 (Managing the impact of Parking) expects new car parking provision to preserve any means of enclosure, trees or other features of garden that make a significant contribution to the visual appearance of the area. The proposed new driveway would result in the loss of the existing parking space in front of the proposed new entrance/exit driveway but would be replaced by a parking space in front of the existing driveway. The new parking space would not directly result in loss of trees and therefore the provision of a new parking space is considered to be acceptable.

4.4 Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season. This will be secured by condition.

4.5 The Tree marked T10 on the tree location plan has been not been included as one of the trees to be protected. It is the Council's opinion that the tree should be protected and will be included in the root and tree protection scheme to be conditioned as part of an approval.

4.6 The new paved driveway will be designed to prevent damage to the root area of the trees as shown on appendix C (Root protection Area) of the Arboricultural Impact Assessment.

4.7 There are three TPO's on the site registered in 1972 however the location of the TPOs does not relate to any trees on the site. It is the Council's belief that the trees are no longer on site on account of the age of the TPO's and are not considered to be a hindrance to development.

## **5. Sustainability**

5.1 The proposal would include the replacement of the existing paved driveway with a new grassed area. The new hardstanding area will be constructed from a porous material which will provide for sustainable urban drainage (SuDS) and will improve surface water run. The materials used in the construction of the proposed driveway will be conditioned.

## **6. Neighbouring Amenity:**

6.1 The modest size and type of development is not considered to result in any detrimental impacts to the neighbouring properties amenity. The proposed new gate and driveway would be located adjacent to the existing and therefore it is not considered that any additional harm to the existing conditions would result in accordance with Development Plan document DP26.

## **7. Summary:**

The proposed new entrance/exit gate and Driveway are considered to maintain the character of conservation area and the highway safety on the site. The loss of four trees on the site to allow the proposed driveway will reduce the tree coverage on the site but the replanting of a minimum of two trees is considered to mitigate the loss. The on-street parking capacity will be maintained and the impact to neighbouring amenity would be extremely modest. level of parking is regrettable but the replacement. The proposed development is considered to be in accordance with Camden guidance and Development Plan policies.

**Recommendation:** Grant Conditional planning permission subject to a S106 Legal Agreement

## **DISCLAIMER**

***Decision route to be decided by nominated members on Monday 16<sup>th</sup> May 2016. For further information please click [here](#)***





Nathaniel Lichfield & Partners  
14 Regent's Wharf  
All Saints Street  
London  
N1 9RL

Application Ref: **2015/5899/P**

12 May 2016

Dear Sir/Madam

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**16 Millfield Lane**  
**London**  
**N6 6JD**

Proposal:  
Creation of a new driveway entrance/exit, including a new vehicle crossover, demolition of existing entrance gate, erection of fencing across the existing entrance and the removal/replacement of trees.

Drawing Nos: Heritage Statement, Design & Access Statement, Tree report, Tree Location plan, 24818/16MR/P/02 Rev P1, 24818/16MR/P/01 Rev P1, 24818/16MR/P/03 Rev P1, CD508R/SK/07 Rev A, CD508R-AT-H02 Rev A & CD508R-AT-H01 Rev A

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans Heritage Statement, Design & Access Statement, Tree report, Tree Location plan, 24818/16MR/P/02 Rev P1, 24818/16MR/P/01 Rev P1, 24818/16MR/P/03 Rev P1, CD508R/SK/07 Rev A, CD508R-AT-H02 Rev A & CD508R-AT-H01 Rev A.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 4 Prior to the commencement of the development, details of all proposed Access Facilitation Pruning shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS399:2010.

Reason: To ensure the preservation of the amenity value and health of the tree in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the Development Policies.

- 5 Details shall be submitted to and approved by the Council before any works commence on site to demonstrate how all trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected during construction work. Such details shall follow guidelines and standards set out in BS5837:2012 and should include:
  - a tree protection plan (TPP) showing the location and nature of tree protection measures
  - appropriate working processes in the vicinity of trees
  - details of an auditable system of site monitoring
  - details of the design of building foundations
  - details, including dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site. The

development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 6 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. Such details shall include:
- Scaled plans showing all existing and proposed vegetation and landscape features
  - a schedule detailing species, sizes, and planting densities
  - location, type and materials to be used for hard landscaping and boundary treatments
  - Specifications for replacement trees, taking into account the standards set out in BS8545:2014.
  - Details of any proposed earthworks including grading, mounding and other changes in ground levels.
  - A management plan including an initial scheme of maintenance

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policy CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 7 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details [by not later than the end of the planting season following completion of the development or any phase of the development] [, prior to the occupation for the permitted use of the development or any phase of the development], whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies CS14 & CS15 of the London Borough.

- 8 No development shall commence until plans demonstrating the levels at the interface of the Development, the boundary of the Property and the Public Highway have been submitted to and approved by the Council in writing.

Reason: To ensure that the safety and efficiency and quality of the road network is maintained in accordance with policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Prior to the use of the proposed entrance and exit driveway the on-street car parking space shown on approved drawing 24818/16MR/P/01 Rev P1 will be provided and retained.

Reason: To ensure that the use of the premises does not add to parking pressures in surrounding streets which would be contrary to policy CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 10 Prior to the commencement of development details of porous surfacing (including its depth) for the vehicle access & parking area shall be submitted to and agreed in writing by the local planning authority.

Reason: To ensure that the quality of the highway is maintained in accordance with policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16, DP18, DP19 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted.



Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

**DRAFT**

**DECISION**