

3275/08-2202PO02ldl

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For the attention of Jonathan McClue

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Dear Sir/Madam

REDEVELOPMENT OF MURPHY'S YARD
APPLICATION REF: 2021/3225/P

1. Metropolis has prepared these representations on behalf of the City of London Corporation ('the City Corporation'), in respect of the outline planning application for the redevelopment of the Murphy's Yard site (ref: 2021/3225/P) ('the Proposed Development').
2. The site extends to 6.23 Hectares and includes land between Kentish Town Road and Gordon House Road in proximity to Gospel Oak Station and the southern boundary of Hampstead Heath, in the vicinity of Parliament Hill Lido ('the Site'). This response is primarily concerned with the impact of the Proposed Development on Hampstead Heath.
3. It is understood that this application is in OUTLINE only with all matters reserved; however, it is of substantial scale, and certainly one of the largest development proposals advanced in proximity to Hampstead Heath in recent years.
4. As such, the scale of development raises issues directly related to the intensification of land use, build form and future activity that are of concern to the City Corporation in their role as custodians of Hampstead Heath. While acknowledging the extensive benefits that the regeneration of this site will bring, The City Corporation are of the view that impacts of the development beyond the boundary of the application site, should be fully quantified, assessed and understood so that appropriate mitigation can be incorporated into the scheme at Outline Application stage and delivered during the reserved matters process.
5. The City Corporation consider that the inclusion of suitable mitigation measures in a S.106 agreement pursuant to the grant of planning permission would be reasonable and necessary in this instance.
6. In accordance with the tests set out in para 122 of the Community Infrastructure Levy Regulations 2010 such mitigation is considered:

- necessary to make the development acceptable in planning terms
- directly related to the development for the reasons set out in subsequent sections of this letter; and

The City Corporation would welcome the opportunity to discuss the proposals further with both the Council and the Applicant to ensure that such measures are 'fairly and reasonably related in scale and kind to the development'.

The Role of the City Corporation

7. The City Corporation owns and manages over 10,700 acres (4,330 hectares) of Open Space in and around London, which are enjoyed by more than 23 million visitors each year. The open spaces owned and managed by the City Corporation include Hampstead Heath ('the Heath'), Highgate Wood, Queen's Park, Epping Forest, and West Ham Park.
8. The open spaces managed by the City Corporation are important wildlife habitats but also provide many services and facilities, including outdoor swimming, sports pitches, tennis courts, play areas, fishing and much more.
9. The City Corporation took over title ownership and the responsibility for the management and protection of Hampstead Heath in 1989, as set out in the Local Government Reorganisation (Hampstead Heath) Order 1989.
10. The City Corporation is statutorily obliged, by virtue of various Acts of Parliament, and specifically by the provisions of the Hampstead Heath Act, 1871, to:
 - for ever to keep the Heath open, unenclosed, unbuilt upon and by all lawful means prevent, resist and abate all encroachment on the Heath and attempted encroachment and protect the Heath and preserve it as an open space;
 - at all times preserve as far as maybe the natural aspect of the Heath and to that end protect the turf, gorse, heather, timber and other trees, shrubs and brushwood thereon;
 - not to sell, lease, grant or in any manner dispose of any part of the Heath; and
 - to provide active and passive recreational facilities and information for members of the public.
11. Hampstead Heath is a charity, whose purpose is the protection of the Heath for recreation and enjoyment by the public. The City Corporation is the sole trustee, whose trustee duties require it to act in the best interests of the charity.
12. The City Corporation has adopted a Management Strategy for Hampstead Heath for the period 2018-2028.
13. This strategy clearly sets out the City Corporation's objectives for managing the Heath, including making representations to planning applications on the boundary which are considered to adversely impact upon the Heath, its character, openness and environmental and ecological value.
14. The current application raises a number of concerns in this regard.

Site Context

15. The Site is located immediately to the South of the Heath, and the boundary of the MOL, which affords the Heath protection from development. The scale and proximity of the development site are such that the City Corporation wishes to ensure that any planning permission granted is done so on the basis of a full and proper consideration of the impact of the development on the Heath and its facilities and that the development provides suitable mitigation for any impact that results.
16. This southern part of the Heath includes Parliament Hill Fields which, in addition to providing recreational open space, is one of the key areas on the Heath where organised leisure facilities are accommodated. These include:
 - The Grade II Listed Parliament Hill Fields Lido;
 - Athletics Track,
 - pitches for organised sport including cricket, football/rugby and tennis and
 - two large children's play areas providing facilities for varying age groups.
17. All of these facilities are intensively used and funded by the City Corporation.
18. The viewpoint at the summit of Parliament Hill is one of the busiest locations on the Heath throughout the year. The view from this location towards both St Paul's and The Palace of Westminster are afforded statutory protection. As is the view from Kenwood House.
19. It is acknowledged that the Site does not lie directly within these protected viewing corridors; however, the wider panorama and the immediate visual setting of the Heath are a consideration for the City Corporation in their role as custodians of the Heath's intrinsic character.
20. The number of visitors to the Heath has been rising year on year and a rapid escalation in visitors has been attributed to the impact of the Covid Pandemic. It is estimated that the number of visitors to the Heath has increased by approximately 50% in the last 18 months. This has placed a significant burden on maintenance of existing infrastructure and resulted in a significant rise in damage to ecological assets as a result of inadvertent footpath widening directly attributable to the increased footfall.
21. This application is therefore submitted at a time when the ecology and environment on the Heath are under significant pressure.

The Application Proposals

22. It is note that this application is submitted in Outline with **ALL** matters reserved.
23. The application will however set parameters for development based on the following description:

“Outline planning permission with all matters reserved for the demolition of existing buildings and structures and redevelopment to be carried out in phases (with each phase being an independent act of development) comprising the following mix of uses: residential (Use Class C3), residential institution (Use Class C2), industrial (Use Class B2 and/or B8), commercial floorspace (Class E), flexible commercial and Sui Generis floorspace (Use Class E and/or Sui Generis Use), Community (F1 and/or F2), Sui Generis, and cycle and vehicle

parking, refuse and recycling storage, plant, highway and access improvements, amenity space, landscape and public realm improvements, and all associated works.”

24. In summary, this will include a scale of development which is unusual in such close proximity to the Heath.
- New Residential 750 - 825 dwellings
 - Total non-residential floorspace 42,761 - 85,200sqm
- as follows:*
- Residential institution (C2) - 8,000 sq m
 - Employment – 40,000 sq m
 - Healthcare - 16,000 sq m
 - Retail - 3,650 sq m
 - Flexible Mixed-Use 1,500 sq m
 - Community 1,300 sq m
25. By reference to the Applicant’s submission this equates to 3610 jobs and potentially 1500 new residents.
26. Although the application in outline currently, the illustrative proposal is indicatively arranged as 18 buildings ranging in height. The majority of buildings are 5-8 storeys with a group of towers in the western corner of the site between 13 and 19 storeys in height.
27. The site does not lie within the strategic viewing corridor from Parliament Hill. However, it is noted that the variation in height takes account of a locally designated view from Kentish Town Station back towards the Heath.
28. The scheme proposes 21,430sq m of open space including landscaped setting for the buildings and the ‘Heath Line’ which is an elevated landscaped link to encourage pedestrian and cycling from Kentish Town Station to Gospel Oak Station on Gordon House Road in close proximity to the Parliament Hill Fields Lido entrance to the Heath.
29. The ‘commercial offer’ which the scheme provides is greatly enhanced by its proximity to the Heath itself and the promotion of the ‘Heath Line’ as a substantial public benefit is explicit in the submitted application material.
30. The City Corporation is however concerned that the assessment of the impact of the proposals has not fully considered the increased visitor numbers that the scheme will bring through the Site to an entrance to the Heath that is relatively less used compared to other entrances
31. The impact of the scale and intensity of development is also a concern in terms of the effects on existing infrastructure and recreational facilities; the ecology; and the intrinsic character of this part of the Heath, as a result of the increased mass of development immediately to the South.
32. The City Corporation do however consider that it may be possible to address these concerns through additional studies and mitigation and would welcome positive engagement with the Council and Applicant.

Development Plan and other material considerations

33. We consider the policies of the following Development Plan documents to be of relevance to this application:
- The London Plan 2021;
 - Camden Local Plan 2017;
34. We note that there are numerous Supplementary Planning Documents that are considered material to the determination of this application.
35. In addition, we would draw the Council's attention to the Heath Management Plan, The London Living Landscapes Initiative promoted by the Wildlife Trust and the All London Green Grid Supplementary Planning Guidance prepared by the GLA in 2011 which is referred to in adopted London Plan policy.
36. LB Camden's core commitment to protection of the Heath
37. LB Camden commits to protection of Hampstead Heath in Local Plan Policy A2 ('Protecting and improving our parks and open spaces and encouraging biodiversity'), which states that the Council will:
- "j) preserve and enhance Hampstead Heath through working with partners and by taking into account the impact on the Heath when considering relevant planning applications, including any impacts on views to and from the Heath;"*
38. In addition, this policy also confirms that the Council will resist development which would be detrimental to the setting of designated open spaces; and provides the strongest possible protection to designated Metropolitan Open Land (MOL).
39. This MOL designation recognises the strategic importance of the Heath. It is an asset of for the whole of London. This is made explicit in Policy G3 of the London Plan and supported by the All London Green Grid SPG. One of the stated objectives of this SPG is to:
- "Promote Hampstead Heath together with Kenwood House as a major destination, enhancing access and connections for pedestrians and cyclists and maintain and enhance the environmental, ecological and flood management capacity of the designed water bodies."*
40. The application proposal provides a significant opportunity to deliver on this strategic objective if suitable mitigation for resultant impacts on environment and ecology can be delivered.
41. Hampstead Heath is designated as a Site of Metropolitan Importance for Nature Conservation (SINC). There is a network of SINC's within 1km of the application site each playing a role in the provision of flora and habitat for various species of birds and wildlife. The City Corporation actively monitors the impact of development on this network of sites including those beyond the boundary of the Heath where it is considered that proposals may adversely affect birds or wildlife which uses the Heath.

Specific Areas of Concern

42. The City Corporation's concerns are set out below. Firstly, comments on the scheme itself, as presented, within the application site boundary.

43. Secondly, the impact of the proposals beyond the boundaries of the application site itself

The Application Scheme

44. Comments on the scheme itself are limited. The mix of uses is broadly supported and the development will deliver significant regeneration benefits to the area.

Landscape and Biodiversity

45. The Site has a significant number of mature trees, principally on the perimeter of the site.
46. They are mainly a mix of Poplar and Leyland Cypress but it appears that the intention is to remove many of these trees and replant. It does however appear that the majority of the trees in question are located away from the main construction areas and potentially could be protected during the construction phase.
47. It is the view of the City Corporation's Ecologist that these trees provide an important existing refuge habitat for wildlife – principally birds.
48. From an ecological perspective, it is considered that there would be a benefit to the retention of these trees to form the core of a wildlife corridor running the length of the site on the western perimeter.
49. The City Corporation has arranged to meet the landscape architect team with a view to discussing these points in the hope that the landscape strategy could be reviewed with the objective of providing habitat to facilitate linkages between neighbouring SINC's and through the development site.
50. Given that matters of siting are currently reserved it is hoped that such an option could be considered as part of the development of the scheme to enhance the ecological offer that the Site will deliver.

Play and Recreation

51. It is noted that reference is made to the provision of play space in scheme.
52. Notwithstanding the inclusion of an element of play space within the proposals it is anticipated that the significant increase in residents and visitors arriving via the Heath Line will result in a significant intensification of use of the two children's play areas located in Parliament Hill Fields, the swimming facilities at the Lido, the use of formal sports pitches and tennis courts.
53. In the current proposal, there is a lack of leisure and recreational offer for older children and generally for all the residents that will inevitably reflect in a heavier usage of the City Corporation facilities on the Heath
54. The impact of this intensification on the existing facilities should be assessed and suitable mitigation measures proposed if required.

The Setting of the Heath - Visual Amenity

55. Given the scale of development proposed, it is inevitable that the scheme will be highly visible from within the boundary of the Heath.
56. The Heath is not an urban park. It is cherished for the natural facets of its landscape and ecology. Views of the cityscape beyond the boundary of the site are a part of the

attraction of this southern part of the Heath; however, such townscape views are valued for the breadth and depth of the London panorama. There is a concern that the scale of development proposed in such close proximity to the boundary of the Heath will bring with it a sense of enclosure that will change the experience of Parliament Hill Fields for users of the Heath.

57. The Council and the Applicant are requested to ensure that when considering the final massing and design of the proposals, every option is considered – including potentially rebalancing the heights of the buildings across the site where possible – to minimise the visual impact on the Heath.

Views

58. It is disappointing that the Townscape and Visual Impact Assessment submitted as part of the EIA does not mention the provisions of Policy A2 of the Camden Local Plan when establishing the policy context for assessment. This policy is explicit in stating that development proposals should consider views to and from the Heath.
59. There are a limited number of viewpoints selected on the Heath, particularly Parliament Hill Fields, which is perhaps reflective of the omission of this policy from the TVIA assessment. It is however noted that numerous viewpoints have been selected at the summit of Parliament Hill.
60. It is understood that the massing currently assessed is illustrative to a degree, albeit the extent of the building volumes is indicated in the submitted parameter plans. There is a concern that the north-south axis of the site will inevitably lead to a coalescence of the mass of the buildings in many views from the Heath.
61. The City Corporation would welcome proposals which seek to ensure that gaps between buildings can be easily understood in views from the Heath, particularly when considering the siting of taller elements of the scheme on the western side of the Site.
62. It is anticipated that this massing will be most evident in close proximity to the Grade II listed Parliament Hill Fields Lido.

Impact of Intensification

63. The submitted documentation envisages the finished development employing in the region of 3600 people. In addition, the number flats proposed could be considered to create a resident population in the region of 1500-2000.
64. Further to this significantly increased population on the boundary of the Heath, the development will be a destination in itself. The Heath Line will create a dedicated pedestrian and cycle link from Kentish Town, combined with extensive retail and hospitality offerings and is sure to become a popular venue for Londoners and Tourists who can combine the experience of the development with the open spaces of the Heath.
65. It is difficult to ascertain from the submitted material if the number of visitors has been quantified in order to allow a full assessment of the impact of the development beyond the application boundaries.
66. Historically, the entrance to the Heath from Gospel Oak has been one of the lesser used entrances with approximately 1300 visitors per day during weekends in the height of summer. This survey information predates the Covid pandemic and is now expected to be in the region of 30% higher. For comparison, on the same days, the

Hampstead No.2 Causeway Entrance had approximately 4000 visitors when the survey was undertaken.

67. Given the nature of the application proposals there is a very real likelihood that visitor numbers at the Gospel Oak entrance will increase exponentially when the development is completed. Such an intensification of activity will have the following impacts:
- Facilities
Increased usage of play equipment, sports pitches and refuse facilities
 - Erosion of footpaths and pavements
There has already been a noticeable increase in the erosion of footpaths. Given the natural environment of the Heath the preference is always for the use of loose material for the composition of footpaths wherever possible and the avoidance of the use of hard surfaces. As a result, footpaths are susceptible to erosion when footfall increases significantly, particularly when this coincides with bad weather.
 - Ecology
The resultant widening of footpaths has a direct impact on the ecology of the Heath. Areas where footpaths are in poor condition are avoided and grassland areas are impacted as a result. In addition, a general uplift in usage across the Heath will put the ecology of larger areas under stress. It is noted that the Ecological Assessment submitted with the application classified the impact of the development on the Heath as 'Negligible' based on the assumption that the Heath is already a well-used public asset.
68. The effects of additional visitors as a result of the recent Covid pandemic have clearly demonstrated that there is a direct correlation between a significant increase in visitor numbers and the effects on the infrastructure and Environment of the Heath.
69. It is not unreasonable to expect that the development could result in a doubling of the numbers of visitors using the Gospel Oak Entrance upon completion of the Heath Line.
70. In order to allow for such an increase to be planned for and appropriate mitigation measures put in place it would be extremely helpful if the Applicant could quantify this anticipated impact in terms of additional visitors to the Heath through this entrance via the Heath Line.
71. The City Corporation would welcome the opportunity to assist the Applicant in the assessment of the implications for existing facilities, infrastructure and ecology on the Heath and develop a suitable mitigation plan.
- Parliament Hill Fields Lido*
72. Parliament Hill Fields Lido is grade II listed and has provided recreational swimming and relaxation facilities since its construction in 1937-38. The entry for the Lido on the Statutory List acknowledges that it listed:
- “as the most sophisticated of the thirteen lidos constructed by the LCC between 1909 and 1939”*
73. A key element of the buildings design is:

“walls shielding sun-bathing terraces to north, set either side of single-storey cafe with curved moderne-style front. In the centre is the pool”

74. The site for the Lido was selected, on the southern slope of Parliament Hill to maximise the direct sunlight received by both the swimming pool and the sunbathing terraces and café space. This is an intrinsic part of the buildings design and function.
75. It is noted that the application submission has considered the potential for overshadowing in accordance with the BRE prescribed methodology. Page 17 of the Appendix: Daylight, Sunlight, Overshadowing and Solar Glare Annex 3-6 in the Environmental Statement Vol 3 Technical Appendices indicates that there is overshadowing of the Lido at 9am on 21 December. The Lido is open 365 days of the year from 7am and the prospect of the swimming area and terraces being in shadow from opening until after 9am is a significant cause for concern. . Notwithstanding the BRE guidance, the City Corporation would request assurances that the scale of development proposed would not overshadow the Swimming Pool or Sun terraces of this listed building. Permanent shadow during morning swimming hours would adversely and irrevocably affect the character of this listed building and potentially its viability. The enjoyment of the facilities provided is largely contingent upon the direct sunlight received during opening hours throughout the year, particularly for morning swimming.
76. From the assessment provided, it is a concern to the City Corporation that the scale of development proposed may adversely affect both the character and setting of this listed building.
77. The submitted Built Heritage Statement currently only considered the visual impact of the proposed scheme on the setting of the Lido. The concerns set out above are however considered material to an assessment of the setting of this listed building.
78. It would therefore be beneficial if the Council could request that the Applicant undertakes a suitable assessment of any potential overshadowing impact from the Proposed Development prior to determination of the application.
79. The City Corporation would wish to be consulted on the scoping of such an assessment given the use of the Lido throughout the year.

Cycling

80. The 'Heath Line' is an integral part of the scheme and a key element of the public realm strategy set out in the proposals. Improving links to the Heath is welcomed in principle, particularly from Kentish Town Station.
81. The stated intention in the application submission is that this link will be shared by pedestrians and cyclists. As referred to above, the nearest entrance to the Heath will be 20m from the exit of the 'Heath Line' on the northern boundary of the site. The applicant is proposing to relocate and amend the existing pedestrian crossing to facilitate cycle access across Gordon house Road to the Heath.
82. However, this entrance, immediately to the South of Parliament Hill Lido, serves as the vehicular access to the Lido and beyond the Lido to the North is currently pedestrian only and cycling is prohibited.
83. The City Corporation is concerned that provision has not been made as part of the development of the scheme to anticipate the dispersion of cyclists upon arriving at the

Heath, particularly if visitors arrive with an expectation that they can continue the journey north onto the Heath by bicycle as that is not currently permitted.

84. The City Corporation limits the number of cycle routes across the Heath in accordance with the Heath Management Plan 2018. This is to ensure that the quiet enjoyment of the Heath can be maintained, conflict with existing footpath and pedestrian routes can be carefully managed and wildlife habitats protected.
85. The principal route across the Heath where cycling is currently permitted is an East-West Route accessed from Nassington Road/Savernake Road at its eastern end running north of Parliament Hill Athletics Track and joining Highgate Road adjacent to the Tennis Courts (see attached Plan). There is currently no cycle path link from the Gordon House Road entrance to this main east-west route across the Heath.
86. It is the intention of the City Corporation that cycling on the Heath will continue to be actively managed and controlled, and any changes to existing arrangements would be subject to stakeholder consultation and approval by Committee
87. . Impact of cycling on the Heath Line route should be properly considered as part of the determination of this application given the resultant off-site impacts that are anticipated and described above. There is no reference in the Healthy Streets Transport Assessment submitted with the application or within the full Environmental Impact Assessment which considers the impact of the Heath Line route on the Heath itself.
88. The City Corporation are amenable to a discussion regarding the best way to mitigate these impacts including:
 - Facilitating a cycle link from the Gospel Oak entrance to the principal east-west cycle path across the Heath, subject to suitable design, speed limitation and mitigation of potential congestion or conflict with pedestrians, or,
 - the provision of adequate cycle parking provision within the application boundary, or
 - a combination of both of the above

Biodiversity Trees and Landscape

89. As described above, the Ecological Assessment provided with the application assesses the impact of future use and activity on the ecology and environmental quality of the Parliament Hill area as 'negligible'. As a result, the assessment concludes that taking into consideration the embedded mitigation proposed within the scheme, no significant impacts are expected on any features of importance for nature conservation as a result of the Development at either the construction or operational stage.
90. There is however an expectation that the Heath Line may change the character of the southern end of the heath to one more consistent with an urban park contrary to the rewilding objectives for this area in the Heath Management Plan.
91. For the reasons set out above, the proposals will create a high-density urban edge to the Parliament Hill Fields area of the Heath. The presence of additional built development and associated light spill from the development would further exaggerate this new 'hard edge' to the Heath.

92. It may be possible to mitigate this impact through the introduction of suitable landscape and ecological measures which reinforce the intrinsic natural character of the Heath to provide a buffer between the landscaped character of the Heath Line and the Heath itself.
93. The City Corporation's Ecologist would welcome the opportunity to discuss this with the Applicant and the Council.

Summary

94. The principle of the Proposed Development could be considered acceptable to the City Corporation but the scale of development proposed raises a number of concerns that will need to be discussed and mitigated.
95. The application submission on the whole does not consider in sufficient detail the various impacts of the development on the Heath as a result of the proposed development.
96. We have however highlighted areas where further study or mitigation could be proposed to address these concerns.
- A more detailed consideration of the impact of development at the scale proposed in views to and from the Heath in line with LP policy A2
 - Receive reassurances on the overshadowing of the Parliament Hill Fields Lido
 - Work with the applicant to define impact on the Heath and prepare a mitigation plan that can account for intensification, particularly looking at facilities and the ecological impact
 - Review access for cyclists and work with the City of London to design suitable access and provide parking

The City Corporation consider that the inclusion of suitable mitigation measures in a S.106 agreement pursuant to the grant of planning permission would be reasonable and necessary in this instance.

The City Corporation would welcome the opportunity to discuss the proposals further with both the Council and the Applicant to ensure that such measures can be delivered through appropriate inclusion in a S.106 agreement.

Please do not hesitate to contact me if you require additional information.

Yours faithfully



Paul O'Neill
Director

