

THE ENVIRONMENT COMMITTEE REPORT

by Michael Hammerson

There is, as ever, much to report on, but only room for the most significant items, which will fail to do justice to the enormous amount done by Elspeth Clements' hardworking planning group; we sometimes seem to be working 24/7 on Highgate Society business.

■ The Highgate Garden Centre



Elspeth Clements, Martin Adeney, Gail Waldman, Martin Hay and Stephen Panke drink a toast to the successful dismissal of the developers' appeal to build houses on the old garden centre site. Photo by Polly Hancock.

When news of the dismissal of the Garden Centre appeal arrived, it was as if a lead weight had been lifted from our shoulders. Failure at this final hurdle would have negated all the Society's half a century of efforts to protect the land from inappropriate development.

Despite repeated appeals reiterating the crucial importance of the "Highgate Bowl" to the Conservation Area, there has always been another developer willing to try again. This one, registered in the British Virgin Islands, believed that the previous appeal decision left the door open for another attempt, ticking what they believed to be all the right boxes to bulldoze through their scheme. We therefore considered it sufficiently important to justify taking on a barrister, choosing local resident Nathalie Lieven, of Landmark Chambers,

whom some may remember as a Camden Councillor. She guided us brilliantly, represented our case persuasively, subjected the developers' consultants to piercing questioning, and even provided legal clarification to the other parties. After an anxious six-week wait, the Inspector's decision exceeded our most optimistic expectations, and is possibly the most decisive of the many relating to the Garden Centre.

The Inspector, Joanna Reid, was scathing of the proposed development. It had "a harsh engineered character which would contrast starkly with the informal semi-rural character and appearance" of the bowl, showed "scant regard for the site specific circumstances", "would not achieve high quality design" and "would damage the significance of the Bowl and its

important contribution to the setting of the village” She added that “not all people are aware of the implications of living close to trees”, and thought that concerns about falling trees and lack of sunlight, and problems of leaves and detritus gathering on the complex roofs, would lead to pressure to fell the trees. “As the Council could find this hard to resist, the character and appearance of the Bowl would not be safeguarded.”

In effect, she ruled that the land should remain in horticultural use. We could not have wished for a stronger decision and now need to make that a reality. Our thanks go to the Planning Group team who worked for many weeks to prepare for the hearing, to Nathalie Lieven QC for steering us through it, and to members of the Society who responded so generously to our appeal for donations, enabling us to cover our legal costs. Who, now, might interested in sponsoring the purchase of the land for the community?

STOP PRESS

At the end of November the Friends of the Highgate Bowl, set up with Highgate Society backing, was officially recognised as a charity. The objects, approved by the Charity Commission, focus on ‘maintaining (the Bowl’s) historic open aspect for the public benefit’. If you can help, please contact the Society or the Friends’ Chairman, Martin Adeney, on 0208-340-9002.

■ The Highgate Magistrates Court

This controversial scheme, which has led to the formation of a large residents’ group in the Talbot and Bishop’s Road area to oppose it, with whom we are liaising closely, will be decided in mid-December, and will be strongly contested by local people.

Though it will be regrettable to lose the Court building, a fine example of 1960s architecture, there is little disagreement that a sensitively-designed scheme could be an asset to the area and contribute to local housing needs. Unfortunately, this is not what is proposed.

The design of the scheme breaches a number of housing guidelines including overlooking, privacy and daylighting. The developers, supported by Haringey, propose a scale and density which ignores the low scale of its suburban setting, its prominent location in the Conservation Area, and its proximity to Highgate Woods. Worse, although Haringey’s brief specified a maximum of 4-5 storeys, Haringey themselves directed the developers to build 7 storeys, to increase the affordable housing element, disregarding their own Conservation Area policies in order to cram more housing on the site.

We are told that, for the scheme to be viable and provide 30% social housing, a higher number of units is needed; but this must be balanced against other factors, such as the damaging impact it would have on the Conservation Area and the low quality of some of the housing units. Through a Freedom of Information request, we have full details of discussions between Haringey and the developers, which we are analysing at the time of writing. We believe that the developers, Bellway, paid £14.3m for the site, though the asking price

was £10m, raising concerns that they overpaid because Haringey indicated that they would build to 7 storeys. A recent court case at Earl’s Court suggested that developers routinely overestimate costs and underestimate values.

The developers’ argument that the building would be a “landmark feature” and a “gateway” is pretentious nonsense. Highgate does not need a “landmark”, and the “gateway” is already identified in the draft Neighbourhood Plan as the Wellington Roundabout area.

Haringey’s site brief required the developers to have two pre-application meetings with the Society and one for local residents. At these, we made clear that our major concern was the 7-storey block and the substandard housing which would be provided, but this was ignored and the scheme remains effectively unchanged. Local residents were further angered because the public meeting was held after the application had been submitted, leaving them no opportunity to suggest any modifications and making a mockery of the consultation process.

Local people are appalled that a substandard scheme which breaches Conservation Area policy and which will have a severe impact on neighbours should be recommended for approval, but we fear that officers, under pressure to meet housing targets, will recommend approval. The City of London have objected strongly because of the damaging impact it would have on Highgate Wood, particularly in winter.

■ Athlone House

The Public Inquiry will be at the Wesley Hotel, Euston Road, from February 10th, for 12 days at the developers’ request. The Inspector appointed to hear it was the Inspector for the Smithfield Inquiry, which lasted only 12 days; Colin Ball is thus experienced in major appeals with a significant heritage element. For details of that inquiry, see http://www.savebritainsheritage.org/docs/articles/nwsltr_sum_14_final1.pdf

We will be fighting this appeal with the Heath and Hampstead Society and the Highgate CAAC, led by the Heath Society’s barrister, David Altaras. It is not clear yet what our costs may be, but they could be significant, and both societies are once again appealing to their members for help.

Athlone House Fighting Fund

Recently members responded extraordinarily generously to our appeal for contributions to legal costs to fight the Garden Centre appeal. Meanwhile the Society, along with the Heath Society, is asking members to help save Athlone House, another relentless battle against developers who are using their limitless resources to wear down the system – as well as ignoring their own commitment to restore the house. Please send contributions to the Highgate Society at 10a South Grove, N6 6BS.

*Stephen Panke (President) and
Michael Hammerson (Vice-President)*

Given the high cost of fighting appeals against developers with bottomless wallets, we are fortunate to have expert witnesses acting for us pro bono. These include Professor Joseph Rykwert, the first architectural historian to be awarded the RIBA Gold Medal, who will criticise the proposed building, and Jon Avent, of noted Bath engineers Mann Williams, who has wide experience of restoring historic buildings and who will argue for us that the building is a fine example which can easily be restored and the demolition of which cannot be justified. Jon read about it and was so incensed that he approached us on his own initiative; we are immensely grateful. Susan Rose and Gail Waldman are preparing a vigorous defence of Athlone House; Gordon Maclean of the Heath Society has produced vital figures showing that the proposed house is far larger than can be allowed on Metropolitan Open Land; and local resident and Heath writer Deborah Wolton will speak as a "Heath user". The City of London, as owners of the Heath, are also strongly opposed to the development and will argue that it would severely threaten the Heath's integrity.

The Ham and High recently reported that we had obtained Camden's condition reports, showing that the building had been badly neglected, despite the S.106 Agreement to keep it in good repair. We were allowed to inspect the house recently, and were reassured to find that the house is now in much sounder condition than we had feared – and, therefore, that its demolition is even less justifiable.

This appeal has national significance: if it is allowed, no unlisted heritage building is safe from developers, and no section 106 Agreement will be worth the paper it is written on.

■ Parking in Highgate

When the CPZ was introduced, the Society worked to ensure cross-boundary unity of parking controls, to avoid creating parking stress on one side or the other. Camden recently consulted on whether the current arrangements are satisfactory; we responded that we consider that they are and would be opposed to any change.

■ New Threats

Roads such as Grange Road, View Road, Denewood Road and Compton and Courtenay Avenues have already been severely damaged by ill-considered permissions for demolition of the existing houses which are a part of the area's character, and by their proposed replacement by huge, and often dismally vulgar, new mansions. Developers are turning to other, relatively intact, streets such as Sheldon Avenue and Stormont Road and we are increasingly being approached by anxious residents of those streets. We flagged up these concerns with Haringey at a very constructive and positive site meeting with Assistant Director of Development Stephen Kelly, and have received assurances that they will look carefully at how they can address our concerns and improve the quality of their planning decisions.

■ Basements

These remain a major issue in many parts of London, and we receive increasing reports of rising damp, flooding and subsidence caused to neighbours by basement construction. We are trying to compile a register of cases; please let us know of your own experiences.

We are represented on a new pan-Camden residents' Group, Camden Resident Association Action Committee (CRAAC), which is pressing for stronger basement policies. Neither Camden nor Haringey (nor most other authorities) have the expertise to assess developers' specialist Basement Impact Assessments, which are too often based on inadequate ground investigation and aimed at justifying the development. Camden has appointed an outside consultant to assess all basement applications for them, but without any public consultation, and CRAAC are concerned that the appointment was made on grounds of the lowest cost, even though it is the applicant - not Camden - who pays. Indeed, local residents' groups have done so much work on the problems that they perhaps have greater expertise than the local authorities. The Society is preparing an advice pamphlet for members on how to approach basement applications near them.

■ Trees

We have recently lost several of our irreplaceable veteran oaks: one in Hampstead Lane and another in Church Road, through decay, and two on a site in Sheldon Avenue where felling appears to have been permitted simply to facilitate a development. In View Road, the tree protection measures imposed by Haringey on a development site were removed prematurely, endangering the trees. Too many developers appear to regard the trees which are such an integral part of Highgate's character as merely being in the way of their developments.

■ Hampstead Heath and Highgate Wood

We sit on both Consultative Committees. These work well, and the City of London normally take on board our comments. Most people seem to think that the City does an excellent job of managing them, and we receive almost no complaints from members. Their management is an immensely complex one, and the reports of Consultative Committee meetings, and their detailed management plans, can be seen at <http://democracy.cityoflondon.gov.uk/ieListMeetings.aspx?CommitteeId=261> (Hampstead Heath) and <http://democracy.cityoflondon.gov.uk/ieListMeetings.aspx?CommitteeId=240> (Highgate Wood).

You can also see two short videos on the work of the City's Tree and Lifeguard teams on the Heath: <https://www.youtube.com/watch?v=exwhJ8ndUTY&list=UUBmtTLoKCa4hw2zp-iK9tg> (trees) and <https://www.youtube.com/watch?v=hDFWrkOneVE&index=14&list=UUBmtTLoKCa4hw2zp-iK9tg> (lifeguarding).

The main source of public concern is over the proposals for works to strengthen the Heath dams and, as I write, we learn that the High Court has rejected the

judicial review of the project sought by the Heath and Hampstead Society, which challenged the City's interpretation of the Reservoirs Act. The judge concluded that only the City's Dam Engineer is entitled to decide the standard of safety to be applied to the dams, which was that any risk of collapse must be eliminated. The H&H Society argued that the criterion should be one of "reasonably safety", as applies, for example, to the nuclear power industry, and is considering an appeal.

■ The Wider World

After my past updates on how our planning system is coming under assault from a Government which regards planning and heritage as a brake on economic growth, we might have hoped that the worst was over. Alas, it is not.

The London Assembly has called on the Mayor to establish a Skyline Commission to tackle the proliferation of tall buildings threatening London's skyline and character. While the pro-tall-buildings Ken Livingstone approved 20 of these in 8 years, the present mayor has already approved over 200, often overriding Boroughs' refusals. Well-designed tall buildings in the right place are acceptable, and policies to control them exist, but are being overridden. Now UNESCO is threatening to withdraw the Tower of London's and the Palace of Westminster's World Heritage status because of the damage being done to them by tall buildings. Something needs to be done. See <http://nickygavron.wordpress.com/2014/11/05/london-assembly-calls-on-mayor-to-rethink-approach-to-tall-buildings/>

From our liaison with local, regional and national groups and bodies, public, private and professional, we perceive a general sense of despair at how our planning system is being relentlessly destroyed, on seriously misguided grounds, and have made our detailed concerns known at meetings with two local residents – Chair of the GLA Planning Committee, Nicky Gavron, and MP Lynne Featherstone, who has communicated our concerns in a strong letter to Minister Eric Pickles, and repeated our challenge to meet him.

■ The threat to Highgate?

The Government's ruling that in order to secure more housing, any shop, office or warehouse may now be converted to housing without the need for planning permission, is causing great damage to communities and local economies (see <http://www.rics.org/uk/news/news-insight/news/offices-converted-into-residential-drives-up-commercial-shortages>). This is not addressing the housing crisis. Boroughs such as Richmond have been badly hit. The theory is that long-term empty shops and offices can be converted into housing (though, why take it out of the planning system, removing local control?). The reality is that thousands of small businesses are being legally evicted, since there is almost nowhere where housing is not worth much more than commercial space. The result is

a flood of schemes to convert commercial premises into housing for the luxury end of the market- it looks as if the old Southwood Lane Sorting Office may go that way - and with almost no provision of what is actually needed – affordable housing. Worse, such conversions do not have to follow normal housing standards, or to make any contribution to infrastructure costs such as schools, transport, drainage or health.

London's economy is being damaged and the housing being provided is not of the type needed. Overseas investors are buying up some 70% of new housing in inner London and 60% in some outer areas, and luxury housing for those able to afford it. What is so tragic is that our problems could be addressed simply by bringing back into use the 700,000 housing units across the country which are vacant; and one of the reasons is undoubtedly the Government's reluctance to equalise VAT, which is 20% on maintenance, repair and restoration, and zero on new build. This is significantly affecting the care of our heritage – it is often cheaper to demolish and rebuild than to repair - and could damage tourism, our third largest revenue earner; most visitors give the Heritage as their reason for coming here. The boost it would give to skills training would also provide careers for young people across the country.

There are also 400,000 extant planning permissions for housing which have not been implemented; so, why blame the planners?

Relaxation of the permitted development rules was originally "experimental" for three years, but after one year, with no assessment of the impact, the Government is extending it for a further three years and the partial exemptions given to those few Boroughs whose economies were at risk are being withdrawn.

At a recent conference, the Conservative Leader of Surrey County Council disassociated himself from his own Government, saying that the Prime Minister had no understanding of local government. The Mayor of Hackney said: "Commercial properties will be left to the mercy of developers who will convert them into unaffordable residential spaces that will not help to house local people." Mary Portas and other business people have asked Eric Pickles to abandon the proposals. The word we hear, not just from amenity groups, but from local authorities, professionals and even the business world (in which, believe it or not, quite a lot of us operate!) is "Madness."

Hugh Ellis of the Town and Country Planning Association called the new permitted development regime the "heart of darkness", saying that our deregulated planning system is no longer fit for purpose and in the poorest state since 1947 when it came into being. The new permitted development rights threaten democratic planning, and the outcomes are going to be very poor, committing us to the slums of the future. Yet at the same conference, Government chief planner Steve Quartermain, reading a speech from planning minister Brandon Lewis, said the new permitted development rights had "proved to be successful" and were helping to deliver new homes on brownfield land.

Lewis's recent statement that planning authorities might choose not to update their Local Plans, but make

planning decisions solely on the policies in the NPPF, is symptomatic of the current planning vacuum. Where does this leave localism? In Highgate, we are putting vast effort into producing a Neighbourhood Plan, to achieve holistic planning to meet our area's needs. But what use will it be if the most vital ability – to decide the balance of shops, offices, housing and industrial space in your area – has been taken away? A Neighbourhood Plan must conform to the Local Plan. Now, the Government is telling local authorities that they need not have an up-to-date local plan; yet its ruling that, if a Local Plan is out of date, the default answer to a planning application must be 'Yes', has not been withdrawn.

Where does that leave democratic decision making? What will be the point of Boroughs having a planning department, if developers' consultants, or appeal inspectors, will in effect be making the decisions for them? And what role is left for groups across the country like the Highgate Society?

■ English Heritage

Finally, the Government have announced their proposals for the future of English Heritage. From April

2015 it will be split into two separate bodies. "English Heritage" will be a new charity to manage the nation's historic properties; it will receive a lump sum of £80 million to reorganize and to pay for repairs to its properties, and will then be expected to be entirely self-funding. There are serious doubts as to whether that sum will be sufficient to remedy the huge backlog in repairs to its holdings of over 400 properties and estates and to allow the new body to survive in the long term.

The former heritage planning advisory service will be provided by a new body, Historic England. With the low priority given by Government to our heritage, the rumour was circulating that it was to be called "Past Caring". See <https://www.gov.uk/government/news/new-model-for-english-heritage-moves-a-step-closer-following-consultation>.

However, we cannot only blame the present Government on the current state of our historic environment. English Heritage's budget has been cut by 30% over the past four years, but since 1997 the cut in real terms has been 50% or more, and there are concerns that the Heritage Lottery Fund, originally intended as an extra source of funds, is now regarded as a substitute for adequate Government funding.