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## ENVIRONMENT COMMITTEE REPORT, September 2015

*Michael Hammerson*

We are beginning to appreciate the tribulations of Dr. Van Helsing combating Dracula, and of Hercules fighting the hydra.

### **Athlone House: The Struggle Continues**

In the first case, it seemed the Athlone House Ltd. vampire was destroyed by a stake delivered through its heart by the decisive appeal decision. But, no; after what appeared to be the end of our 17-year battle, it has risen from the grave to challenge the decision in the Courts, under Section 288 of the Town and Country Planning Act. While we cannot give detail, since the issue is to be heard in the High Court, the challenge is against the Inspector's interpretation of two issues: the application of Metropolitan Open Land protections to their site, and the evidence presented to him, particularly by the Athlone House Working Group, as regards the feasibility of restoring the house.

The challenge is against the Planning Inspectorate, not AHWG, with Camden included as the local planning authority who will be bound by the Court's decision. We therefore trust that the Government's Legal department will be vigorously defending the decision, because it was delivered by one of its senior Inspectors, and also because the outcome will be of national importance, as it will determine whether legally binding agreements can be brushed aside by developers with enough money to bulldoze their way through the planning system, and whether any "Heritage Asset" is safe when threatened by such developers.

We have already had a useful meeting with Camden's legal team and Councillors. They have now actually initiated action to enforce the S.106 Agreement to restore the house; but understandably, they feel they cannot make further progress until the Court's decision is announced. They are clear, though, that if the challenge is defeated, they are committed to enforcement; but that, too, will mean a lengthy court procedure by means of an injunction.

We are also endeavouring to meet the Government's own counsel. Although AHWG is not directly involved in the case, it may, if it wishes, register as an "Interested Party", which will allow us to be legally represented at the hearing by a barrister. We are trying to clarify that we can do this without incurring the risk of substantial costs in the event that the challenge is successful. However, even if AHWG does not register, it must engage a barrister to liaise on our behalf with Camden and the Government lawyers to ensure that they have all the background necessary to put up an effective fight.

Tellingly, the developers have only challenged on two grounds, and not the many others on which the appeal was refused, including their refusal to honour the S.106 Agreement. We cannot but conclude that the challenge would not be going ahead were it not for the fact that the owner is reputed to be one of the world's richest men, but what an appalling waste of public money.

If, however, in their inscrutable wisdom, the judge(s) decide to uphold the challenge, all is not lost. They will still look at the case not simply on the two grounds of challenge, but on its overall aspects given the other elements of the appeal decision, and can decide either to quash the appeal – in which case the appeal will be heard all over again, by a new Inspector, which would be too awful to contemplate – or to allow it to stand on the premise that, on balance, its merits outweigh any failings in detail. But it is disgraceful that more public money must be wasted in this way.

The case will be heard in the High Court on Tuesday October 20th (time not yet known), and the decision is likely to be announced the same day. The public may attend, but unlike a planning appeal they cannot speak. However, a good public attendance will signal to the judges the strength of public feeling.

*Further legal representation will mean yet more significant expense for both the Highgate and the Heath and Hampstead Societies, and we would appeal once more to our members' generosity for help in meeting these costs. If you wish to help, please contact me at [michael@midsummer.demon.uk](mailto:michael@midsummer.demon.uk), or the Chairman of the HHS, Marc Hutchinson.*

It came as something of a shock to find, during research for the History of the Society we are planning for our 50th Anniversary, that when the Society was founded in 1966, the owners of Athlone House, Witanhurst, Beechwood and The Elms were all keen members, despite their wealth. It is a sad

commentary on modern society that the sense of *noblesse oblige* which these former owners felt, of being part of a community and taking care to integrate into it, has been replaced with an attitude of "Keep out, and we couldn't care less what happens to the rest of you, or what damage our works will do to the area."

### **The 'Bishops' Area**

Hercules and the Hydra? By this, I refer to the relentless avalanche of applications to demolish the fine earlier 20th century buildings for which the "Bishops" area of Highgate was included in the Conservation Area, and replace them with monstrous piles, with vast basements extending into the garden and frontages fortified with railings or high walls. Having at last taken on board our message that they have weakly allowed too many of these in the past and that our Conservation Area is, as a result, under major threat, Haringey have recently been refusing numbers of these applications, following our detailed objections - and some have even been dismissed on appeal; but every time one is slain, another appears, hydra-like. In the last quarter alone, we have had to oppose five developments in Sheldon Avenue (one refused, and in one case Haringey forgot to notify us of an appeal), four in Stormont Road and one each in Fitzroy Park and Hampstead Lane. Fortunately, many of the residents in these streets are now waking up to the threat to their environments and are working closely with us to oppose them.

What particularly annoys us - aside from the often execrable quality of design - is the dishonesty of some of these applications. Haringey's policies for the area specify that new buildings shall be no more than two storeys high, so the development is often described as: "New two-storey dwelling with accommodation in roof space and basement."

Fortunately Elspeth Clements' Planning Group has a strong team combining professional expertise with local knowledge, which means that our input into many of these applications is of great help to our overstretched local authorities in reaching their decisions.

There is much else to report, on scores of issues, but we can only report highlights (or lowlights). Let's begin with some good news.

### **54 North Hill: The Hornbeam**

The appeal decision on what our editors, in the last report, christened "The Heroic Hornbeam", was a welcome reprieve. Although the Inspector conceded that the tree may well be implicated in the subsidence problems of the 1890s house 50 feet away, he noted that its foundations were shallow and that the subsidence could have occurred regardless of the presence of trees. However, it is clear that what determined the outcome was our detailed evidence on the ecological and historical importance of the tree, leading the Inspector to conclude that it should not be cut down and that alternative means of addressing the subsidence should be sought.

### **Highgate Magistrates' Court Development: Construction Traffic**

Alarming news for residents in the Bishops Road and The Park areas, of which they may not be aware. We learn that the main entrance for construction traffic visiting the Highgate Magistrates' Court Development will be in Bishops Road, with the lorries accessing it from Archway Road. Since these will be too large to be able to return by the same route to Muswell Hill Road, Haringey have agreed - without consulting affected residents that the *the main exit route for construction vehicles - including articulated lorries - leaving the site will be via Bishops Road, The Park and the lower end of Southwood Lane*. This will undoubtedly cause major disturbance to residents for the two-year construction programme. If you think you will be badly affected and should have been consulted, ask one of your Ward Councillors to take it up urgently with the Haringey Planners.

### **Islington's Controlled Parking Zone Bordering Highgate**

There are concerns about the extension of hours in the CPZ in Islington bordering Highgate, which is proposed to become 24-hour in the roads off Highgate Hill. This, it is claimed, is necessary because of the proposed abolition of the Archway Gyratory system, though it is unclear why it should increase parking pressure. This could displace daytime car parking to Highgate, where parking controls only operate from 10-12, and we have registered our concerns with the Better Archway Forum.

### **Haringey's 20 mph zones**

On consultation - it was only last year that Haringey consulted borough-wide on whether to make the whole Borough a 20 mph zone. The result was a majority against, with people making it clear that they only wanted 20 mph zones in residential streets which requested them. Yet suddenly a ridiculous number of "20" signs have appeared across the area, and we learn that Haringey are introducing a 20 mph limit on all residential roads. Ambrose Bierce, in his brilliant 1911 "Devil's Dictionary", defined "consult" as "To seek approval of a course of action which has already been decided upon", and experience shows repeatedly that nothing has changed in a century. North Hill is defined as residential; yet the Archway

Road, with as many, or more, flats and houses, is not, and its residents are worried that the limit on North Hill, a major through route (on which I happen to live), will divert much through traffic onto their already congested and polluted road. Haringey assert that the proliferation of signage is in accordance with “regulations”, but the regulations they quote appear to be gobbledygook and not necessarily applicable in this case, and we are continuing to query what we consider a massive waste of public money, when all that is needed is one sign at the entry to the zone.

### **Proposed Traffic and Transport Group**

On the subject of roads, the Society for some time has had no dedicated Traffic and Transport Group to study traffic and public transport issues affecting the area. If any members with an interest and some expertise in the subject would be interested in forming a group to work with the Planning Group when traffic issues arise, please contact us.

### **Richardsons Site: Archway and Causton Roads**

Gail Walden reports that: The site of Richardsons, the old family furniture business in Archway Road, and the small business premises in a courtyard behind, has been sold to a developer. Their proposals were presented at a Development Management Forum arranged by Haringey, to the Highgate Neighbourhood Forum and to the Highgate Society, and an application has now been submitted. It is clear that the community is very concerned about the loss of space for small businesses, and made this very clear to Haringey’s Planners. The developer proposes to keep the facades to Archway Road; convert the flats which are in multiple occupation (HMOs) into self-contained accommodation; and build housing on the Causton Road frontage, replacing a light industrial unit. The main ground floor and basement would be a supermarket, probably a Co-op (for which no Change of Use permission would be required), and either a gym, or offices for a professional firm. Concerns were voiced about impact of deliveries/waste collection on safety and parking in Causton Road; loss of small and medium sized premises; and people in HMOs losing their homes after living there for up to 35 years. In its Economic Activity section, the draft Neighbourhood Plan observes that the London Plan anticipates a significant level of employment growth to 2026, requiring a high level of additional employment land, and that existing units in Aylmer Parade, Archway Road and Highgate Village, are vital in ensuring a sufficient supply of workshops and small business units.

### **Listed Telephone Box Decommissioned**

The carefully-restored, Listed Telephone Box outside 3 Highgate High Street has been decommissioned by BT, without any consultation, and sold to a Charity (which we cannot find on the Charity Commission website) which purports to support homeless people in Brighton, and have applied for permission to convert it into an illuminated LED advertising medium. We have sent a long and detailed objection to Camden, including:

- It is long-standing policy that there should be no internally-illuminated advertisements in the Highgate Conservation Area;
- The box is in a highly visible location at the southern gateway to Highgate Village. There are no other advertisements in the public realm anywhere in the High Street; this would undermine that policy, set a dangerous precedent and give the village a tawdry appearance.
- National legislation requires that new uses for heritage assets be consistent with their conservation and make a positive contribution to local character and distinctiveness, unless it can be demonstrated that the public benefits outweigh the harm caused; clearly this does none of them.
- the illuminated advertisements would be distracting for drivers, so close to the road.
- No consideration has been given to the impact of the proposal on the Conservation Area, as required.
- The aim is claimed as to “redefine [the box’s] usage to suit modern-day needs.” Their proposal meets no local need.
- They try to justify the proposal by stating that other boxes have been converted into ice-cream and coffee sales points, art galleries and libraries. We would like to see it as a tourism information point – but to use this excuse to justify its use for advertising is spurious.
- There has been no local consultation by the applicants to seek views as to what would provide the best “public benefit” to suit local circumstances.
- They have also not demonstrated that there is no demand for the telephone.

### **3 Francis Place, Parkland Walk**

Many years ago, Haringey sold this plot of land with a Victorian cottage, alongside the Parkland Walk. Since the site is only accessible from the Parkland Walk, Haringey imposed covenants banning the use of vehicles to access it, and the digging or extraction of any subsoil. Recently, the owners applied for permission to extend it and build a large basement. This may not in itself have been of great concern, but it appears that Haringey forgot their own covenant and granted permission. Now the details of the construction programme, involving heavy construction vehicles accessing the site for several months along the Parkland Walk, are up for permission. The Friends of the Parkland Walk are understandably

angry about this, and have launched an on-line petition against granting permission for lorries to use the Walk, which you are welcome to sign on <http://www.parkland-walk.org.uk/francis-place.html> . The Society has registered its own strong objection.

### **The Winchester Pub, Archway Road**

There is currently great concern about the future of The Winchester Pub in Archway Road. Having assured the community that the pub will be retained, the developers have put in a new application which will, many fear, threaten its future. The proposal is to convert the rear part of the pub to flats, leaving a much smaller unit for the pub itself, and also damaging the historic interior. The developer claims that the pub is currently too big to be viable, and there is great concern that Haringey seem willing to accept this without proper scrutiny. They also argue that any further delay in determining their application will cause further delay in reopening the pub - but if the result, as many believe, will be the eventual demise of the pub, that is no bad thing.

The viability argument surely does not hold water? The Woodman is a prime example; it is probably three times the size, including the garden, but it is immensely busy and popular. In addition, there is little competition, the Winchester being the only one between Archway Gyrotory and the Woodman, and the Village and Crouch End, so it serves a huge hinterland. As far as local people are concerned, the motive is little more than the developer wishing to make more money by cramming two more flats onto the site. A little research shows that this is happening elsewhere, with developers reducing the size of pubs to squeeze in more flats. The Golden Lion in Camden has just won an appeal to stop a reduction in its size, and we understand that a similar application has recently been made for the Admiral Mann in Camden, which is being vigorously opposed by locals. We have asked to see the developers' viability statement, but if this happens at all, it will presumably be so heavily redacted, on the spurious grounds of "commercial confidentiality", that it will be valueless.

There must also be the worry that, with flats backing onto the pub, however well they may be soundproofed, there are likely to be continual complaints about noise which could eventually result in closure. There is also the concern that reduced pub spaces become unviable, and that this is the only first step by the developer to convert the entire space into flats, or to bring in a higher paying tenant such as a supermarket - we understand that pubs are being targeted by Tesco and Sainsburys Locals.

It is clearly essential that the Winchester should be designated as a Community Asset under the Localism Act, and the Society, working with the local community, has now submitted an application for designation to Haringey; we expect a decision in October.

### **St Luke's, Woodside Avenue: Attempt to Vary the Planning Permission**

Local people are also opposing the application to vary the planning permission at St. Luke's, Woodside Avenue to allow a number of the units specifically allocated for accommodation for the over-55s to be changed to normal (and, presumably more valuable) family homes. There is widespread feeling that this was the basis on which the scheme was approved, and that such a change is unacceptable, and the Society has been asked to add its voice to the objections.

Despite the fact that we have a large and experienced team in our Planning Group, the level of pressure under which we find ourselves is evidenced by the fact that there were 114 items on its last agenda. Many of these are planning applications for smaller proposals, and work to trees. The majority prove to be unobjectionable (and can sometimes even be improvements!), but it is still necessary to study all of them, and as we need to look at 500 or more a year in Haringey, and up to 200 in Camden, the workload is still immense. We therefore welcome help from any members who are interested in becoming more involved with our work.

### **General Planning Practice**

The Government's assault on the Planning System and our historic heritage, on the spurious ground that it is "holding back the economy", continues unabated and renders the Government's much-vaunted "Localism" agenda even more meaningless as communities' ability to have meaningful input into what happens in their areas continues to be eroded. The disastrous policy of allowing offices to be converted to housing, without the need for planning permission or an element of affordable housing or even a contribution towards the resultant infrastructure costs, is to be made permanent, though a combination of local authorities and other organisations is fighting this vigorously, as they are the proposals to oblige Housing Associations to sell off their properties to tenants. Foreign investment demand continues to drive house prices upwards, particularly in areas like Highgate, and while the Government blame the planning system for failing to deliver the housing needed, they fail to address fundamental issues: 70% of all new housing in inner, and up to 60% in some parts of outer, London are being built for the overseas investment

marked; there are over 400,000 unimplemented planning permissions for housing – 270,000 of them in London – because prices are not high enough; and there are 700,000 vacant housing units in England, because VAT on restoration and repair is 20% while that on new build is zero.