

As you will have noticed by now, the long-awaited **retaining wall works on North Hill**, between View Road and Storey Road, have started, and are expected to continue until November. During that time,

- North Hill will be northbound only between View Road and North Hill Avenue;
- The southbound 143 and 603 buses will be diverted down Archway Road;
- All parking bays along that stretch of road will be suspended;
- There will be no vehicular access to the elevated service road; affected residents will be issued with a dispensation parking permit. For more information, email: [frontline.consultation@haringey.gov.uk](mailto:frontline.consultation@haringey.gov.uk)

While there seem to be few alternatives to the resultant local disruption, we are concerned that:

- since southbound traffic up North Hill to reach Hampstead Lane and West Hill will be diverted to Archway Road, will there be rat-running and gridlock along Talbot, Church and Bishops Roads, Southwood Lawn Road, Cromwell Avenue and Causton Road, several of which are effectively single-lane because of parking;
- will there be an increase in traffic using Southwood Lane?
- the alternative of Bishops Avenue (and/or Winnington Road) and Hampstead Lane are already congested in the rush hours;
- how will the school run add to the situation, and schools be affected?
- those needing to access the North Hill surgery from the north will have to walk from the Archway Road bus stops;
- could the morning rush hour congestion extend to East Finchley?
- what will be the impact on air pollution, particularly for residents of Archway Road and the streets between Archway Road and North Hill?

We understand that Haringey will use the first few days to monitor where the rat runs will be and put measures in place to prevent them where they are creating issues. However, considerable disruption seems inevitable, whatever measures can be put in place. The only positive impact may be that drivers > who normally drive through Highgate to get somewhere else will find alternative routes in the long-term

Our appeal against refusal of our alternative design for the **Archway Bridge anti-suicide works** is now being considered by the Planning Inspectorate. Local people feel very strongly about the ineptness of what has been put in place, with 128 letters to the Inspectorate in favour of our alternative proposals (even including one from a volunteer for the Samaritans), and 13 against – several, it seems, from related sources and only one from the area. David Richond, who produced our proposals, has also sent in a 10-page refutation of Islington's and Haringey's defence of their decision.

It is dismaying to see the wilful misinterpretation, on the part of a few objectors, of the Society's intentions. In reality, there is no prospect of the works being changed in the short term. The appeal is against what we saw as an outrageous refusal of our alternative proposals, which were refused NOT because they were not as effective as the TfL ones (we were careful to design them to make them as effective, or more), but because they would not "preserve or enhance" the Listed Structure, suggesting that the appallingly-designed works carried out do.

Our appeal is therefore on a matter of principle, and what we are seeking is a decision which will say that our alternative proposals were both more appropriate for a listed structure AND equally effective in safety terms, which we have been at pains to point out throughout. It will not invalidate the permission for what is already there, but simply show that a better solution could have been found.

The appeal against Haringey's refusal to allow the conversion of the pub part of **The Victoria pub, 28 North Hill** has been dismissed, and the pub use must be retained. The Inspector cited Haringey's Policy DM50 that the Council will resist proposals for a change of use resulting in the loss of a public house unless it can be demonstrated that the use is no longer viable and all feasible options for the re-provision of a public house on the site have been explored, which is supported by paragraph 92 of the National Planning Policy Framework (Framework), which says that planning policies and decisions should plan positively for the provision and use of community facilities, including public houses, and guard against the unnecessary loss of valued facilities and services.

The Inspector accepted that the pub's last four years' accounts show that the business incurred losses over that period, and that there appears to be adequate provision for public houses within the local area. However, evidence is also required of the marketing of the business, and the Inspector found this to be completely inadequate. The appellants provided no evidence of marketing, lists of the parties approached, and no correspondence indicating why they were not interested. They suggested it was optimistic to expect that the smaller approved pub (for which they now have permission) could survive in such a

location, but the Inspector thought this did not reflect their agents' more positive advice, and saw no evidence that this had been tested or put to the market. He considered that it had potential to be viable and that it could not be assumed that it would not be attractive to potential tenants.

The appellant questioned the pub's value to the local community, given the low number of objections to the appeal (no reference to the 100-strong petition seeking its designation as an Asset of Community Value?), but that could simply reflect that the pub has been closed since January 2017, and the Inspector saw no reason why it could not once again become an important asset to the local community; pubs can contribute greatly to social cohesion and enhance the vitality of residential neighbourhoods, and it was important that all options are explored, particularly given the national decline in public houses.

He also rejected the argument that it suffered from location and lack of parking. It was not uncommon to find public houses in such locations and, as he observed, the site is within easy walking distance of a large residential catchment and accessible by public transport, so the appellants' comparisons with other public houses in the area, which say are in a better location, does not negate the requirement to determine this proposal on its individual merits. The Inspector therefore found that the loss of this community facility has not been justified, the marketing inadequate, and the arguments against its viability unjustified.

We reported in the past on the illegal works carried out at the so-called Tourian Lounge, formerly **the Crown pub** on Highgate Hill, which Islington refused retrospectively. We were therefore surprised to see the new owners' agents advertising the premises to prospective tenants, but making no mention of the fact that the "garden restaurant trade area for 30" had been built illegally and was the subject of an enforcement order to remove it. We wrote to them drawing their attention to the recent history of this building and pointing out that, under The Consumer Protection from Unfair Trading Regulations 2008 and the Business Protection from Misleading Marketing Regulations 2008, their legal duty is to advise potential tenants of the situation. We advised them to amend their description as soon as possible, and received a contrite reply assuring us that this would be done; and, indeed, the illegal; structure appears now to have been removed.

The owners of the former **Highgate Garden Centre** land have submitted a new application Dear Mr Ackrill for 6 pavilions on part of the area to provide crafts and meeting facilities. We broadly welcome this as an appropriate use of the land; it will provide an ecologically sound, publicly accessed facility whilst broadly preserving the open character of the Bowl area and will hopefully make the site open and available to the public.

Our main concern is to ensure that, after more than fifty years fighting to keep the land open, the use class status must be protected to ensure that the door is not opened to future applications for residential development without the need for planning consent. We have been verbally assured by Haringey that it will be regarded as a *Sui Generis* use designation, i.e. a use which does not fall within a specific use under the Use Classes Order and would require a full planning application for any Change of Use. We have asked that this be ensured by a condition removing any Permitted Development rights.

Haringey agree that it is a reasonable argument that necessary safeguards should be put in place to preventing possible change of use. The proposal described in the application - educational, hospitality and community facilities - is a *sui generis* use, and any future different use would require planning permission. With its specific Haringey Development Plan site allocation, and protections within the Highgate Neighbourhood Plan 2017 and the Highgate Conservation Area Character Appraisal 2013, Haringey will impose express conditions to restrict the use, would expressly remove permitted development rights and will introduce a Section 106 agreement to control the use of the land and secure a landscaping scheme and public access. Thanks. In general it seems OK, though my own feeling is that it could be couched in more supportive terms of Karen will think that we are still subconsciously resisting, while the real aim is to maintain a use class which will preserve the spirit of what we want to achieve while making it more useful locally in terms of arts, ecological and community activities.

Hopefully, in this way we will secure the future of the land for the benefit of the local community while ensuring that the very laudable charitable aims of the current owners, Omved, can be achieved and the land can become a real asset both locally and for a wider constituency.

Following previous planning and appeal refusals, a third application has been submitted to demolish the garage of **98 Talbot Road** and build a substantial part-basemented extension in the rear garden. One of our previous objections was that it was a significant infill which may harm the amenities of adjoining properties, and while part of the current application is smaller, it remains a significant extension and

some aspects are even larger, while producing no public benefit in terms of additional residential units, and the proposed basement room will increase the height of the ground level in the rear garden, exacerbating the effect of the slope of the site for the properties it overlooks.

There is also still no Basement Impact Assessment, and the proposed straggling basement footprint would split the garden space into two small areas, contrary to the Neighbourhood Plan's requirements for not building on gardens. It could obstruct the flow of water to the garden and increase run-off to adjacent properties, yet there is no hydrological study to examine the effects. No permission should be given until this has been addressed to Haringey's satisfaction. The drawings even lack a section showing the depth and extent of the basement; an unacceptable omission.

The proposed extension would also increase the bulk of the building in comparison to other Edwardian houses in the street, harming the Conservation Area by setting an undesirable precedent for other residential properties. The developers' claim that the two-storey side extension will improve the street scene is untenable and will not improve or enhance the character or appearance of Highgate conservation area.

We also took exception to the description of the garden as "a disused parcel of brownfield land that can be redeveloped to the benefit of the neighbourhood and add value to the local character of the neighbourhood." It is a garden which has been allowed to deteriorate, and the Neighbourhood Plan precludes building in gardens, as well as Backland development.

We also understand that the site has for many years been infested with Japanese Knotweed, a notifiable pest plant which spreads through deep roots which are difficult to control and which can cause extensive damage to structures. Landowners on which it exists are under a legal obligation to prevent its spread and are liable for damage cause if it does. Haringey should urgently exercise their statutory powers to oblige the owners to eliminate this problem.

We further contested assertions in the developers' Heritage Statement. While conceding that it is within the Highgate Conservation Area, it makes the untenable comment that "There are no buildings of great historic significance in the immediate area". This is irrelevant; the Talbot Road area was included in the Conservation Area as part of Highgate's Edwardian expansion and contains many unspoilt properties of that period. All buildings of the period, unless irreparably damaged, are positive contributors through their role reinforcing the architectural history and character of Highgate, and cramming more onto the site will neither conserve nor enhance the Conservation Area. We also criticise the statement that "There are no listed buildings in Talbot Road but there are many listed buildings along North Hill", together with a detailed schedule of Listed Buildings in North Hill, which is an ancient road with buildings illustrating 400 years of history. Talbot Road is within the Conservation Area as part of Highgate's Edwardian heritage and we have asked that that statement be disregarded as irrelevant and the application refused.

We have similarly criticised proposals to extend **Flat 1, 59 Talbot Road** which inexcusably include no drawings showing the impact of this extension on the adjoining flat and adjoining properties. Policy DH4 requires side extensions not to harm the amenity of adjacent buildings. The application, which proposes covering most of the garden area allocated to the flat, also ignores Policy DM7 resisting the loss of garden land.

Some time ago we notified Haringey's Enforcement section of a major breach of planning control at **87c Southwood Lane** by the erection of a glass roof terrace enclosure. We are glad to learn that a Breach of Condition notice has been served, requiring the works to be removed within two months, and that there is no right of appeal against such notices.

We have objected to an application to amend a Section 106 Agreement dating as far back as 2011 in regard to the phasing of construction works at **225 Archway Road**. While in themselves unobjectionable, it was a condition of the original approval that the development must start within three years, failing which the permission will lapse. There is no explanation as to why the works have not started in over eight years, and there is real danger that permitting an eight year delay may encourage others to delay implementation of their projects long beyond the three years allowed. These semi-abandoned projects constitute a blight on the neighbourhood, not least because local planning policies have changed

significantly in the intervening period, and we have urged that the application should be refused and a completely new application required, which can be assessed in the light of current local and national policies

More street clutter is threatened in the form of two telecommunications cabinets on the pavement by the Vets at **351 Archway Road**. There are no drawings indicating either their size or exact location of these cabinets. This busy corner already has a pedestrian controlled zebra crossing, a litter bin and various services access panels including one for BT, while on the Southwood Lane side there are three refuse storage bins, a local information panel and two parking information posts. It is therefore already cluttered and the pavement is quite narrow. Policy DM2 requires accessible and safe environment that can be used safely and easily and we have objected to the application as it stands.

We have objected to an application at **42 Shepherds Hill N6 5RR** for a two storey side extension, two storey plus basement side extension for a new 4-bedroom dwelling house with car parking in front yard, its bulk, dominant appearance, and filling the gap between buildings being likely to cause harm.

Haringey's Policy DH4 states "the gaps between buildings, often providing views of mature rear gardens, are an important feature of many residential streets of Highgate and contribute positively to the conservation area." This is certainly the case here, and the applicants' own photographs clearly show the importance of the gaps to the setting of the building. in relation to the adjacent buildings, and the damage the proposals would cause. The application states that they have followed pre-planning advice and cite other extensions on Shepherds Hill, but in fact these leave larger gaps and respect the host building in design terms.

This is another case where, in addition, there is no Basement Impact Assessment, though not only will the proposed basement necessitate major excavation, but under a separate application there will be a major basement extension to the main building. Policy DH7 requires an Assessment to ensure no possibility of damage from ground water diversion, surface water flooding, and damage to adjoining properties and land.

The controversial revised infill development at **30 Southwood Lawn Road**, noted in past reports, drew major objections and we learn that it has been withdrawn.

We were alerted to activity going on in the ground floor shop at **82 Highgate High Street**, and were told that it was proposed to open a restaurant there. The current use class is A1 (Shop), but we were not aware of any application for change of use to A3 (restaurant), and since No. 82 is an important Listed Building, with an almost unique streetfront canopy and historic features inside, and no application had been submitted for Listed Building Consent, we were concerned that the installation of kitchen equipment and other works necessary to meet regulatory requirements could cause serious damage to the historic fabric.

We asked Haringey Enforcement section to investigate. They did so promptly, and informed us that the new occupier was not aware of planning requirements for listed buildings, but had apologised and had instructed a planning consultant for help. An inspection with the conservation officer and the planning consultant indicated that the works would not harm any of the historic fabric, but the consultant would regularise the position with a formal application. We were advised that what was proposed would enable the premises to continue to be used as a shop similar to an A1 Greggs-type operation, but the occupier is now aware that permission will be required for any future proposed change into a restaurant or café or for the installation of external signage. The new operations, selling *Empanadas*, is now open and seems to be trading successfully.

We have had to submit a critique of proposals for works in the basement of, and a kitchen extension to, the important Listed building at **North Hill House, 57 North Hill**. Its official Listing description states: "*Inside shows house of circa 1700 with long range of segmental-vaulted brick cellars stretching south below next houses. Considerable interior alterations of about 1840. Included for group value.* The cellars appear to be original dwarf brick walls dating back to c. 17090. The proposals appear to include involve demolishing them, yet this is not mentioned on the application form. Since the basement runs under the adjoining houses and may belong to even earlier buildings, it is very important that there should be a proper archaeological assessment of its importance, including any surviving original floor and wall materials; only then can a justification for the proposal be given.

There is also an statement that "*There is currently a listed building consent application in submission for the extensive waterproofing of the basement which will be retrospectively absorbed into the consent in response to this Application*". What this means is unclear; it is possible to retain the stalls with cavity

drainage, and the application must be much clearer about what is proposed and provide a reasoned justification for any damage to the historic structure. We are also concerned that the brick basement floor, proposed for removal, could be the original floor; the bricks should be carefully lifted, a damp proof membrane laid and the bricks relaid. Removal is surely unnecessary and unjustifiable. As regards the extension, the impact of demolition of walls is, again, not properly assessed or justified.

The application also incorrectly states: "Proposal includes the refurbishment of existing bathrooms which already have consent after an earlier pre-app. the pre- App also secured broad agreement for the preferred materiality of the extension and the general internal layout of the building". Pre-application discussions specifically do *not* indicate any prior approval.

Finally, to add to our concerns, the application seems uncertain of the sequence of dates regarding the building. It gives the original date of the building as Regency (early 19th century), whereas the Listing Schedule clearly says 1700. A far more accurate Heritage assessment is required before any permission is given.

We are dismayed by, if becoming only too accustomed to, applications such as that at **Oakleigh, 42 Hampstead Lane**, for the demolition of the existing characterful inter-war house and its replacement by one of the dreary, unimaginative 'Mac Mansions' inflicted on Highgate too often in the past. We have criticised the proposed design as clumsy, dull, unimaginative and altogether inappropriate and harmful to the Conservation Area. We have stated that, while we would not necessarily object to an appropriate replacement, this must be of an exceptional design which complements and enhances the Conservation Area, unlike the dreadful current proposals. On past experience, however, we can only hope that we will be listened to and that the current proposals will be rejected in the light of the growing national emphasis on the need for good design.

While permission for a new roof extension to the flats at **3-5 Church Road** was given on March 13, 2017, only now has an application been submitted for approval of the Construction Plan. Given the major disturbance to existence residents which will occur, there were twenty objections from residents and from the Highgate Society; but it was nevertheless permitted. However, Condition 6 requires a Construction Plan to be approved before works can start, in the interests of the occupiers.

It is therefore disappointing that the developers appear not to have taken into account the needs of the building's occupants, and particularly the top floor residents, who point out that the ceiling of their flat will form part of the floor of the new flat above. They point out that, while the Construction Management Plan requires that "Between 80 and 85 dB(A) all employees will be advised to wear hearing protection; above 85 dB(A) the use of hearing protection is mandatory... ; and "We will avoid the use of vibrating equipment where possible....Where it cannot be avoided manufacturer's guidance will be followed..." It is clear that there will be significant levels of noise and vibration during the works, yet there are no provisions for protecting the occupants of the flats.

Nor are there provisions to ensure access to the flats during the work, or protecting the occupants from dust or construction traffic, and we understand that the developers have not responded to a request for the occupants of the ground floor flat to be rehoused for the duration of the building works, nor have they had any meeting with the residents to discuss their concerns. Since Condition 1 of the consent – which expires on March 17 - requires the development to start before March 13, and that it cannot start before the Construction Management Plan is approved, it is possible that the planning permission will lapse; but we consider that the inadequacy of proposals to minimise impact on residents should result in refusal.

Historic England also seem to be ignoring our application to have the historic **Holborn Infirmary buildings at Archway** Listed, in the face of Peabody's development proposals which will seriously compromise them and the Conservation Area within which they sit. After some two years, our application remains unanswered. Peabody's proposals were the subject of a recent exhibition by the developers; but among the concerns is that the definition of "affordable" which government now defines as 80% of market prices is unrelated to local needs. While Islington require developers to include a 50% affordable housing element – and in 2015 Peabody proposed 73% for other local sites – the aim here is for less than 50%. The proposals make no reference to the Conservation Area Statement or to the Archway planning document, the proposed new library is actually relocation of an existing one, and the drawings do not indicate how the proposed tower block would impact on views from Highgate Hill. The developer also Claims 83% support, with or without concerns, though in fact 58% of respondents objected or had concerns.

We have opposed an application to extend the former **Coach House to Athlone House in Hampstead Lane**, a significant landmark on the lane and one of only two or three buildings visible on its side of Hampstead Lane for a considerable distance, giving it a strong presence and making it a strong positive

contributor to the Conservation Area. We strongly disagree with the applicants' the Heritage Statement, who are evidently unfamiliar with the building and its importance; their suggestion that the "front" elevation would originally have been on the other side is clearly not supported by the facts, and it is clear from the detailed design and craftsmanship of the frontage that this was the public face of the building and also an important part of the estate. While the drawings make the proposals to extend the frontage look acceptable on paper, showing identical coloured brickwork, cannot show what it will look like in reality. The brick piers to the existing gateway, surmounted with stone ball finials, are an important original feature; but one pier is to be subsumed into the wall of the building, which will hurt both its historical integrity and the conservation area; we were surprised that this was not covered in Camden's pre-application advice.

Following Islington's refusal of proposals to demolish the **Methodist Central Hall** at Archway and replace it with a 6-storey office block, we have supported the Better Archway Forum's alternative proposals to retain it as a community arts centre. We understand that Islington also support it, and the result of the developer's appeal against his refusal is expected soon; on his visit, the Inspector liked the building.

While we have no objection to the proposed development works at the Grade II\* Listed **45 West Hill**, the site is within the Highgate Village Archaeological Priority Area, (APA) and since the proposals will involve considerable basement excavation, and we considered it essential that there should be a condition requiring an archaeological assessment and, at the very least, a watching brief with the ability to excavate and record any archaeological features noted, preferably before the start of works.

We are therefore appalled by Historic England's reasons for rejecting our request for an archaeological condition. They conclude that "the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The existing building will have already removed archaeological remains from within its footprint and it is unlikely that there would be substantial survival in the location of the new extension."

We have made clear our dismay at this clearly mistaken decision to both Historic England and Camden. HE base their decision on the fact that there is no evidence on the Historic Monuments Record on which to base a decision; but in a classic Catch-22 scenario, this is because no excavations have as yet been carried out in Highgate Village, *even though it is a designated Archaeological Priority Area (APA)* (and in the one case, 50 High Street, where they did recommend, Haringey ignored it). It therefore cannot be predicted whether the works would have any impact on archaeology. The inevitable, and illogical, corollary is that, despite it being an Archaeological Priority area and a known mediaeval village, no archaeological investigation will be required in Highgate because no excavation has been done there before so we don't know what's there, resulting in the eventual loss of all archaeological deposits in Highgate without any record.

We have pointed out to HE that their comment that "It is unlikely that there would be a significant archaeological impact at this location. The existing building will have already removed archaeological remains from within its footprint and as a result it is unlikely that there would be substantial survival in the location of the new extension" is gravely mistaken; the basement is a new one, in the back garden, well beyond the footprint will be excavated, through previously undisturbed ground, to a considerable depth. They also cite the untenable argument that the terrace paving would have caused archaeological damage; this is patently incorrect. The depth and survival of archaeological levels is completely unknown.

The small size of the site is cited as another reason. But all sites within the Highgate APA are small, and this is large in comparison with others in the APA, which are almost always going to be small-scale because of the small size of the individual plots within it, which still reflect mediaeval plot sizes. Indeed, given the small scale of all the sites and plots within the APA, the logical corollary is that no archaeological condition will ever be requested, despite its Designation. This is preposterous reasoning.

Finally, because the area is in an APA, the lack of evidence elsewhere, because of the absence of excavations, is an unacceptable reason for not requiring an archaeological condition. Not only did a recent report by the Chartered Institute for Archaeologists reveal that *in 50% of cases where archaeological work was carried out occurred on development sites where nothing was previously known about the archaeology, archaeological levels were found to be present*, but we have checked with the Institute, who confirm that Historic England's advice is flawed and that, if the site is within an APA, national policy requires that there *must be an archaeological condition*.

An archaeological condition is therefore essential. We have asked Camden and HE at least three times for an urgent site meeting, and urged them as many times to reconsider, but have been ignored and

permission has been given with no archaeological condition. Highgate's Heritage appears to be at major threat from the very people who ought to be protecting it.

Haringey have made clear that, because of funding limitations, they will be doing no more **street tree planting** except in a few areas of open space and tree deprivation. While this is understandable, if regrettable, residents in Highgate Avenue who contacted Haringey offering to pay for the replacement of lost street trees, the work to be carried out by the Harington Scheme, have been advised they cannot do so until Haringey can carry out a Catscan survey for underground services, even where trees previously existed; that works on public land must have public liability insurance cover and training to work in road side locations; that all trees planted on Council land must be from a certificated tree nursery to ensure they are free from pests and diseases; and that they do not permit residents to plant trees in Council parks they have bought themselves. Haringey indicate that they may be able to plant some replacement trees in the road this winter, if they can be funded through their Tree Sponsorship Scheme.

We have supported the Friends of Waterlow Park in their objection to the installation by Camden of a new **Water Fountain**. While the principle is welcome, the design, featuring a large and prominent bright blue plastic "teardrop" is completely inappropriate for the green setting, and it seems that Camden have a "job lot" of these which they are trying to get rid of. It might be appropriate in a shopping centre or sports facility but not in a conservation area or public park. There are two old water fountains in Waterlow Park; it would surely be more appropriate to restore these.

We are supporting **the Friends of Queens Wood** in their efforts to ensure that Haringey's proposals for improved welfare facilities in the Wood do not compromise the ancient woodland character of the Wood and its status as statutory local nature reserve. Haringey are proposing a significantly large changing and toilet facility in a prominent location close to the Pavilion Café, without fully assessing the benefits and costs or carrying out a proper environmental impact assessment. There is no assessment of the demand for the facility, and while there is reference to a request by the Council's Special Educational Needs team to install changing, toilet and welfare facilities in some of Haringey's parks, it seems that the need is far greater in other, more heavily-used parks and open spaces. Likely usage by schools and children's groups has not been assessed. A particular concern is the growth of usage by unauthorised groups, particularly Forest Schools; these are beginning to cause significant wear and tear, and could be attracted by improved facilities, but there is no policy as to how their growth and impact is to be managed. Neither have the needs of other users of the wood, or the overall environmental impact of the proposals, been assessed, particularly the increase in usage that may result. The size, design and location of the new structure cannot be determined until this is done. Finally, the proposals will need to be put out to public consultation before any decision is taken

We have been trying to secure a Group **Tree Preservation Order** for a large group of trees threatened by potential development at **58 Shepherds Hill**, but are having difficulty in finding who is responsible for this. It was our understanding that all tree-related planning issues had been contracted out to Islington's Tree Officer, and the system appeared to be working well. However, we are concerned that trees on sites affected by planning applications, if not covered by a Tree Preservation Order, may fall into some sort of planning vacuum?

We are now told that Islington are employed to provide TPO application and conservation area notification recommendations to Haringey, but that where an application is likely to impact on trees but does not specifically mention works to them, these take up too much time and they cannot assist with planning applications and that requests for new TPOs should be sent to the relevant Haringey case officer.

This is contrary to what we have understood. We have made several requests to the Islington Team to have Tree protections imposed, and these have been implemented. We are trying, so far without success, to ascertain

- whether such decisions are now solely the case officer's, without reference to a Tree Officer;
- whether, if a planning application will affect trees, but no reference is made to them, the Tree Officer is not asked to make recommendations, even if the tree has a TPO;
- if the decision now solely the case officer's, who provides the case officer with the expert advice to assess impact on Trees, and to whom should we now direct our requests?
- if a planning application for a development, extension or other works will affect trees, but no reference is made to them even if some have TPOs, or if they are not shown on the application drawings, is the Tree Officer not asked to make recommendations, and does the case officer have sufficient arboricultural training or access to advice to make decisions?

This is very unsatisfactory, as it appears to leave all trees on development sites vulnerable to destruction or damage without any arboricultural input.

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**The wider Planning world determines what can be done at the local level, and, as always, much is happening.**

**The government has committed to publishing a "planning white paper"** with the aim of "building at least a million more homes over this Parliament" We are threatened - er, told - that it "will make the planning process clearer, more accessible and more certain for all users, including homeowners and small businesses. It will also address resourcing and performance in planning departments." This is theoretically welcome, since it has been the relentless interference in, and chipping away of, the planning system by successive governments which has resulted in it becoming so unresponsive, slow and Byzantine. It wasn't broken, so they fixed it, and now it is.

It will look at reducing pre-commencement conditions "by a third" (reminiscent of "too many notes"?), reviewing application fees "to ensure council planning departments are properly resourced", and including "the potential for more fees to be refunded if councils take too long to decide on specific planning applications."

The government also re-introduced the Environment Bill, lost when the general election was called, which will include a mandatory requirement for developers to secure an overall 10% biodiversity net gain in all new schemes, while local authorities will have to draw up spatial "local nature recovery strategies". The Bill has passed its First Reading in the Commons, but it is inexcusable that, despite lobbying from national bodies, its definition of the environment excludes the historic environment.

#### **Unforeseen effects on the historic environment of changes to the planning system**

The Government has, however announced a £700,000 scheme for engaging local people in identifying their heritage. Both nationally-designated and local heritage are at potential risk from the widening of permitted development. They are irreplaceable, as underlined by the National Planning Policy Framework (para 184): "*These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*" and elsewhere in National Planning Policy Guidance; but it is important to keep in place the planning mechanisms that give both locally and nationally designated heritage assets protection as 'material considerations' in the planning system, something under grave threat from the widening of permitted development.

Indeed, it is already evident that insufficient consideration has been given to the protection of heritage assets in the *Government response to consultation on Planning Reform: Supporting the high street and increasing the delivery of new homes* (May 2019). The historic environment is not mentioned in the response, with the exception of rivers and canals, and improved design which will not an appropriate protection for our historic environment, which government still sees as individual protected sites such as scheduled monuments or listed buildings or protected areas, rather than as a continuum across England.

The concern is not the control of works to heritage assets, but the potential negative impact of development within areas such as World Heritage Sites, Conservation Areas, battlefields, registered parks and gardens. The wrong development in these areas can cause great damage.

#### **Permitted development rights are due to be extended in January 2020 to allow landlords to add two additional storeys to properties without planning permission.**

This will apply initially to purpose-built blocks of flats, but will be extended to detached homes. Secretary of state for housing Robert Jenrick called this a "bold change". However, many planning experts believe it could do more harm than good; it will do little to rectify the shortage of housing, and there are far more pressing issues the government should focus on, such as increasing funding for over-stretched planning departments. Grant Leggett, head of planning at Boyer, says: "I'm dismayed... particularly when it comes to adding storeys to detached houses, the proposal completely fails to address the issue of 'people with desperate housing needs, families of six living in two-bedroom flats'".

Peter Eversden of the London Forum has written to Jenrick, pointing out that permitted development is contrary to the Localism Act. Communities and their local authority should decide what is developed and where; that would accord with his own statements on context and character, having design codes and building beautifully. Permitted development for conversion of offices had been harmful and had in some cases created modern slums.

### **Upward extensions Permitted Development**

There are grave concerns about the implementation of this extension to permitted development rights. By On the top of existing buildings, these pose a potential threat to the appreciation, enjoyment and understanding of the heritage, through their visibility in the streetscape in and around historic areas and their impact of the setting of historic buildings, which are relatively small. Other concerns include the capability of the host building, especially if old, to bear the increased weight from the extra storey(s). The reinforcement of foundations and structures necessary may affect archaeology and adjacent buildings. Prior notification with evidence of consultation with neighbours is essential; this should include an assessment of any environmental constraints and the development should be designed in accordance with the new National Design Guide principles, local design guides or codes, and with reference to local context and materials.

### **Demolition of commercial properties and rebuilding with residential**

This is quite appropriate for permitted development; it should remain fully under planning control, so that environmental and sustainability factors can be assessed as well as impacts on local infrastructure. Some commercial buildings can also be of historic and archaeological interest, and even be non-designated heritage assets. They can have a new sustainable future as homes or businesses. Yet there are no proposals for controls on size of redevelopment. Even if the loss of the buildings on the site is accepted, there will be many places where these buildings can harm the setting of heritage assets. Locally designated heritage assets are mentioned, but they should be protected from demolition.

### **Enforcement**

Proper powers of enforcement may be necessary when permitted development rights have been exercised and the development has an adverse impact on heritage assets. The local planning authority must be able to seek to changes made if it has not been built in accordance with the prior approval plans, or the impact on the historic environment was not considered in the first place. Enforcement officers will need training in dealing with planning contraventions that affect heritage assets and their settings.

The **Building Better Building Beautiful Commission** has published its final report, "Living with Beauty", setting out recommendations on how to promote high-quality design for new build homes and neighbourhoods. It proposes a new development and planning framework which will "ask for beauty", "refuse ugliness" and "promote stewardship". It requires that all matters relevant to placemaking "are considered from the outset and subjected to a democratic or co-design process". It recognizes that our identities, both as individuals and communities, are intertwined with the places in which we live and we work. Importantly, the report also recommends that Government align VAT on housing renovation and repair with new build, in order to stop disincentivising the re-use of existing buildings".

Among its 44 policy proposals are:

- create a predictable, level Planning playing field;
  - bring democracy forward to communities;
  - incentivise responsibility to the future of Regeneration and end the scandal of left behind places;
  - create places, not just houses;
  - re-green our towns and cities
  - promote a wider understanding of placemaking
- o Management: value planning, count happiness, procure properly

### **Heritage and the Economy**

Historic England research shows heritage was worth £31 billion to England's economy in 2019, and that it is an important sector which contributes to economic prosperity and growth through jobs in the heritage and construction sectors and from tourism.

In November 2018, the report of the **Raynsford Review of Planning**, commissioned by the Town and Country Planning Association, found that the Planning system was increasingly generating poor outcomes, and was particularly scathing about the impact of widened Permitted Development rights. It said "government policy has led directly to the creation of slum housing" and renewed his call for ministers to immediately revoke "damaging permitted development rights". In a follow-up report a year later, it found that the problems originally highlighted have got worse. "Our call for a simpler, fairer system which works for all sectors and in the public interest has largely been ignored," and evidence that the extension of Permitted Development rights has produced poor quality housing "is now overwhelming. "Morally, economically and environmentally, it is a failed policy" and has created morale problems among planning professionals. A senior planner added that "It is a corruption of the planning system and corrosive to the morale of the department. None of us came into planning to make people's lives worse." The report also highlighted failures in the government's efforts to encourage authorities to produce cross-boundary strategic plans to replace the regional strategies abolished in 2010. "The current system

of strategic planning, and its governance, is much more complicated than that which was in place in 2010. What is clear is that the decision taken in 2010 to abolish regional plans and the organisational and intellectual capital they contained was a major mistake." It is therefore cautiously encouraging to learn that the government has committed to reviewing the effects of widening Permitted Development, and has admitted that it had produced "some examples of poor practice".

**A blog on the Savills website** reports that "the Government has recently launched its most ambitious heritage preservation campaign for 40 years, designed to empower people to help protect local identity through the planning system. It's a chance to show what they consider to be important about the built environment and how buildings have a part to play in defining the character of a community. The campaign challenges every local authority across England to compile lists of buildings of significant historical and cultural value. A team of heritage experts, so-called Monuments Men and Women, will spearhead the campaign, which will hopefully see local communities putting forward buildings that really mean something to them." Local authorities already adopt 'Local Lists', recognising the positive contribution historic buildings make, through their historic or architectural interest or their significance for the local social and cultural heritage. This gives them some level of protection, enabling the local authority to have them managed sympathetically. Not all local planning authorities have a Local List, though, and the scheme aims to rectify this. It will also encourage developers to give more thought as to whether a locally important building can be retained within a redevelopment site and become a feature within the development.

The Mayor's aim to start between 17,000 and 23,000 **affordable homes** in 2019/20 is behind target. By December, only 12,546 were underway, indicating a likely total of 16,700 by the end of March, in addition to the just over 12,000 completed since Khan took office in 2016, meaning almost two thirds of projects are still unfinished.

Historic England's **Heritage Planning Case Database** is a searchable online database of appeal and call-in decisions relating to planning permissions affecting heritage assets and listed building consent.

The Mayor has urged government not to strip away key environmental policies in his **draft London Plan**, including its controversial opposition to the expansion of Heathrow Airport, and to reject the inspectors' effort to reverse the plan's policy of blanket opposition to the development of green belt and metropolitan open land. They had argued: "the inescapable conclusion is that if London's development needs are to be met in future then a review of the green belt should be undertaken to at least establish any potential for sustainable development." He defended his protection of the green belt for both environmental reasons, to help prevent urban sprawl, and **provide valuable space for recreation for Londoners**, maintaining that his policy would drive the re-use and intensification of brownfield land "to ensure the city makes efficient use of its infrastructure, and that inner urban areas benefit from regeneration and investment".

He accepted, however, the recommendation that the plan's ten-year housing target should be cut from 65,000 homes a year to 52,000, and that reliance on small sites to provide enough sites for 1-25 homes housing is unrealistic

In a mayoral question from Nicky Gavron, he affirmed that he was concerned about the potential impact on London of the Government's proposals to allow the demolition of commercial buildings to be rebuilt as residential as Permitted Development.