


Ref:   (for official use only)	<b>Local Plan Publication Stage Response Form</b>	
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Name of the DPD to which this representation relates:

<b>Site Allocations/Development Management DPDs</b>
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**Please return to London Borough of Haringey by 5pm on Friday 4<sup>th</sup> March 2016**

This form has two parts:  
 Part A – Personal Details  
 Part B – Your representation(s). Please fill in a separate Part B for each representation you wish to make.

## Part A

	1. Personal Details <sup>1</sup>	2. Agent's Details
Title	<input type="text" value="Mr"/>	<input type="text"/>
First Name	<input type="text" value="Tony"/>	<input type="text"/>
Last Name	<input type="text" value="Rybacki"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text" value="██████████"/>	<input type="text"/>
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<sup>1</sup> If an agent is appointed, please complete only the Personal Details Title, Name and Organisation boxes, but complete the full contact details for the Agent.

## Part B – Please use a separate sheet for each response

Name or Organisation: Tony Rybacki BA MBA

3. To which part of the Local Plan does this representation relate? ***Development Management /Site Allocations DPDs*** ***Issue 1 - Lack of limits***

Paragraph/s	<b>SA 2.108 to 2.128</b>	Policy	<b>DM6 &amp; DM9</b>	Policies Map	
pp 96-112 Site Allocations DPD					

4. Do you consider the Local Plan is (tick):

4.(1) Legally compliant	Yes <input type="checkbox"/>	No <input type="checkbox"/> DM9?
4.(2) Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.(3) Complies with the Duty to co-operate	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty-to-cooperate. Please be as detailed as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Highgate Site Allocations do not comply with ***London Plan Policy 7.7 – Location and design of tall and large buildings*** and are inconsistent with Haringey ***Strategic Policy 11 – Tall Buildings***.

Part E London Plan Policy 7.7:

**“E) Boroughs should work with the Mayor to consider which areas are appropriate, sensitive or inappropriate for tall and large buildings and identify them in their Local Development Frameworks.” Also:**

**“7.25 Tall and large buildings are those that are substantially taller than their surroundings, cause a significant change to the skyline.”**

Historic England Advice Note 4 Tall Buildings:

**“2.3 An up-to-date local plan based on a sound evidence base will contain enough detail to allow the significance of heritage assets to be assessed and to secure a commitment to high quality design (paragraphs 169-170). This will help local planning authorities to identify in local plans areas where tall buildings would not be appropriate because of their adverse impact (paragraph 157)”**

The 2015 Preferred Options DPD set maximum heights of up to 7 storeys and would have produced buildings out of sympathy with the surrounding Conservation Area (eg, **Policy 7.8, London Plan; 132, NPPF**).

In the revised Jan 2016 Site Allocations DPD, max height limits have been omitted for Highgate sites. The lack of limits will trigger applications for inappropriately sized apartment blocks. This expectation is justified by events and by supporting documents. Eg:

The Council has approved a new seven-storey block at SA45 despite objections from local residents and stakeholders such as the Corporation of London.

The "Evidence Base" (2015 Highgate Urban Character Study - HUCS) proposes five, six, seven -and even 9-storey blocks at Highgate sites and claims it determines maximum building height limits for the Conservation Area.

Sample :

*"At the Aylmer Road and Archway Road gyratory, there is opportunity to create a cluster of taller buildings as a way-finder into the neighbourhood and to create an attractive gateway. These should be seven to nine storeys in height" p 215, HUCS*

This is not "evidence". The target development outcomes in the Character Study conflict with Haringey/London Plan/NPPF policies on tall building location, heritage protection etc.

Historic England Advice Note 4, Tall Buildings:

***"3.1 In a successful plan-led system, the location and design of tall buildings will reflect the local vision for an area, and a positive, managed approach to development, rather than a reaction to speculative development applications. It is therefore important that the appropriate scale and form of development is assessed as part of the formulation of the local plan. Techniques such as characterisation and building height studies provide evidence to support a local height definition for tall buildings and the identification of appropriate locations in local plans. This can be used to create clear core strategic policies, site allocations and development management policies, supported by supplementary planning advice where appropriate."***

These sites' appropriate scale and form has not been assessed, max local height definitions have not been set/supported. Inappropriate locations have not been identified as required (London Plan 7.7, E).

London Plan Policy 7.8:

***"Heritage assets such as conservation areas make a significant contribution to local character and should be protected from inappropriate development that is not sympathetic in terms of scale, materials, details and form."***

Haringey Strategic Policy SP11:

***"6.1.15 Haringey is characterised by predominantly low-rise (2-3 storey) residential suburban development across the borough and 3-4 storey development in its town centres. The exception is Wood Green town centre, where buildings within its core area range between 4-9 storeys***

***6.1.16 The Council has adopted the definition of Tall and Large Buildings as those which are substantially taller than their neighbours"*** And:

***6.1.18 The Council considers that currently only two areas, Haringey Heartlands/Wood Green and Tottenham Hale, have sites that may be suitable for some tall or large buildings... Elsewhere tall buildings are considered inappropriate to Haringey's predominantly 2-3 storey residential suburban character."***

Despite SP11, the Evidence Base and DPDs could provide a basis to allow tall/large buildings at the Highgate sites (as has already happened at SA45.) As presently worded, Policy DM9 (Dev Mgt DPD) says the Council will:

***"give consideration to, and support where appropriate, proposals for the sensitive redevelopment of sites and buildings where these detract from the character and appearance of a Conservation Area..."***

The area was designated a Conservation Area in 1967 because of concerns that it was in danger of overdevelopment. This designation has been successful in preserving the area until recently. With a new planning regime obliged to treat favourably all plans that have not been expressly precluded, it is necessary to rule out inappropriate heights, densities and forms with clearly stated limits in the Local Plan.

NPPF Guidance - Local Plans - Preparing a Local Plan (Paragraph: 006):

***“Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the ‘what, where, when and how’ questions).***

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at question 5 above where this relates to soundness. (NB please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as detailed as possible.

- a) The Site Allocations DPD should record on Page 96, in preface to Highgate Sites, that:

**“On London Plan Policy 7.7 Haringey Council is required within Local Plans to identify areas that are inappropriate for tall and large buildings. The Highgate Conservation Area is identified by this Local Plan as inappropriate for new tall and large buildings, these being buildings that are substantially taller than their surroundings which cause a significant change to the skyline.”**

- b) Para C of DM6 in The Development Management DPD needs to be amended to incorporate the additional second sentence shown in italics below:

**“C Tall buildings will only be acceptable in areas identified on Figure 2.2 as being suitable for tall buildings. *They are considered inappropriate for and will not be allowed within the Highgate Conservation Area.*”**

- c) Para D of DM9 in the Development Management DPD needs to be amended to incorporate the words “do not” into Para D under the heading Conservation areas, so the sentence reads:

**“D Subject to (A-C) above the Council will give consideration to, and support where appropriate, proposals for the sensitive redevelopment of sites and buildings where these do not detract from the character and appearance of a Conservation Area and its setting, provided that they are compatible with and/or compliment the special characteristics and significance of the area.”**

*(It would be contrary to the Council’s duties to support proposals that could be said to detract from the character and appearance of the Conservation Area – this is a drafting mistake.)*

(Continue on a separate sheet/ expand box if necessary)

**Please note** your representation should cover concisely all the information, evidence, and supporting information necessary to support/ justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

6. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

**No**, I do not wish to participate at the oral examination


**Yes**, I wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

NB: Participation is necessary if further support is required for the proposed modification/s to be made.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the oral examination.*

8. Signature



Date:

27 Jan 16

## Part B – Please use a separate sheet for each response

Name or Organisation: Tony Rybacki, BA MBA

9. To which part of the Local Plan does this representation relate? **Site Allocations DPD**  
**Issue 2 – SA36 & SA43 OPEN MOLs & Views**

Paragraph	<b>Paras SA 2.111/2 &amp;2.123/4</b>	Policy	<b>See text</b>	Policies Map	
<b><u>pp 98-9 &amp; 108-9</u></b>					

10. Do you consider the Local Plan is (tick):

4.(1) Legally compliant	Yes		No	
4.(2) Sound	Yes		No	√
4.(3) Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate

11. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty-to-cooperate. Please be as detailed as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

**The Site Allocations DPD needs amendment to conform with London Plan Policies 7.17, 7.8 and NPPF 132 and Strategic Policies SP 11,12 & 13 with regard to the following sites:**

**SA38: 460-470 ARCHWAY RD and SA43: SUMMERSBY RD**

- SA38 is adjacent to Highgate Woods where existing development has intentionally preserved valuable historic open local views to/from Highgate Woods MOL
- SA43 is adjacent to Queens Wood MOL where the existing development at SA43 also allows outstanding historic open views both towards and from the Queens wood MOL.
- Inadequately specified constraints in the DPD will foster development adversely impacting the openness of the MOL and the existing character of the Conservation Area.

Queens wood is:

- known to have been present continuously since 1600
- likely to have been present since prehistoric times
- the most centrally placed ancient woodland in London

(Bevan 1998)

**London Plan Policy 7.17 - Metropolitan Open Land**

**“A The Mayor strongly supports the current extent of Metropolitan Open Land (MOL), its extension in appropriate circumstances and its protection from development having an adverse impact on the openness of MOL. AND: Planning decisions**

***B The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt."***

Both sites provide important views towards, and out from, the wooded MOL. This openness is integral to the area's character - a key aspect of the heritage asset to be preserved.

The view from above SA 43 on the Muswell Hill Road provides a far-reaching panorama over Queen's wood and beyond to Epping Forest and the Essex hills. The present view only survives because the whole of the existing Builders Merchants was constructed on the slope beneath Muswell Hill Road street level.

Existing buildings are largely below ground level as far as public views and landscaping are concerned. It is of immeasurable benefit to the conservation area that there are no buildings on this site fronting Muswell Hill Road at street level.

The 2015 Draft DPD was couched in terms of "limiting" development fronting Muswell Hill Road to four stories. This would still annihilate the open views. It talked in terms of allowing seven storey blocks here without regard to the local context/impact.

The present DPD now offers no intelligible constraints to insensitive redevelopment of SA43.  
Eg

***"The impact of the development on the Queen's Wood should be minimised"***

And:

***"It is considered that higher buildings would be more appropriate at the east and south ends of the site."***

"Higher" than what? How "minimised"?

The Local Plan should preserve the openness of the MOL and the fine views which have remained unspoilt for hundreds of years. This is a key part of what makes the area worth conserving.

Views from Archway Road, across SA38, toward Highgate Woods are not as far reaching. However, there are wide gaps between the sheds and this has preserved an open aspect. The views explain why the 143 bus stop is named "Highgate Wood", not "Wellington Gyrotory". Views should not be jeopardised by tucking new tall/large high-density blocks into an unsuitable location.

The lack of DPD clarity about building scale, form and height limits in the Conservation Area results in uncertainty about the proposals' impacts.

***NPPF 132***

***"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation."***

And:

***London Plan Policy 7.8***

***"Heritage assets such as conservation areas make a significant contribution to local character and should be protected from inappropriate development that is not sympathetic in terms of scale, materials, details and form."***

The Council says in SP12:

***"6.2.19 The Council will seek to protect locally important views that contribute to the interest and character of the borough. These may include:***

- Views of and from large parks and open spaces..***
- Views into, within and from Conservation Areas"***

Specific measures should be taken in the DPD to protect these views.

**How many units?**

The approved plan for SA45 allowed over 80 new residential units on a 0.5 Ha site. SA38 is almost twice this size. The Local Plan gives an indicative development capacity of only 72 units. SA 45 is virtually four times the size of SA 45: it has an indicative capacity of only 45 units. Are these definite limits or not?

If the DPD has not set definite limits to size, scale (or described development form) these “indicative” capacity figures will be subject to pressure. As there are no maximum site heights, why would approvals not be sought for six, seven or more-storey blocks? (As was seen with SA45).

The 2015 Highgate Urban Character Study (“Evidence Base”) does not set “maximum building heights” for these sites to correspond with the existing site heights.

If new development was proportional with the level permitted at SA45, the result would be around 165 units at SA38 and 320 units at SA43.

The addition of 500 new homes to the area would have significant new resource impacts, from education to health to road safety. (Both SA38 and SA43 are located on busy main roads close to common junctions that jam up routinely; SA 38 is located on the most polluted road in Haringey.

Crashmap.co.uk shows that the sites - particularly SA38 - are located at accident black spots. The future of these sites needs fuller explanation and planning.

NPPF Guidance - Local Plans - Preparing a Local Plan (Paragraph: 006) says:

***“Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the ‘what, where, when and how’ questions)”***

The required information re nature and scale is missing.

12. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at question 5 above where this relates to soundness. (NB please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as detailed as possible.

The DPD needs amending so the Local Plan meets the requirements of the London Plan and the NPPF for the preservation of the Conservation Area & the openness of the MOLs and for the appropriate location of tall buildings and to meet Strategic Policies 11, 12 & 13:

a) For SA38:

Delete whole second paragraph under “Development Guidelines” heading and insert the following sentence:

***“The site is adjacent to Highgate Wood designated Metropolitan Open Land (MOL). To meet London Plan requirements and SP12/13 any development proposed must ensure the existing overall level of openness of the Highgate Wood MOL is maintained, viewing from and to Archway Road.”***

b) Add the following two new paragraphs below:

***“Half the total gross site space will be allocated to garden/green amenity space for occupant use - and to ensure that the existing overall level of openness of the Highgate Wood MOL is maintained, when viewing from and to Archway Road.***



**The Site is on a Red Route with the highest recorded continuous pollution levels in Haringey and next to a busy, complex gyratory system with a high accident frequency and regular traffic delays. Development at this Site will be car-free to help meet sustainability objectives.”**

c) For SA43:

Delete the fourth paragraph on page 109 under the “Site Requirements” heading and insert the following paragraphs instead:

**“The site is adjacent to Queens wood designated Metropolitan Open Land (MOL). To meet London Plan requirements and SP12/13 any development proposed must ensure the existing level of openness of the Queens wood MOL is maintained, with no loss of existing views from and to Muswell Hill Road.**

**No buildings will be permitted directly fronting Muswell Hill Road. No buildings will be permitted that protrude above the level of existing buildings or that reduce or impair existing views of the MOL from Muswell Hill Road, Summersby Road and South Close. New building heights will preferably be lower to enhance the Conservation Area.**

**New buildings on the site shall occupy no greater overall area in total than the site buildings removed. Remaining unbuilt site space shall be allocated to garden/ amenity space for occupants’ use and to preserve the openness of the MOL. Development at this Site will be car-free to help meet sustainability objectives.”**

(Continue on a separate sheet/ expand box if necessary)

**Please note** your representation should cover concisely all the information, evidence, and supporting information necessary to support/ justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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13. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

**No**, I do not wish to participate at the oral examination

**Yes**, I wish to participate at the oral examination

14. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

NB: Participation is necessary if further support is required for the proposed modification/s to be made.

**Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the oral examination.**

15. Signature

Date:

27 Jan 16

## Part B – Please use a separate sheet for each response

Name or Organisation: Tony Rybacki BA MBA

16. To which part of the Local Plan does this representation relate? **Site Allocations DPD**  
**Issue 3 – Destruction of Coleridge Gardens**

Paragraph	<b>Paras SA</b> <b>2.113/4</b>	Policy	<b>See text</b>	Policies Map	<input type="text"/>
<b>pp 100-101 Site Allocations DPD</b>					

17. Do you consider the Local Plan is (tick):

4.(1) Legally compliant	Yes	<input style="width: 50px;" type="text" value="?"/>	No	<input style="width: 50px;" type="text" value="?"/>
4.(2) Sound	Yes	<input style="width: 50px;" type="text"/>	No	<input checked="" style="width: 50px;" type="text" value="√"/>
4.(3) Complies with the Duty to co-operate	Yes	<input style="width: 50px;" type="text"/>	No	<input style="width: 50px;" type="text"/>

Please tick as appropriate

18. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty-to-cooperate. Please be as detailed as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

**Site Allocation SA39** (Gonnerman and Goldsmiths Court) in the DPD signally fails to point out that the main component of this site fronting the Archway Road consists of an **extant small Public Park, Coleridge Gardens...**

Although the existence of this park space goes unacknowledged, the DPD says:

***“The highest part of the site should be at the corner of Shepherd’s Hill and Archway Rd. Heights should drop off from this point to the allotments and the existing pub to the south.”***

It can only be concluded that Council wants to demolish and build over the Public Park. To replace it with a new, tall residential block. This would be in direct conflict with other policies:

**London Plan Policy 7.4 - Local Character** – this existing green space makes a strong and very important positive contribution to character of this place, marking the commencement of Shepherds Hill, the first break in the brickwork for miles heading north, an open green view of the junction and providing essential pedestrian relief from the traffic, noise, pollution and dangerously narrow pavements of Archway Road.

**London Plan Policy 7.5 – Public Realm** – This Plan appears intent on obliterating one of this Road’s scant green assets. The small Park is the only thing that prevents this from becoming just another faceless and dirty London A-road. The Park visually and acoustically softens and moderates what can at peak times be an exceptionally busy and extremely dangerous road junction. It deserves to retain every calming feature and green border it has had the luck to retain (against very slim odds) this far into the 21<sup>st</sup> Century.

What is needed to make the Park even more beneficial for the many gardenless local flat dwellers to enjoy during the road’s regular quiet periods (eg summer weekends and evenings) is its restoration, and reinstatement of the three missing wooden benches.

This would help meet London Plan objectives:

***“7.16 The quality of the public realm has a significant influence on quality of life because it affects people’s sense of place, security and belonging, as well as having an influence on a range of health and social factors. For this reason, public and private open spaces, and the buildings that frame those spaces, should contribute to the highest standards of comfort, security and ease of movement possible. This is particularly important in high density development (Policy 3.4). Open spaces include both green and civic spaces, both of which contribute to the provision of a high quality public realm”.***

**Policy 7.7 Location and design of tall and large buildings** means SA38 is the wrong place to put a new block. Such buildings should ***“only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building.”***

The tall/large building design implicit within the DPD would obliterate the Park – and the feel and character of this junction, which has surprisingly retained a pleasant and open suburban character. It is sheer luck these few spare square feet of green and tree-lined space have not been allowed to become another struggling shop – or heavily polluted apartment block. (See also Policy 7.14 below).

**London Plan Policy 7.8 Heritage assets and archaeology** – The Council Plan has failed to give any reason why it should sweep up and dispose of an existing Public Park – a heritage asset – within some third-party scheme/s. There is no justification or explanation how this action could serve the public interest.

***D Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.***

This requirement is unmet as far as Coleridge Gardens is concerned since, if the Local Plan is not modified, this Public Park will cease to exist. **NPPF 132 has bearing given the lack of any justification for its destruction:**

***“132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”*** Furthermore:

***132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.***

**Policy 7.14 Improving air quality** – The site is situated within an AQMA. The Council’s own 2013 Air Quality Progress Report found ***“Monitoring results continue to show exceedences of the hourly NO2 objective along the A1/ Archway road location.”***

Use of this site for residential purposes would not ***“minimise the increased exposure (of its new occupants) to poor air quality”*** as required by the London Plan. The exact opposite would occur; the ***use of this site for residential would MAXIMIZE the exposure of occupants to poor air quality – with the worst measured results in the entire Borough,*** found here on Archway Road. Furthermore, redevelopment of the Public Park would deprive the area of precisely the kind of “buffer zone” space that the London Plan advocates to help mitigate the air quality risks endured by present residents and local workers.

The proposal conflicts with the Council's own Strategic Policies as demonstrated by SP 13, **"Protecting our open spaces"**:

**"6.3.3 The Council will protect the borough's designated and other open spaces as well as other suitable land with the potential to be used as open space. Development will not be permitted on these open spaces, unless it is for limited small scale development ancillary to an existing use on the land and for which there is a demonstrable need. The Council will only allow development on designated open spaces or sites adjacent to an open space that respects the size, form and use of that open space and does not detract from the overall openness and character of the site, the appearance and historical significance of the setting, or harms the public enjoyment."**

19. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at question 5 above where this relates to soundness. (NB please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as detailed as possible.

The following modifications should be made:

**Re Diagram on page 100, Site Allocations DPD:**

- a) The red ink boundary on Site Plan for SA 39 on page 100 of the Site Allocations DPD must be redrawn so the boundary of any intended development site clearly excludes the entirety of the extant Coleridge Gardens and does not include any other open public space (including any paved or asphalted seating areas).
- b) The boundaries between the remaining freeholds under different ownerships should be clearly demarcated on the plan, so:
  - it is possible to distinguish which land is private (separately label the Goldsmith Court and Gonnerman land areas) and which is in public ownership;
  - the document can explain what development is being considered on which area/s of land – where are how many residential units being proposed.
- c) The text on page 100 should be amended to put beyond doubt that the site excludes Coleridge Gardens. Under the heading "Commentary" add the following end paragraph:

***"Coleridge Gardens, the existing Public Park between the Site and the Archway Road, will be retained and restored, with new flowers planted and public benches replaced and its asphalted pathways resurfaced."***
- d) The text on page 101 under the heading "Development Guidelines" should be amended to delete the second paragraph in its entirety (since the Park will not be obliterated by an apartment block, it is redundant).
- e) The final para under Development Guidelines" on heights to be deleted and the following inserted in its place:

**"The height of any new residential buildings proposed on either the Gonnerman or Goldsmiths Court land identified in the overall site called SA 39 shall not be materially greater than the height of any current building on each site area in order to preserve and protect the existing character of the Highgate Conservation Area."**

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20. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

**No**, I do not wish to participate at the oral examination

**Yes**, I wish to participate at the oral examination

21. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

NB: Participation is necessary if further support is required for the proposed modification/s to be made.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the oral examination.*

22. Signature

Date:

27 Jan 16

## Part B – Please use a separate sheet for each response

Name or Organisation: Tony Rybacki BA, MBA

23. To which part of the Local Plan does this representation relate? **Site Allocations DPD Issue 4 – Preservation of Hillcrest Communal Garden and Amenity Space**

Paragraph pp 110-111	Paras SA 2.125-6	Policy		Policies Map	
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24. Do you consider the Local Plan is (tick):

4.(1) Legally compliant Yes  No

4.(2) Sound Yes  No

4.(3) Complies with the Duty to co-operate Yes  No

Please tick as appropriate

25. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty-to-cooperate. Please be as detailed as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

**The plan for SA44** in the Site Allocations DPD aims to squeeze an unspecified number of blocks into existing open space at the Hillcrest Estate – in an area already identified by Fig 6.4 of the Council’s Strategic Policies as an area of **Existing Open Space Deficiency (SP13)**

**SP 13 says:**

***“Developers will need to demonstrate ..How they will secure new open spaces and SINC’s, through identifying and securing funding to purchase and enhance such sites in areas of deficiency, such that there is a net increase in provision.”***

Despite this requirement, the Council’s plan and 2013 PRP consultants study actually proposes a **net reduction in provision of open space** at Hillcrest via the construction of up to three or more new blocks. Three years on, the plans remain unclear.

The idea that this plan is a legitimate use of “surplus” or “spare” land between the existing blocks on the Hillcrest estate does not stand scrutiny.

The land is described by the Plan merely as “gaps” (page111, DPD). However, it has been in continuous use by residents for over sixty five years. It is communal garden and amenity space. Generations of estate children – and their friends from neighbouring streets - have played games and sports here. Its **“Current Use”** use is wrongly described by the DPD as “Residential” because this “site” is a **Communal Garden** (and used by the wider community’s children).

Three private housing estates border the Hillcrest Estate - Southwood House Estate. Would they be permitted to build new 7-storey blocks in their communal gardens?

The extent of new affordable housing units here is not stated by the DPD. Assuming 40%, on the “indicative” numbers, perhaps 12 or so new small flats would be built on the gardens of the existing 200 or so residents. The equation fails to offer any worthwhile net benefit to the wider

community and area...

Hillcrest is an exemplary post-war housing estate. It is noted for its strong and positive contribution. The estate and garden was conceived as a whole to suit and preserve the beauty of its historic Park House setting. It is in need of careful preservation rather than change.

**SP 12 Figure 6.4 – identifies the Hillcrest Estate as being located within a zone of Open Space Deficiency.**

The Council's **Open Space and Recreational Standards SPD** says "all new development shall protect and improve open spaces" and shall:

**"Seek to secure opportunities for additional publicly accessible open space especially in those identified areas of Open Space deficiency."**

From SP 13, "***Protecting our open spaces***":

**"6.3.3 The Council will protect the borough's designated and other open spaces as well as other suitable land with the potential to be used as open space. Development will not be permitted on these open spaces, unless it is for limited small scale development ancillary to an existing use on the land and for which there is a demonstrable need. The Council will only allow development on designated open spaces or sites adjacent to an open space that respects the size, form and use of that open space and does not detract from the overall openness and character of the site, the appearance and historical significance of the setting, or harms the public enjoyment."**

**"6.3.4 Local open spaces form part of the wider network of open spaces which are integral and vital to the spatial character of the borough and to residents' quality of life (further details in SP11 Design). Open spaces of local importance in the borough can include, but are not limited to, parks, allotments, woodlands, sports facilities, water courses, children's play areas (both formal and informal), back and front gardens, amenity spaces and squares. The level of public access is not a criterion for definition. Where desirable, and where the open space in question has identifiable value, the Council will resist any development that results in a net loss of this open space"**

The proposal for SA44 is in open conflict with the above policies.

(Continue on a separate sheet/ expand box if necessary)

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at question 5 above where this relates to soundness. (NB please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as detailed as possible.

The modification needed to achieve compliance with The Council's own Policies is the deletion of SA44 in its entirety and all references to it within the DPD/Evidence Base.

(Continue on a separate sheet/ expand box if necessary)

**Please note** your representation should cover concisely all the information, evidence, and supporting information necessary to support/ justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further

representations based on the original representation at publication stage.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

26. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

**No**, I do not wish to participate at the oral examination

**Yes**, I wish to participate at the oral examination

27. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

NB: Participation is necessary if further support is required for the proposed modification/s to be made.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the oral examination.*

28. Signature

Date:

27 Jan 16