

HIGHGATE BOWL ACTION GROUP

27 March 2015

Haringey Council,
Planning Policy
River Park House
225 High Road
N22 8HQ

by email only ldf@haringey.gov.uk

Dear Stephen Kelly,

Response to Haringey's draft DMP : Site Allocation SA 45

We represent the Highgate Bowl Action Group. Its members are:

Highgate Conservation Area Advisory Committee, Highgate Society, The Harington Scheme and Friends of Highgate Bowl

The Highgate Society is the civic amenity society for the wider Highgate area, mainly covering the N6 postal district. It was founded in 1966 to oppose proposals to demolish a portion of Highgate village for a one-way northbound lorry route and to turn the Archway Road into a southbound one. Its aims are to secure good town planning in Highgate and to ensure that change and new development are for the better. It now has about 1,400 members, making it one of the largest amenity groups in England.

The Highgate Conservation Area Advisory Committee is consulted by Haringey and Camden Councils. It has been advising these Boroughs on their views on planning applications for many years

The Harington Scheme occupies 1 ½ acres of the Highgate Bowl at its south-eastern end and was established by the local community in 1980 as a registered charity to provide education and training for young adults with learning difficulties, primarily through horticulture.

Friends of Highgate Bowl is a registered charity (Charity Commission no. 1159328) which has been established to preserve the open land in the Highgate Bowl.

Each member of the Group has submitted its own response to the proposed Site Allocation SA 45 and each member of the group endorses each other's responses as does the Group endorse them.

Highgate Bowl Action Group came together to consider previous planning applications for the Highgate Bowl and most recently, in 2014, instructed a barrister to represent the Group to contest an Appeal for building houses on the Garden Centre part of the Bowl. The Planning Inspectorate Appeal Decision Letter dated 11 November 2014 which is appended as Appendix A to this response is a material consideration in any proposals in Highgate Bowl.

The Harington Scheme deserves special mention. It has held an agricultural tenancy for 35 years on land which has always been in agricultural use. The Harington Scheme has built purpose made teaching facilities for their young adults with learning difficulties who learn horticultural and other skills. Inappropriate development of any part of their site would compromise their operation and therefore their site should be regarded as a single entity and the whole included within the proposed SLOL designation.

The Group welcomes in general the proposals set out in SA 45 and in particular supports the establishment of an area a Significant Local Open Land (SLOL) with provisos as set out below.

1 Recent Appeal Decision Letter (Appendix A)

1.1 The Highgate Bowl Action Group instructed Natalie Lieven QC to act for them in the matter of the Garden Centre Appeal last year. The Appeal Decision Letter is attached as Appendix A.

1.2 It is of note that the Highgate Society, supported by consistent planning decisions from Haringey and by equally consistent Appeal Inspectors' decisions, has successfully prevented building on this significant open land - the Highgate Bowl - over a period of 50 years. (See Appendix B).

1.3 It is essential that the proposals in SA 45 should largely reflect the definitive rulings in the 2014 Appeal decision: in particular, para. 11 :

"The Bowl is significant as a remnant of the once rural village setting of Highgate, and its spatial qualities are cherished by many local people. It is an important part of the Conservation Area, the character or appearance of which it is desirable to preserve or enhance."

and para. 33 :

"the failure to preserve or enhance the character or the appearance of the Conservation Area is a compelling objection to the scheme."

This emphasizes not only the importance of the Bowl as a part of the Conservation Area, but its critical role in defining the whole character of the Conservation Area, a Heritage Asset, and, therefore, the importance of any development within or immediately beyond the Bowl preserving or enhancing that character.

1.4 Haringey's Character Appraisal for Highgate defines the Bowl as a distinct Sub-Area of the whole Conservation Area. It is therefore a heritage asset which must be considered in making policy. An integral element of its character is the descending scale of development from the High Street frontage to the open land of the Bowl.

1.5 Taken together, the 2014 Appeal decision and the Character Appraisal therefore provide the framework for policy-making for the Bowl.

2 The position of the Green Line demarcating the boundary of the SLOL within the Highgate Bowl

2.1 The line as shown is thus incorrect and therefore not acceptable. The proposed SLOL should be made larger to encompass a greater part of the Bowl. The presumption by a

developer from the map as drawn would be that development could take place anywhere between the green and red lines. It is clear from the 2014 appeal decision that this would be unacceptable.

Taking each area in turn:

2.1.1 Area to the west behind Highgate High Street and Southwood Lane :

This area is to a great extent open land at the moment. Where there is existing development, intensification at an appropriate scale might be acceptable, but strictly in the context of the 2014 Appeal decision particularly with regard to open land and impact on the Conservation Area. The green line should reflect the topography and any land which has the character of the area within the green line as shown should not be developed. We suggest the green line in this part of the Bowl should be moved to reflect these considerations.

2.1.2 Area between the red and green lines encompassing the Yards behind Highgate High Street :

The position of these lines suggests that development would be acceptable between the two lines. However the map is not sufficiently clear as to whether the green line follows the extent of the area currently developed within the Yards. So, for clarification, we need to state that we consider development should only take place within the Yards in previously developed areas. Careful consideration should be given to avoid harm to the context and setting of the important Grade II Listed cottage at 36A Highgate High Street as well as the Listed Buildings in Highgate High Street backing onto the Bowl.

2.1.3 The Harington Scheme building and greenhouses

These buildings form part of the Harington Scheme and must be included within the green line so that they lie within the SLOL. Failure to do this would undermine the integrity and hence the future of that part of the Harington Scheme currently comprising open land, of which the buildings are an ancillary part of the scheme, which operates under an Agricultural tenancy.

In addition, the 'Walled Garden' part of the Harington Scheme is in fact the former walled garden of the Grade II* Listed buildings at 128-130 Highgate High Street. It is therefore an important Heritage Asset, the setting of which would be compromised by any intensification of development in its vicinity.

3 Height of development within the Yards and abutting the proposed SLOL

- 3.1 It is clear from the above that a maximum of three storeys, falling to two or even one storey when abutting the designated SLOL within the Bowl land, would be appropriate in order to ensure no harm would be caused to the Highgate Bowl Sub Area of the Highgate Conservation Area; that any development is subordinate to the mediaeval core of Highgate Village; and that a sense of openness is maintained.

4 The Harington Scheme

- 4.1 Harington has established itself over 35 years as part of the State education system. Its own expansion plans should be facilitated. There could be no better use of the site

and their land should be included in the proposed SLOL. That part of their site where they have their main buildings is not, and never was, part of the Yards off Highgate High Street.

- 4.2 The upper part of the site, on which the NHS/Savills have focussed their attention, is quite evidently too small to allow residential development without causing very significant detriment to Harington operations and to the openness and character of the Highgate Bowl, which is a Heritage Asset, and of which it forms a significant part.
- 4.3 We take this opportunity to respond to consultation comments made on the Highgate Neighbourhood Forum Neighbourhood Plan by Savills on behalf of NHS Estates because they are relevant here (please note HNF Plan KA3 is not the same area as Haringey's SA 45):
- 4.3.1 Savills suggest at clauses 3.1 - 3.8 that the HNF Plan fails to meet the sustainability test of the Localism Act and the NPPF. This is based (clauses 3.9 - 3.10) on an assumption that housing needs are not met by the Plan.
- 4.3.2 This assumption is not shown to be proven by Savills. It is quite evidently the case that the HNF Plan proposes considerable increase in housing across all the other sites it has put forward. Several other sites were originally included but have been withdrawn for technical reasons or because the developments have already been through the planning process. All these sites are contributing to significant numbers of extra units in Haringey.
- 4.3.3 In any event, this does not override the essential requirement, under the NPPF, to protect the character of the Bowl and the Conservation Area as made clear by fifty years of Appeal decisions, most importantly that of 2014. (See Appendix B)
- 4.3.4 The Group agrees with Haringey's draft Site Allocation SA 45 in its draft DMPMD that the Bowl is a very special area and needs careful consideration especially in the light of the most recent Appeal decision on the Garden Centre land. (See Appendix A)
- 4.3.5 The Harington Scheme has had an agricultural tenancy from NHS Estates for the last 35 years and the land has never been in anything other than agricultural Use. Its contribution to the education of young adults with learning difficulties is widely recognised locally, by Haringey and, indeed, by NHS Estates.
- 4.3.6 The Harington Scheme is emphatically not in any sense 'retail' as the plan attached to Savills' submission suggests.
- 4.3.7 Turning to clause 3.11, Savills have stated that KA3 in the Highgate Neighbourhood Forum Plan supports "*moderate scale residential development*" on the fringes of the Bowl. But this is what the Plan actually says:

"Any allocation or development of the fringes of the Highgate Bowl, to the rear of Highgate High Street, with a moderate scale residential development, retaining where possible existing employment use, will be supported provided any proposal is in line with the following principles"

There is no ambiguity : any development is confined to the rear of Highgate High Street. The Harington Scheme's education buildings are off Cholmeley Park. They are distinctly and topographically separated from Duke's Head Yard.

- 4.3.8 Any intensification of use by residential development, including loss of their walled garden, would compromise the Harington Scheme's operations and would therefore be inappropriate.
- 4.3.9 Savills are concerned about the imposition of design codes and a Master Plan for the Bowl set out in KA3 in the Highgate Neighbourhood Forum's Site Allocation. These are normal planning tools and are especially needed in this sensitive area and we would commend this approach to Haringey.
- 4.3.10 Sustainability is not measured only in terms of viability but also in terms of public benefit. Viability does not mean *per se* building homes. A planning application would be the appropriate route to establish the balancing exercise should one be required under the NPPF.
- 4.3.11 It is clear that Savills' instructions from NHS Estates was to try to justify residential development on the Harington site. The Harington Scheme in our view is the optimum viable use for the whole of the Harington Scheme's site.

5 Fringes

- 5.1 The word 'fringes' is open to various interpretations: it could mean development must be kept within the area between the red or green lines; or it could be interpreted (misinterpreted, in our view) as slight encroachments into the SLOL area. We consider that the intention is clearly to designate land immediately adjoining the proposed designated SLOL area of the Bowl, in the same way that Haringey's former "Fringes of the Heath Area of Special Character" did not, of course, imply a policy to promote development on Hampstead Heath, but to constrain the nature of development on the land around it.
- 5.2 The combined lack of clarity of the map and the use of the word 'fringes' could be problematic in interpretation of policy for this site, and we recommend that "land abutting the SLOL" be substituted for "fringes".

6 Employment

- 6.1 We do not want to see any loss of employment in this immediate area. Other sites put forward by Highgate Neighbourhood Forum and taken up in Haringey's draft Site Allocations' document would already result in reduced employment space. In the case of this Site, SA 45, the loss of employment space would harm the economic viability of Highgate village and therefore financial compensation would not be acceptable.

Each member of the Group has outlined concerns about this Site Allocation and we respectfully ask that careful consideration should be given to each of their responses in addition to this joint response.

Yours sincerely

Jan Morgan
for the Highgate Bowl Action Group

- enc. Appendix A : Garden Centre Appeal Decision Letter dated 11 November 2014
Appendix B : History of Planning and Appeal decisions in the Highgate Bowl over the last 50 years