michael burroughs associates
PLANNING, DEVELOPMENT & LICENSING CONSULTANTS

25 March 2015

Sent by Email: ldf@haringey.gov.uk

33 Shore Road
Holywood
Co. Down
BT18 9HX

t. 028 9042 1011
f. 028 9042 5123
e. info@mbaplanning.com
w. www.mbaplanning.com

Dear Sir / Madam

RE: HARINGEY'S LOCAL PLAN PREFERRED OPTION SITE ALLOCATIONS DPD CONSULTATION DOCUMENT FEBRUARY 2015

The Respondent

1. This is a representation on behalf of Omved International Ltd that owns the Southwood Nursery site within the Site Allocations DPD (SADPD) **Site SA 45: Highgate Bowl.**

2. The draft SADPD proposes that the Allocation should protect the Highgate Bowl as open space by designating it Significant Local Open Land (SLOL) and improving public access to it through limited redevelopment of Townsend and Dukes Head Yards and the new east-west footpath shown on the plan above with links through to Townsend and Dukes Head Yards.

3. In the representation below, for ease of reference the principal objections to the SADPD are identified in **bold** text.

1.0 PROCEDURAL ISSUES

4. The SADPD is part of the Local Plan for Haringey. It will be publically examined to ensure that it is sound, which **NPPF para 184** says means:

London Office:
Michael Burroughs Associates (England)
93 Hampton Road
Hampton Hill, Middlesex
TW12 1JQ
t. 0208 943 8800
f. 0208 943 2781
e. info@mbaplanning.com

Michael Burroughs
BA MRTPI FRSA

Diana Thompson
BSc (Hons) Dip TP MRTPI

Richard O'Toole
BSc (Hons) MSc MRTPI

Jennifer Mawhinney
MA (Hons) MSc MRTPI

Emma Murray
BSc (Hons) MSc MRTPI

- *Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- *Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- *Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- *Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

5. The SADPD is unsound on these measures. It does not:

- contain an objective assessment of development and infrastructure requirements that supports identification of the Highgate Bowl as a SLOL;
- evaluate its strategy in this respect against reasonable alternatives based on proportional evidence;
- consider whether its proposals are deliverable.

6. **NPPF para 158** requires each Local Plan to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. There is no published evidence base that supports the proposed allocation.

7. It is a fundamental criticism of the SADPD that it is wholly inconsistent with the guidance in the NPPF. It means that the document is not fit for purpose in this respect. We are certain that, if the Council had undertaken an objective, transparent assessment of the development opportunities on the representation site as required by national guidance, this would have led to a very different vision for it that is set out below.

8. SADPD is also deficient because it fails to adequately respond the requirement identified in **National Planning Guidance paragraph: 006 Reference ID: 12-006-20140306** that:

The Local Plan may also require a Habitats Regulation Assessment, as set out in the Conservation of Habitats and Species Regulations 2010 (as amended) if it is considered likely to have significant effects on European habitats or species, located in the local planning authority's area or in its vicinity.

9. About 25% of the Allocation is a SINC that will be crossed by a new path and so the requirement for a Habitats Regulation Assessment must be screened for. We are unable to find any screening that has taken place.

10. **The Sustainability Assessment (SA) para 10.2.5** explains the systematic process used to evaluate sites involved defining a set of 'rules' that control the uses that might be suitable at each of the sites considered:

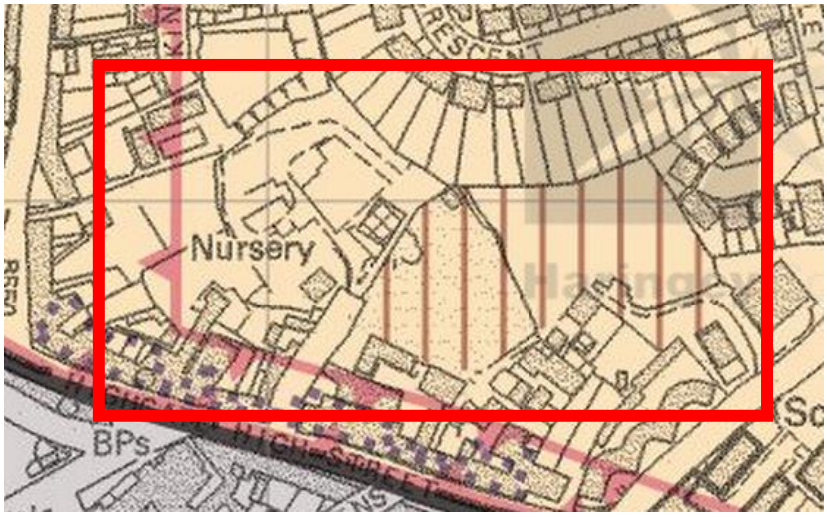
- *A site is potentially suitable for residential development unless it is a Designated Employment Area (DEA: LSIS/EL/SIL),*
- *A site is potentially suitable for employment development where it is a DEA, in a town centre, or where PTAL is good (4 or above),*
- *A site is potentially suitable for town centre uses if it is within a town centre,*
- *A site is potentially suitable for community infrastructure uses where it has a high PTAL and/or is within a town centre. It may also be suitable for large scale infrastructure based on the size and quantum of development on the site. This will be explored at a later stage, incorporating the findings of the emerging Infrastructure Delivery Plan,*

- *A site is potentially suitable for* ***open space where there is an identified deficiency****.*

11. **SA Table 10.1** identifies the Bowl as potentially suitable for housing and open space and unsuitable for employment, town centre and questionable for community infrastructure use. **Map 4.1 of the draft DMP** shows the Bowl is not in an area of open space deficiency and **Map 4.2 c**onfirms it is not in a ward with an open space deficiency.

12. As there is no identified deficiency of open space in Highgate, it is evident that SADPD's proposed allocation of the Bowl as SLOL is inconsistent with the Council's own decision-making criteria.

13. Despite Map 4.1 of the draft DMP (that was published at the same time as SADPD) the SA fails to consider whether there is a shortage of open space in Highgate. As there is no shortage, its decision to make the Bowl SLOL shows a disregard of the SA's own decision-making criteria. Its failure to identify its potential for residential development is similarly inconsistent with its criteria. It is also inconsistent with the HLP Proposals Map that does not show the Bowl as SLOL.



14. The SA claims the Bowl is part of the London Green Grid. It explains in **para 14.14.2** *that 'a solution* (it does not say to what) *is to apply a 'Green Grid' approach to open space access, i.e. provide a strategic interlinked network of green infrastructure and open spaces that connect with town centres, public transport nodes, employment and residential areas. A DM Policy is set to be adopted that will establish the overall strategy, and a number of site allocations will help to ensure that it is implemented. In Haringey Heartlands it is notable that there is a strategic aim to create a network of 'pocket open spaces'. Across the borough, strategically important features within the Green Grid include Alexandra Palace Park (given its proximity to Wood Green), various areas of Metropolitan Open Land (MOL) and SINCS (where they are accessible). Another priority for the east of the borough is to open-up access to the Lee Valley Regional Park***.**

15. **DMP Map 4.3** shows Haringey's Green Grid. It does not show the Bowl as a Green Grid site. Plainly the SA for this site and the proposed allocation in the SADPD has been prepared on an entirely false basis.

16. **SA para 14.14.3** shows the extent of the error that it has fallen into - *the following sites are set to contribute to the Green Grid, or otherwise ensure easily accessible open space -**...** SA 45: Highgate Bowl – The aim is to achieve protection of the Highgate Bowl as open space, and improvement of public access through limited redevelopment of Townsend and Duke's Head yards. The entrances to the yard roads should signal the open space hidden behind, encouraging new users of the open space.*

17. The SA properly identifies that Green Grid is a strategic policy – but says its identification of the Bowl as part of the Green Grid is based on draft DMP policy that was only published at the same time SADPD. It says the policy *'is set to be adopted'* but it is clear from the Plan above that the draft DMP does not include the Bowl in the Green Grid.

18. Obviously the SA's indication that the draft DMP policy 'is set to be adopted' unacceptably pre-judges the result of its public examination and shows clear pre-determination, not the objective assessment that will be sought by the Examining Inspector.

19. The proposed SLOL designation can only rely upon adopted HLPSP policy, the relevant **Policy SP13** of which says: *All new development shall...seek to secure opportunities for additional publically accessible open space especially in those identified areas of Open Space deficiency ... as set out in the Council's Open Space and Standards SPD.*

20. The policy recognises that new open space provision should be linked to development and principally applied where there is an open space deficiency - which (as shown above) does not apply in the area of the Bowl. The proposed SLOL designation is inconsistent with the adopted HLPSP as well as the emerging DMP.

21. In any event, the SA does not apply the Green Grid concept appropriately. **Para 2.27 of the Haringey Open Space and Biodiversity Study** confirms the Green Grid is a strategic policy - *The All London Green Grid (ALGG) is a London-wide framework for managing London's green spaces and natural assets, and has been adopted as Supplementary Planning Guidance (SPG) supporting the London Plan. The ALGG also highlights areas of London where there are strategic gaps in provision of open space. The ALGG divides London into 12 Green Grid Areas, and most of Haringey falls within Green Grid Area 1 'Lee Valley and Finchley Ridge'.*

22. The ALGG is indeed a strategic policy and the GLA provides strategic guidance on this in its **Green Infrastructure and Open Environments: the All London Green Grid SPG** (March 2012). This identifies the Green Grid in this area in **para 5.16** *The Parkland Walk Link runs along a disused railway line connecting Finsbury Park to Highgate Wood and Queen's Wood and then onto Alexandra Park;* and **para 5.22** *The Hampstead Heath Ridge Link connects the Heath to Alexandra Park in the north via Highgate Wood and in part follows the northern arm of the Parkland Walk through Muswell Hill. Parts of the route pass through residential areas and alongside a golf course*.

23. Its **para 5.24** identifies the only strategic Green Grid opportunity in this area: *Improve the facilities of, and connections between, Alexandra Park, Highgate Wood, and Queens Wood along the Parkland Walk Link, in order to maximise their potential as a visitor destination of rich landscape character offering fantastic views across London.*

24. There is no support in the GLA's SPG for the proposition that the Bowl should be identified as SLOL within the strategic ALGG.

25. As shown below, the Bowl's function has already been considered by the Inspector at the 1998 UDP Inquiry who concluded it neither had the necessary features to be MOL or a SLOL. The Council fully accepted these conclusions and its evidence to the 2005 RUDP Inquiry refuted local claims that the site should be SLOL.

26. The SADPD and SA's reliance on the ALGG concept and draft DMP policy is thus wholly misplaced. Its advocacy of designation as SLOL is wholly inconsistent with its position to date. It is evident that Council's

decision that the Bowl should be SLOL is unsound because it is the result of flawed and inconsistent analysis.

27. **We object that the draft SADPD would plainly fail the test of soundness that will be applied by the independent Inspector in the following respects:**

a. **There is no SEA or Habitats Assessment appraisal;**

b. **There is no evidence base supporting the SADPD's conclusions;**

c. **There is no thorough appraisal of the potential uses of the allocations SADPD identifies, particularly in respect of the decision to make the Bowl SLOL;**

d. **Its allocation of the Bowl as SLOL is inconsistent with the Council's published criteria and adopted policy;**

e. **It does not take into account the fact that there is no open space deficiency in the area;**

f. **The site is not shown as part of the ALGG on the DMP's plan and so use of the Green Grid policy to justify allocation of the Bowl as SLOL is entirely misplaced.**

g. **The issue of whether the site has a strategic or significant open space function was disposed of many years ago. Nothing has changed that would justify a different view being taken now;**

h. **Its failure to consider whether it should be a housing allocation is similarly inconsistent with the Council's published criteria;**

i. **It does not consider whether its proposals for the allocation are deliverable and so cannot be certain they are realistic;**

j. **It fails to align with the HLP policy SP13 and the Proposals Map, which do not identify a SLOL designation on the Bowl.**

28. We expand these objections below, where we conclude with a more practical proposal for the respondent's element of the allocation. This fulfils the reasonable planning requirements identified in our assessment of the relevant evidence base.

2.0 THE EVIDENCE BASE

29. The allocation itself has three elements:

- the Bowl should be protected open space;
- public access to it should be improved;
- there should be limited redevelopment of Townsend and Dukes Head Yards.

30. Its Site Requirements and Development Guidelines (SRDG - it is difficult to understand the difference between them) make twelve identifiable separate points:

a. buildings facing the High Street and their burgage plots should be retained;

b. the Bowl will be redefined as Significant Local Open Land;

c. enhanced access to the Bowl through Kings Head and Townsend Yards;

d. redevelopment of the garages and workshops in the Yards for 3-4-storey mews-style residential development;

e. public routes through the various land parcels that make up the Bowl will need to be introduced to unify the open space;

f. development should preserve or enhance the Highgate Conservation Area;

g. the entrances to the yard roads should signal the open space hidden behind with a visual link established where feasible;

h. new users of the open space will be encouraged, while generally keeping it open for public use;

i. the Local SINC designation should be protected;

j. Thames Water should be consulted on the capacity of existing drains;

k. redevelopment that results in loss of employment floorspace will trigger financial compensation;

l. contamination studies should be undertaken on development in the yards portion of the site.

31. No evidence base has been produced by the Council to support any of these requirements. Before drawing the conclusion that these were the most appropriates uses for the site, the Council should have at least have thoroughly assessed:

- Relevant Development Plan policy;
- The physical and land use character of the allocation;
- The need for additional open space in the area including previous Planning Inspector's conclusions on whether it should be identified as SLOL;
- The need for and feasibility of additional public access to the area;
- The likelihood of achieving its aspirations in the light of current ownerships and particularly if change of use from commercial will attract a financial penalty.
- The feasibility of providing the access routes shown;
- The relationship of its proposals to the conservation character of Highgate Village;

32. While it would be placing a wholly unreasonable burden on the respondent to expect him to remedy the Council's failure to provide an evidence base, a number of broad points can be made about these issues. These lead inexorably to a different conclusion on the appropriate development of the Southwood Nursery site to the SADPD. These are set out below.

3.0 THE DEVELOPMENT PLAN

33. There is no policy in the RUDP 2006 or the Haringey Local Plan (HLP) 2013 that unequivocally constrains development in the Bowl to particular uses. The proposal that the site should be a SLOL is inconsistent with the Development Plan.

34. The allocation site is identified in HLP as being within the Highgate Conservation Area. This is its only Proposal's Map notation.

35. **HLP policy SP12 (Conservation)** says the Council shall ensure the conservation of the historic significance of Haringey's heritage assets, their setting, and that the wider historic environment should be used as the basis for heritage-led regeneration and as the basis for good design and positive change. Where possible, development should help increase accessibility to the historic environment.

36. The Council has accepted for almost 20 years that the Bowl has no strategic or local open space significance. Its evidence to the 2005 RUDP inquiry that explains the reasons for this is at **Annexe 1**.

37. It is not surprising in this context that HLP does not say anywhere that the site should be treated as Local Green Space or its equivalent. As **NPPF para 76** indicates, this should only be designated when a Plan is prepared or reviewed. The Local Plan was adopted in March 2013 (two years after the NPPF issued in draft) and so there was ample time to include a policy to this effect that would have a spatial expression on the Proposals Map.

38. **London Plan Policy 7.9** is part of the Development Plan for this area. It says the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality. **NPPF paras 132 and 134** have similar requirements.

39. In the SADPD the Council has failed to test its proposals for the allocation against the statutory test for development in Conservation Areas – that the decision on any development proposal affecting the proposed allocation must pay special regard to considering whether it harms (following South Lakeland) the Conservation Area's character or appearance - and the other relevant policy factors identified above – in summary:

- **There is no local or strategic need for public open space on the allocation;**
- **There is no appraisal of the effect of housing development on the allocation on the Conservation Area;**
- **There is policy support for heritage-led regeneration but no appraisal of the way this can be achieved;**

- **There is policy support for increased accessibility to the historic environment but no appraisal of the way this can realistically be achieved;**
- **There is policy support for restoration of heritage assets in a way that puts them in a suitable viable use but no appraisal of alternative ways this can be done on the allocation;**
- **There is policy support for the establishment and maintenance of sustainable communities and economic viability but no appraisal of the way this applies to the allocation.**

4.0 TOWARDS AN EVIDENCE BASE FOR THE PHYSICAL AND LAND USE CHARACTER OF ALLOCATION SITE SA44

40. This section first describes the key features of the respondent's land and moves on to put this in the context of the allocation generally.

41. Southwood Nursery is an area of 0.9has north of Highgate High Street in the western part of the 3.9ha Allocation Site SA44 in the Highgate Conservation Area.

42. The CACA says it *has ... a notable tree cover around its boundaries and in clusters within the site. This screens the sheds and other structures within the site. Much of the site also contains raised beds to display plants which also reduce the amount of ground covered by hard standing as conventionally understood. This is an important factor in the contribution of the Nursery site to the Bowl as a whole. The largest building now present is the greenhouse, and although the development covers a significant amount of the site, it is not sufficiently dominant or visually intrusive to undermine the contribution the site makes to the apparent open tree-covered character of the Bowl.*

43. This can easily be appreciated on the aerial photo below.

44. Its last full use was as a Garden Centre (that closed in 2014 but the planning use has not been abandoned) and a landscaping contractor's business. Both of these are commercial uses that would be financially penalised under **Site Requirement and Development Guideline (SRDG) k** if their use changed.

45. In March 2014 the Council refused a community nomination to include it in the Council's list of Assets of Community Value because the land did not constituted land of community value for the purposes of Section 88 - access to it was only possible when the Garden Centre was open and not otherwise and the main use of the land was retail and so its actual use was in fact an ancillary use (reliant on the Garden Centre being open and ancillary to it) that did not meet the criteria for nomination.

46. There has never been public access to the landscape contractor's part of the site. The Garden Centre had a shop but no coffee shop and so was not a facility where customers lingered socially. Public access was restricted to commercial activities and its gates were locked at nights. They are now locked day and night.

47. The Garden Centre had 30-40 unmarked parking spaces and large open storage areas serviced by vans, small lorries and large articulated lorries through the narrow and tortuous Townsend Yard. The car park and open storage area are mainly in the eastern part of the site adjoining Chomeley Crescent and are still used as storage by the landscape contractor.

48. Other than in the circumstances outlined below, there is no intention of facilitating public access to the land or disposing of it and so it is unavailable for public use sought by **SRDG e and h.**

49. The remainder of the allocation is also in private ownership with a disparate land use character and so its use is unlikely to facilitate the **SRDG h** aspiration. There is no access to the general public and it is remarkably inconspicuous in public views – only its boundary planting can be glimpsed from Chomeley Crescent to north, Kingsley Place to the west and at the end of Townsend Yard to the south. It is lost in long views against the wooded skyline of the Hampstead/Highgate Ridge.

50. Turning to the wider area, including the subdivided respondent's site six distinct areas of use can easily be identified on the allocation.

51. To the east is the Harington Project that provides horticultural and other training for young adults with learning disabilities and difficulties. Its character is of allotments and buildings. The special character of the users of the facility means that it is unlikely to encourage public access as sought by **SRDG e and h.**

52. The respondent's site is separated from the Harington Project by the area of dense self-sown woodland visible on the aerial photo. The woodland is a privately-owned SINC. No screening appears to have been carried of the significance of the species it contains and as a result it is impossible to say whether the access through it sought by **SRDG e and h** is compatible with **SRDG i.**

53. To the south of the respondent's site the allocation is the area of unkempt yards and garages in Townsend and Kings Head Yard behind the historic buildings in Highgate High Street. The respondent's site is separated from this area by a wall and dense vegetation. **SRDG c** requires the entrance through these yards o be enhanced, **SRDG d** that they should be redeveloped as mews houses, **SRDG g** that they should signal the open space behind but **SRDG k** says that change of their employment use will trigger a financial penalty.

54. There can be no certainty they will come forward as the allocation requires in this context – why should the owners of this property undertake development that they will be penalised for?

55. To the southwest of the respondent's site are gardens containing two swimming pools behind houses in Southwood Lane and to the west is the Highgate School former Parade Ground and gymnasium building that have been part of the school grounds for at least a century and separate it from the post-war housing at Kingsley Place. It is hard to conceive that either of these will be made available for the private routes sought by **SRDG e** or for the new users of the Bowl sought by **SRDG h.**

56. It is clear from this that there is no visual or functional relationship between the respondent's site and the other areas of the allocation – the woodland separates it from the Harington Project, the wall and dense woodland from the yards and gardens and a dense tree-line and embankment from the former Parade Ground and the gardens.

57. The deliverability of the allocation and its SRDGs is thus profoundly in question. All the land is in fragmented private ownership and the deliverability of the allocation's comprehensive land use aspirations will require the use of compulsory purchase powers. The Trust for London's recent study shows Haringey is the most unequal borough in London, with over half of its wards being either very rich or very poor. Northumberland Park, a ward in the east of the Borough, is the most widely deprived ward in London.

58. It is inconceivable that a Council with this spread of disadvantage could legitimately use resouces to compulsory purchase private land in Highgate to provide open space in a situation where there is already ample open space locally (as the next section shows) – and impossible to see how the access sought could be achieved in any other way without complete cooperation from landowners, which will be denied.

5.0 TOWARDS AN EVIDENCE BASE FOR THE NEED FOR OPEN SPACE AND THE PROPOSED SLOL DESIGNATION

59. This area has an exceptional quantity of public open space for London (the CACA calls it a wealth of open space and green surroundings). Within about a kilometre of the appeal site there is access to about 400ha

of major open space – the main areas being Hampstead Heath (320ha), Waterlow Park (11ha), Highgate Woods (28ha), Queens Wood (21ha) and Highgate Cemetery (15ha). The entrance to Waterlow Park is about 100m from Townsend Yard.

60. These areas include ancient woodland and open heath as well as more conventional urban open space.

61. The allocation is not in an area of Local Open Space Deficiency as shown on **Local Plan figure 6.4 (Annexe 3)** and none of the reasons for refusal in the recent appeal on the site **(Annexe 2)** identifies a need to place the site in public open space use.

62. The Council sought in the draft Haringey UDP 1998 to designate the Bowl as MOL. The UDP Inspector concluded it was not MOL and was also asked to consider whether it should be designated Significant Local Open Land (SLOL).

63. On this he concluded that it was clearly not a public open space as access to it is extremely limited to places such as the private garden centre and private school and it does not met any local recreational needs and has no recognised nature conservation value. As its value was said to come almost entirely from its relationship to the historic Highgate Village, this specific value was more appropriately protected by relevant policies dealing with Highgate village as a conservation area than policies designed to protect open space.

64. It seemed wrong to the Inspector to try to force open space policies on a piece of land, about half of which comprises an artificially raised tarmac parade ground, a garden centre with substantial areas of hard surfaces and structures and rear gardens. He concluded it was not SLOL. Nothing has changed to justify a different conclusion.

65. Even though there has been a long history of attempts to secure residential development on the site, there is no policy in the UDP 2006 or the Local Plan 2013 that unequivocally prevents this. Nor is there any statement in the CACA 2013 that is unequivocally hostile to residential development on the site;

66. The Council has accepted for almost 20 years that the Bowl should not be SLOL as spelt out in its evidence to the 2005 RUDP inquiry **(Annexe 1).**

67. Plainly designating the area as SLOL now would be fundamentally inconsistent with the Council's position over the past 20 years and would be wholly unreasonable. It follows that SRDG b that seeks that the Bowl should be a SLOL requires the most closely argued justification – but justification is wholly lacking in SADPD and its SA criteria preclude this.

68. The **SRDG e** aspiration for public access routes through is linked to the **SRDG b** requirement for the site to be SLOL and **SRGD h** that new users should be found for the SLOL.

69. The plans that shows the Council's aspirations for Allocation Site SA44 shows a wavering line crossing the site from the access to the Harington Project in Chomeley Park to the east through the SINC, the garden centre site and the Highgate School grounds to Kingsley Place in the west. New access are shown running to it from the south through Townsend and Dukes Head Yards.

70. It is most surprising that the Council does not claim to have consulted the Metropolitan Police about the proposed footpaths. They are not overlooked and so will not be self-policing. Footpaths of this type are routinely objected to because they are escape routes for criminals and an obvious focus for anti-social activity that are impossible to police efficiently.

71. The purpose, deliverability and safety of these footpaths is highly questionable in this area that already has ample open space criss-crossed by footpaths – some of the best dog walks in London!

6.0 TOWARDS AN EVIDENCE BASE FOR THE IMPACT OF DEVELOPMENT ON THE CONSERVATION CHARACTER OF HIGHGATE

72. **SRDG a** seeks to preserve the character of building fronting the High Street and their burgage plots, **SRDG d** seeks redevelopment for mew of up to four storeys and **SRDG f** seeks to apply the statutory test to new development.

73. The Inspector in the 2014 appeal on the garden centre site **(Annexe 2**) described the relationship of the Bowl to the High Street and the Conservation Area generally. *The historic core of the hilltop Highgate village includes the nearby buildings in the High Street. They are mainly characterised by C17 to C19 small scale terraced houses with traditional shop fronts, tight frontage development and long narrow plots. The mix of earlier buildings and fine C20 buildings contribute to the architectural diversity in the Conservation Area*.

74. The Highgate Bowl (the Bowl) includes an arc of privately owned, open backland lying roughly north of the High Street which falls steeply down from the ridge. It has survived as relatively undeveloped land for reasons including its former use as fairly low value service land, its hilly topography, and its restricted access. It is one of 2 major open spaces which contrast with the fine grained development of the village and its semi-rural character maintains the connection to its agricultural past. Although the Bowl is mainly characterised by its openness, there are few nearby public views into it. Even so, there are many views over and through it, from the buildings and spaces around and within it. The contrast between the Bowl and the development in the High Street is important to the appreciation of Highgate village as a historic hilltop settlement. Its general openness contrasts with the adjoining townscape, and at night, its relative darkness contrasts with its well-lit surroundings. The Bowl is significant as a remnant of the once rural village.

75. There had been a nursery on the site for more than 100 years and so the site's significance as part of the 'once rural village' must be seen in this context. Before and after the Second World War there were two houses on the site and the extensive area of glasshouses shown on the 1937 OS map below. Townsend

Yard is visible entering the nursery and running to a house now demolished about where the glasshouse visible on the aerial photo above now stands as well as Whistler's Cottage that is still in place on the southern boundary of the site currently used as offices.

76. In this context the following points the Council might have relevantly identified the following points as relevant to its planned future:

- There is no intention of disposing of the site or allowing public access across it.
- About 10% of the site is occupied by buildings and a further 54% is hard standing used for open sales and storage and car parking;
- The site's commercial use is unsightly;
- The landscape contractor's business is in operation and generates considerable activity;
- There is no reason why the garden centre use should not resume;
- There is no public access to the site at present;
- There are no access points to the site other than Townsend Yard and from the yard to the west of it;
- General public access would inevitably be inconsistent with continued commercial use;
- Commercial use of the site is historic and inconsistent with the poor access along Townsend Yard;

77. **In view of the historic context and its present semi-developed nature, the Inspector's analysis does not preclude new development in the Bowl as long as this does not harm the character and appearance of the Conservation Area – principally by not reducing openness and retaining tree cover.**

7.0 AN ALTERNATIVE VISION FOR THE SOUTHWOOD NUSERY SITE CONSISTENT WITH THE EMERGING EVIDENCE BASE

78. As far as policy is concerned, the points identified above are relevant:

- Policy support for heritage-led regeneration;

- Policy support for increased accessibility to the historic environment;
- Policy support for restoration of heritage assets in a way that puts them in a suitable viable use;
- Policy support for the establishment and maintenance of sustainable communities and economic viability.

79. As far as the criteria in the SA are concerned, this offers no support for a SLOL designation and considerable support for a housing allocation. In this context (as well as the lack of any identified funds to undertake the extensive acquisition and construction work the proposals entail) the proposals in the SADPD are plainly pie in the sky.

80. Only allowing carefully controlled new residential development will secure a remedy for the manifest disadvantages of the use of the Southwood Nursery site at present and secure the public access sought by the Council.

81. We object that the following has not been included in SADPD as a development brief for the Southwood Nursery site.

- **An area about 30m wide along the eastern boundary of the site running adjacent to the SINC from the Townsend Yard gate to the rear of the Chomeley Road houses shall be made available for public use;**
- **A public access route along the north boundary of the site shall be designated between the SINC and the Highgate School Parade Ground if supported by the Metropolitan Police;**
- **No more than three houses shall be permitted on the remainder of the site;**
- **The houses shall be accessed from Townsend Yard;**
- **One house shall be on the site of Whistler's Cottage and the other two on the lower western part of the site where they will not impact the setting the High Street;**
- **Their total footprint shall not exceed the footprint of the existing buildings on the site;**
- **Their scale, materials and height shall ensure they are visually subservient to Highgate High Street and the wider conservation area;**
- **They must respect the local built form and vistas leading into the site;**
- **The existing tree cover on the site shall be maintained and enhanced;**
- **The proposed development shall protect the local SINC designation and wherever possible enhance the quality of the local landscape and habitats;**
- **New development shall mitigate against any flood risk posed by local drainage issues;**
- **Its illumination shall be less than the illumination that exists for the garden centre and the landscape contractor at present.**

82. This will secure all the Development Plan policy objectives set out above – it will create heritage-led regeneration; will increase public accessibility to the historic environment and it will support restoration of heritage assets in a way that puts them in a suitable viable use. The respondent would be very glad to discuss them with the Council and seeks a meeting to do so.

83. We look forward to hearing from the Council in due course.

Yours sincerely

Mike Burroughs

Michael Burroughs Associates

Annex 1

michael burroughs associates

Belfast Office:

33 Shore Road
Holywood
County Down
BT18 9HX

t. 028 9042 1011
e. info@mbaplanning.com
w. www.mbaplanning.com

London Office:

93 Hampton Road
Hampton Hill
TW12 1JQ

t. 028 9042 1011
e. info@mbaplanning.com
w. www.mbaplanning.com

Proof of Evidence

London Borough of Haringey
Revised Unitary Development Plan
Public Local Inquiry

Topic/Site:	Open Space and the Highgate Bowl Development and Urban Design – Road Hierarchy
Objectors Name and Numbers	Kingsley Place Residents Association 0019/00047 and 00048
Objector's Proof Nos:	Not supplied.
Date of Inquiry:	Thursday the 14th April 2005
Contact:	Eveleen Riordan, Policy Officer 020 8489 5132 eveleen.riordan@haringey.gov.uk

1 MAR – SUB PROOF
14 APR – REBUTTAL
7 MAY – RESPONSE BY KPRA.

SLOL 1 – CHANNING PLAYING FIELDS 5.88 ha
SLOL 6 – FORTIS GREEN RESERVOIR 7.51 ha

SLOL RANGE 0.21 — 6.98 ha

Contents of Proof

1. Introduction

2. Description of Site

3. Planning History

4. Council's Response to Objections and Proof of Evidence

5. Other issues Raised by Objector but not in Proof

6. Conclusion

7. References

Appendices

A. Objections by Kingsley Place Residents Association and Council's Response

B. Inspector's Report into the Objections to the existing Haringey Unitary Development Plan – Extract on the Highgate Bowl and proposed MOL designation, pages 121 – 124.

1. Introduction

1.1 My name is Eveleen Riordan and I am employed by Haringey as a Principal Policy Officer (Policy and Projects), a position I have held since August 1999 working mainly on the review of the UDP. Prior to that I spent twelve years working in the Development Control section of the Council dealing with planning applications and appeals. I have an honours degree in Geography from Manchester University and a Diploma in Town Planning from London South Bank University.

1.2 The document sets out the Council's response to the Kingsley Place Residents Association (KPRA) objections to the First Deposit 2003 of Haringey Council's Unitary Development Plan 2004.

1.3 Objections to the First Deposit related to:

- Open space, OS2, (ID No. 0019 Comment No. 00047
- Development and Urban Design, UD7, paragraph 2.21 (Id. No.0019 Comment No.00048)

2. Description of the site

2.1 The site is located within the historic village of Highgate which has a hill top setting.

2.2 The designation of Highgate Bowl is centred on the Highgate Nursery, but also includes backland behind the Highgate High Street and also open land used by the Harrington Scheme, and a large frontage plot on Cholmeley Park. The Highgate School Parade Ground was still in active use at the time of the designation and so was excluded from the designation. A full site description is included in SPG 3.5 at Appendix A.

3. Planning History

3.1 There have been a number of planning applications submitted in respect of the Highgate Bowl, including an application for residential development of the Parade Ground, as well as the dismissal of two appeals. Details of the planning history appear in SPG 3.5 Highgate Bowl Area (see also para. 4.2.11 below) within the **Core Document Library** and so I do not intend to include it as an appendix here.

4. Council's Response to Objections and Proofs of Evidence

4.1 Kingsley Place Residents Association made objections to the First Deposit Draft of the UDP in relation to two areas: 1) Policy OS2 Significant Local Open Land (SLOL), and 2) Policy UD7 Road Hierarchy. These two policy areas are discussed below.

4.2 Open Space

4.2.1 **OS2 SLOL** – The objection made can be summarised as an objection to the failure to designate any part of the Highgate Bowl and the Highgate Parade ground as SLOL. It was requested that a change be made to designate the area as SLOL on the proposals map and the schedule in the written statement. The Council responded that a review of existing SLOL boundaries was undertaken as part of an Open Space Study in order to identify whether any amendments were required to the boundaries of the existing designated sites, or whether any new sites should be identified. Highgate Bowl and the Highgate School Parade Ground were not identified for SLOL designation.

4.2.2 In their proof Kingsley Place Residents Association (KPRA) have started by looking back to the designation of the area as the "Highgate Bowl" in 1963 and described it as "anomalous" as it included various pieces of land including land fronting Cholmeley Park which was in the ownership of the Area Health Authority and has subsequently been developed for housing. As the Highgate School Parade Ground was in active use at the time it was subsequently excluded from the designation. The Proof discusses the issue of the Public Inquiry leading up to the adoption of the Haringey Unitary Development Plan 1998 (erroneously dated 1992 in the Proof). At that time the Council argued that the area should be designated as MOL. KPRA disagreed with this proposed designation as "MOL designation is effectively in-town "Green Belt" in status and only worthy of such designation if the land in question contributes to the overall structure of Greater London" which they felt the land did not. At the time of the Inquiry into the last UDP the Inspector concluded that the land should not be designated as MOL because of, among other things:

- Limited public access to the land;
- The site is almost entirely enclosed by buildings;
- There are no historic features on the land, and the site is not a landscape of historic importance;
- It is not strategic open land providing an attractive and strategic break in the built up area in its own right;
- It is not part of any extensive chain of open land;
- Over a third is covered by artificial surfaces;

A full copy of the Inspector's comments in relation to this site are included at **Appendix B.**

4.2.3 At the time of the last Inquiry the Inspector was asked that, if he did not consider that the land should be designated as MOL, that he should consider a SLOL designation. He duly did this and concluded that;

"As for its local importance, I find that in its own right it is clearly not a public open space as access is extremely limited to places such as the private garden centre and private school, and it does not meet any local recreational needs and has no recognised nature conservation value. If does not therefore easily meet the advice in paragraph 62 of RPG3 or

the LPAC's 1994 ASPGL. Instead its value is said to come almost entirely from its relationship to the historic Highgate Village. I consider that this specific value is more appropriately protected by relevant policies dealing with Highgate Village as a conservation area, than with policies designed to protect open space. It seems wrong to me to try to force open space policies on a piece of land, of which about half comprises an artificially raised tarmac parade ground, a garden centre with substantial areas of hard surfaces and structures and rear gardens. For those reasons I do not find that a SLOL designation is justified".

4.2.4 KPRA have argued that they find it hard to accept the previous Inspector's reasoning or conclusions on the inclusion of the land as SLOL. They argue that the conclusion is at odds with the extant RPG3 advice and with the LPAC 1994 Strategic Planning Guidance for London. They further argue that Haringey have been remiss in not having applied the structure plan (i.e. GLDP) broad brush 1976 definition of the Highgate Ridge ASC to the local area, and if Haringey had done so it would have been abundantly clear that the Highgate Bowl in its entirety was the only area of SLOL indicated within the GLDP defined ASC. KPRA also put forward in some detail attempts to develop parts of the Highgate Bowl area (and more specifically the Parade Ground area) as a reason why the area should be afforded SLOL status. It is argued that the Parade Ground is in an area of local open space deficiency as defined first in the 1982 Haringey District Plan and also relative to PPG17 (400m) accessibility standards.

4.2.5 RPG3 (para. 7.16) discusses "other open land" beyond Green Belt and Metropolitan Open Land. It describes some land outside the said designations as being "nevertheless valuable in providing breaks in the built-up area, providing space for recreation for residents and assisting nature conservation". Paragraph 7.16 and the following paragraphs 7.17 and 7.18 makes it clear that these spaces are open to the public and indeed goes on to define open space as "public parks, commons, heaths and woodland and other open spaces with established and unrestricted public access and capable of being classified according to an open space hierarchy, though not necessarily publicly owned. Clearly parts of the Highgate Bowl and the Parade Ground do not fulfil these criteria as they are not open with unrestricted access to the public.

4.2.6 The Open Space Study of the UDP was carried out with a view to informing the UDP process and to provide a qualitative and quantitative assessment audit and analysis of the supply of and demand for open space within the borough. It looked at, among other things, i) existing designated open space to identify where the function and character of all/part of the site had changed since the 1996 review of designations; and ii) sites which were considered to fulfil a structural, amenity, conservation, landscape, ecological, townscape or cultural role but which were not currently designated as MOL or SLOL. The Highgate

Bowl was not recommended for SLOL designation as part of this survey.

4.2.7 Following on from the Open Space Study, the Recreation Department of Environmental Services has begun drafting a Haringey Open Space Strategy (HOSS). This Strategy is produced in line with the advice given in the London Plan at policy 3D.11 Open Space Strategies which states that: "Boroughs should...produce open space strategies to protect, create and enhance all types of open space in their area". The HOSS aims to provide "an integrated, Borough wide, long-term strategic approach to open space planning, provision, improvement and management". It will set "out a Vision, Outcomes Sought, Guiding Principles and Action Plans and a guide for their implementation for the consistent and integrated management of the Haringey Open Space network". The vision of the HOSS is to "provide a conceptual framework to achieve a "Better, safer, cleaner" open space network (encompassing both publicly and privately owned land) through developing a robust understanding of the open space needs and demands, issues, problems and solutions". The HOSS is available as part of the **Council's Core Documents** at LPA105. The HOSS covers all types of open space and not just open space that has a specific designation. The aims of the HOSS can help to ensure that there is not inappropriate development on the Highgate Bowl area.

4.2.8 In addition to policies on Green Belt, MOL and SLOL within the UDP, there is also a policy at OS9 entitled "Other Open Space". This policy states that:

"Development will not be permitted on open spaces that are not MOL or SLOL except in exceptional circumstances including:

a) Improving the appearance of the open space;
b) Activities associated with the open space use;
c) If replacement open space of an equivalent size and quality has been secured within the immediate locality for similar use;
d) If the development would not result in the loss of play space or any other facility for children unless replacement is possible in a nearby and suitable location;
e) If the development will not result in the deterioration of the open space, or where the quality of the open space can be safeguarded by the use of conditions and;
f) Developing and improving the ecological quality of the site for the benefit of wildlife and biodiversity".

4.2.9 The above policy will, in addition to the conservation policies contained within the Conservation Chapter, and the previous appeal decision on the site(s), will all help to protect the site from inappropriate development.

4.2.10 Policy CSV1A of the Plan is concerned with development in conservation areas and states that proposals will be required to:

"preserve or enhance the historic character and qualities of the buildings and/or the Conservation area" and "recognise and respect the character and appearance of conservation areas". This policy will provide further protection to any inappropriate development proposals in the said area.

4.2.11 In May 2000 Haringey produced SPG 3.5 entitled "Highgate Bowl Area – in Highgate Conservation Area. Character Assessment and Policy Statement". The SPG very firmly sets out an assessment and policy statement in relation to the Bowl itself and also to the land around it. I do not intend to repeat the contents of the SPG here but it makes reference to the inclusion of the Bowl and of the Parade Ground as being within the Highgate Area of Special Character (page 2, Summary), and also sets out Conservation Area Policies for Managing Highgate Bowl (page 3 – 9). With regard to the Parade Ground, it recognises the key role that the land plays in "softening and greening views from a variety of directions towards the high part of Highgate Ridge" and also that it is a "visual closure of undeveloped land below the ridge marking its termination, defining the skyline character of the ridge and protecting and underpinning distant views of the ridge". The preservation and enhancement policies for the land are to: "retain as open space as part of Highgate School, retain School open air recreational uses. Retain surrounding tree cover" and "restrict construction of new buildings on the site. Limit access to site from Dyne House, save for occasional service access from Kingsley Place". This SPG provides further protection to this area from inappropriate development.

4.3 Road Hierarchy

4.3.1 The objector considers a 5-tier road hierarchy should be identified and tiers 1-4 displayed on the Proposals Map. KPRA rejects the Council's assertion that only a 3-tier road hierarchy is a requirement of RPG3 and does not preclude a finer grain system being developed at individual London borough discretion.

4.3.2 The Council rejects this assertion. RPG3 states in paragraph 6.23 that "in consultation with neighbouring authorities and traffic agencies, allocate roads within their Borough to one of the three tiers of the London Road Hierarchy described in 6.24 – 6.31 below and in the annex to this chapter". The three tiers are 1) Strategic Routes, 2) *London distributor roads and* 3) *local distributor and access roads.*

5. Other Issues Raised by Objectors but not in Proof

5.1 Please refer to **Appendix A** for the full list of Objector submissions and Council responses.

5. Conclusion

6.1 The Council does not believe there is a need to overcome KPRA's concerns designating the said area as SLOL.

- The land does not meet the criteria for SLOL set out in RPG3.
- Policies OS9 and CSV1A offer protection to open space that is not designated Green Belt, MOL and SLOL.
- An in-depth open space study was carried out on open space within Haringey as part of the process to inform the review of the UDP. That study did not conclude that the land in question should be designated as SLOL.
- SPG 3.5 Highgate Bowl Area provides further justification for the retention of this area as open land.
- The "armoury" of planning appeals that have protected the site from inappropriate development will continue to be a material consideration.

6.2 The Council does not consider there is a need to amend the Plan to overcome KPRA's concerns relating to road hierarchy because:

- The proposed road classification complies with the 3-tier classification specified by RPG 3.

Annex 2

Belfast Office:

33 Shore Road
Holywood
County Down
BT18 9HX

t. 028 9042 1011
e. info@mbaplanning.com
w. www.mbaplanning.com

London Office:

93 Hampton Road
Hampton Hill
TW12 1JQ

t. 028 9042 1011
e. info@mbaplanning.com
w. www.mbaplanning.com

michael burroughs associates

Appeal Decisions

Hearing held on 30 September 2014
Site visit made on 1 October 2014

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 October 2014

Two Appeals at Highgate Garden Centre, Townsend Yard, London N6 5JF

- The appeals are made by Omved International Ltd against the decisions of the Council of the London Borough of Haringey.
- The demolition and development proposed is "Demolition of existing buildings on former garden centre site and redevelopment to provide 3 single family dwelling houses".

Appeal A Ref: APP/Y5420/A/14/2219768

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The application Ref HGY/2013/1748, dated 8 August 2013, was refused by notice dated 3 December 2013.

Appeal B Ref: APP/Y5420/E/14/2219770

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The application Ref HGY/2013/1781, dated 8 August 2013, was refused by notice dated 3 December 2013.

Appeal A: Decision

1. The appeal is dismissed.

Appeal B: Decision

2. The appeal is dismissed.

Appeals A and B:

Procedural matters

3. For Appeal A the appellant had submitted a draft planning obligation for a financial contribution towards the provision of affordable housing. The Council had raised concerns about the terms of the obligation at a late stage, and these concerns were unresolved by the hearing. In these exceptional circumstances, the appellant was given until 14 October 2014 for a completed obligation to be submitted to the Council, and for a certified copy of the obligation to be submitted to The Planning Inspectorate at the same time.

4. Following the appellant's submission of further information, the Statement of Common Ground says that the proposed dwellings could achieve Level 4 of the Code for Sustainable Homes, and that they could include green or brown roofs. As the Council has withdrawn its concerns in reason for refusal 4, and these matters are capable of being dealt with by condition if the appeal were to succeed, I shall deal with Appeal A accordingly.

5. In Appeal B I shall deal with the description as being only for the proposed "Demolition of existing buildings on former garden centre site", as there is no provision in the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended to grant conservation area consent for proposed development.

Main issues

6. From my inspection of the site and its surroundings, and from the representations made at the hearing and in writing, I consider that the main issue in Appeals A and B is whether the proposal would preserve or enhance the character or appearance of the Highgate Conservation Area.

7. In addition, in Appeal A only, the second issue is whether the proposed financial contribution towards off-site affordable housing would be fairly and reasonably related to the development.

Appeal A: Reasons

Conservation Area

8. The appeal site includes a garden centre which has closed, and it is reached from the High Street by the narrow private Townsend Yard. It includes a dwelling which is now used as offices, a commercial glasshouse, a variety of low-key structures, and hard-surfaced areas. The site slopes fairly steeply down to roughly north, and, when in leaf, the many deciduous trees within and outside the site contribute to its verdant character. Its surroundings include spaces and development at the back of buildings in the High Street or reached from the various yards off it, school grounds, the ends of fairly long back gardens of C20 dwellings in Cholmeley Crescent, and self-seeded woodland.

9. The historic development pattern, high percentage of buildings of architectural merit, topography, green open spaces, and distant views, are important to the character and the appearance of the Conservation Area. The historic core of the hilltop Highgate village includes the nearby buildings in the High Street. They are mainly characterised by C17 to C19 small scale terraced houses with traditional shop fronts, tight frontage development and long narrow plots. The mix of earlier buildings and fine C20 buildings contribute to the architectural diversity in the Conservation Area.

10. The *Highgate Conservation Area Character Appraisal and Management Plan* (CAA) divides the Conservation Area into several character areas. The site is within Sub area 2 - Highgate Bowl. The Highgate Bowl (the Bowl) includes an arc of privately owned, open backland lying roughly north of the High Street which falls steeply down from the ridge. It has survived as relatively undeveloped land for reasons including its former use as fairly low value service land, its hilly topography, and its restricted access. It is one of 2 major open spaces which contrast with the fine grained development of the village, and its semi-rural character maintains the connection to its agricultural past.

11. Although the Bowl is mainly characterised by its openness, there are few nearby public views into it. Even so, there are many views over and through it, from the buildings and spaces around and within it. The contrast between the Bowl and the development in the High Street is important to the appreciation of Highgate village as a historic hilltop settlement. Its general openness contrasts with the adjoining townscape, and at night, its relative darkness contrasts with its well-lit surroundings. 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.

12. The site, which is roughly at the centre of and about a quarter of the area of the Bowl, is important to the evolution of the townscape because it separates the historic village core from the later neatly arranged suburban dwellings in Cholmeley Crescent. It includes mostly single-storey structures and much of it is hard-surfaced, but its open character is mainly due to the sloping topography and the screening effect of the canopies of the trees within and around it.

13. The existing Whistler's Cottage is an L-plan bungalow which now has rooms in its loft. It is said to date from the 1930s or the 1950s, but there was little assessment of its heritage significance. It seems that Whistler's Cottage, which is tightly enclosed by vegetation, and the glasshouse, which is further down the slope, were generally acceptable as part of the former horticultural and/or garden centre uses. So, I agree with the assessment in the CAA that they have a neutral effect on the character and the appearance of the Conservation Area. Due to their various ungainly or prefabricated forms, the low-key structures, including the log-cabins and sheds, have a negative effect on its character and appearance. However, despite these neutral and negative effects, the site, as a whole, makes an important positive contribution to the character and appearance of the Conservation Area.

14. The appellant's architect explained that the existing glasshouse was the inspiration for all 3 of the proposed detached family dwellings. Each 2-storey dwelling would be set in good-sized landscaped grounds, and the lower floors of 2 of them would be largely cut into the sloping site. The Green House would replace the glasshouse and the new Whistler's Cottage would replace the present cottage. Both would be about as tall as the structures they would replace. The Lower House would replace the various low-key sheds and structures about the site. However, there was little explanation of the design of each of the dwellings in relation to their individual sites, other than by reference to the existing structures.

15. The red site outline on the 1894 map in the appellant's heritage assessment seems to be misplaced, but most maps from 1816 until 1894 fairly consistently show small strips of land within the southern part of the site. There was insufficient evidence to show that these were parts of burgage plots. However, their shapes are typical of the historic organic growth of the narrow plots which are related to development within and at the back of the High Street and Townsend Yard. The current cottage may not be well related to them, and the proposed boundary between the Green House and the other 2 houses would partly align with a later field boundary of around 1870, but there was little evidence that these earlier features had been taken into account in the layout.

16. Because 2 dwellings would replace existing structures in about the same place, and the third dwelling would be even further from them, they would all be well spread out across the roughly 0.9 hectare site. Although the replacement for the cottage would be in about the same place, the Lower House and the Green House would be within the heart of the Bowl, where there are no dwellings at present. They would be poorly related to, and would fail to respect, the tight knit character of the buildings and spaces by the backs of buildings in the High Street, so their siting would be harmfully intrusive.

17. Although the hard surfaces would be much reduced, the footprints of the 3 dwellings would be similar to the total area of the existing structures. Because their footprints would be substantially larger than, and out of scale with, those of most nearby dwellings, they would be unacceptably out of keeping. As they would not be horticultural or horticulture-related buildings, the houses would also be at odds with the open largely undeveloped character of the Bowl.

18. The existing glasshouse has an ephemeral character due to its single-glazed lightweight construction. Its clear-glazed walls and roof, and general lack of internal partitions allow a sense of what lies beyond it to be appreciated. By contrast, due to its planted roof, solar panels, internal partitions, cedar cladding, triple-glazing and interior lighting, the Green House would have much greater presence and permanence. It would block most views through it. The cedar louvres could reduce the light spill after dark in views from the dwellings and gardens in Cholmeley Crescent, but it would have a much more solid and dominant form. The lower ground floor would add to its bulk and prominence.

19. Because the low-key sheds and structures would be replaced by the bulky Lower House, which would be sited away from the tree canopies by the site boundary, it would also be more dominant. Its lower ground floor would add to its prominence. The 2-storey replacement cottage would also be much more bulky than the existing building. Because all of the dwellings would be more dominant than the existing structures, they would harmfully intrude into the Bowl and unacceptably erode its openness and significance.

20. Landscape proposals submitted during the appeal process show that most existing trees would be retained, and that new trees and planting could provide well screened settings for each dwelling. Some of the trees would be subject to Conservation Area control, but a management plan would be necessary to ensure the long term screening effect of the other planting. However, the views from Highgate contribute to the character of the Conservation Area. So, if the trees were to remain and the planting were to mature, the restricted outlook from the houses would fail to better reveal the significance of the heritage asset to the future occupiers and their visitors.

21. The siting of the glasshouse may have been suited to the more open setting before there were trees next door, or appropriate to the operational needs of the garden centre. However, its siting would put the Green House close to the adjoining woodland, and the Lower House and the replacement cottage would be similarly close to trees. Whilst a sylvan setting can be attractive to future occupiers, not all people are aware of the implications of living close to trees until they have lived there for some while. In time, fears about falling trees or branches, concerns about lack of sunlight, and the inconvenience of dealing with the associated leaves and detritus on and around the dwellings, could lead to pressure from the future occupiers to reduce or fell trees on and by the site. As the Council could find this pressure hard to resist, the character and appearance of the Bowl would not be safeguarded.

22. Having regard to the positive contribution of some fine C20 development to the Conservation Area, the appellant's heritage consultant considered that these C21 buildings should be welcomed. However, their repeated modular forms, exposed Cor-ten steel frames and triple-glazing would have a harsh engineered character which would contrast starkly with the informal semi-rural character and appearance which contributes positively to the significance of the backland

site. The cedar cladding and partly planted roofs would do little to moderate their discordant appearance.

23. Due to their orientation, the tree cover, and the sloping topography, some of the main rooms in the dwellings would receive little sunlight. Roof lights could make up for this, mainly for the upper floor rooms, but there was little to show how effective they would be. Some rooms would have a poor outlook due to the high level windows and the closeness of vegetation to the full height glazing. So, the dwellings would provide somewhat oppressive living conditions for the future occupiers. This could lead to future requests for extensions, summer houses and conservatories, which along with other effects of domestication at the site, would further erode its relatively undeveloped character. By contrast, the endurance of many nearby historic and more recent dwellings in the Conservation Area shows that they have provided adaptable homes for generations.

24. Other aspects of the design show scant regard for the site specific circumstances. These include the need for regular maintenance to keep the multiple valley gutters free of fallen leaves and debris. The 'smartglass' in the gable ends, and perhaps in the roof lights, could limit light spill after dark, but its effectiveness would depend on the actions and preferences of the future occupiers so it could not reasonably be controlled by condition. For all of these reasons, the scheme would not achieve high quality design.

25. In consequence, the proposal would seriously erode the significance of this part of the Bowl as a historic area once used for pasture and historically important backland, and thus its important heritage value as a setting for the village. The locality has changed over time, and it will continue to do so. However, as heritage assets are an irreplaceable resource, great weight should be given to their conservation. Because the proposal would unacceptably erode the largely undeveloped character and appearance of the site, which contributes positively to the essence of the place, it would not be conserved. As the scheme would damage the significance of the Bowl and its important contribution to the setting of the village, it would, in turn, harmfully erode the character, appearance and significance of the Conservation Area as a whole.

26. Whilst the proposal would cause great harm to the heritage asset, in the terms of the *National Planning Policy Framework* (Framework) that harm would be less than substantial. However, the public benefits, including the potential for the better management of the existing trees, would be insufficient to outweigh that less than substantial harm. Furthermore, insufficient clear and convincing justification, including almost no assessment of the optimum viable use of this part of the heritage asset, has been put to me to show that the proposal would be necessary to preserve or enhance the character or the appearance of the Conservation Area, or to conserve the heritage asset in a manner appropriate to its significance.

27. Although a number of the buildings in the High Street which are fairly near the site are listed, their settings were not a concern of the Council in its reasons for refusal. From the evidence put to me and from what I saw I see no reason to disagree. Even so, whether or not the dwellings would be readily visible from beyond the site, they would be seen by the future occupiers and their visitors, so this would not be a sufficient reason to allow this injurious scheme. In reaching my conclusion on this issue I have had regard to my colleague's

appeal decisions ref APP/Y5420/A/11/2159120 and APP/Y5420/E/11/2159121, which included the demolition of the existing buildings and the erection of 3 self-contained dwelling houses, with an access road and landscaping. I appreciate that the proposal has been informed by my colleague's decisions. However, I have also dealt with the proposal on its merits, and in accordance with the exercise of my statutory duty, to which I have attached considerable importance and weight, the site specific circumstances, and relevant Development Plan and national policy.

28. I consider that the proposal would fail to preserve or enhance the character or the appearance of the Conservation Area. It would be contrary to Policy SP11 of *Haringey's Local Plan* (LP) which seeks a high standard of design that respects its context, character and historical significance, LP Policy SP12 which aims to conserve the historic significance of heritage assets, and Policy UD3 of the *Haringey Unitary Development Plan Saved Policies* (UDP) which seeks respect for local character and context. It would be contrary to Policy 7.4 of *The London Plan* (TLP) which also aims for proposals to have regard to local character, TLP Policy 7.6 which seeks high quality architecture, and TLP Policy 7.8 which seeks to take into account the desirability of sustaining and enhancing the significance of heritage assets. It would also be contrary to the Framework which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Affordable housing

29. The Council referred to TLP Policy 3.12 in its reason for refusal 3, but the more recent Policy 3.12 of *The London Plan Revised Early Minor Alterations* (TLPR) is relevant. TLPR Policy 3.12 aims for affordable housing to be negotiated on individual private residential schemes. It says that a cash in lieu contribution should only be accepted where this would have demonstrable benefits in furthering the affordable housing and other policies in this Plan. The heritage considerations in the first main issue provide the exceptional circumstances needed to allow a financial contribution towards off-site affordable housing.

30. LP Policy SP2 at item 7 says that schemes below the 10 unit threshold should provide 20% affordable housing on site, based on habitable rooms, or provide financial contributions towards affordable housing provision. It was common ground between the main parties that the Council's *Planning Note: Implementation of off-site affordable housing contributions for sites below 10 units in Local Plan Policy SP2 Housing* has been withdrawn. Even so, paragraph 5.35 of the adopted *Housing Supplementary Planning Document* says that the Council will seek to negotiate an element of affordable housing on all housing sites capable of providing 10 or more units, and in August 2014 the Council issued its *Draft Planning Obligations Supplementary Planning Document* (SPD) for public consultation. The SPD sets out the Council's current interpretation of item 7 in LP Policy SP2 but, because it has not been adopted by the Council, it attracts little weight.

31. In line with Regulation 122 of *The Community Infrastructure Levy Regulations 2010* (CIL), paragraph 204 of the Framework says that planning obligations should only be sought where they meet all of 3 tests, including that the obligation is fairly and reasonably related in scale and kind to the development. The obligation put in after the hearing closed would provide a financial

contribution towards off-site affordable housing, which has been calculated in accordance with the floor area of the 3 proposed dwellings and space standards in TLP, on the basis in the draft SPD. As the draft SPD attracts little weight, and almost no other supporting evidence was put to me, I am unable to conclude that the financial contribution towards off-site affordable housing would be fairly and reasonably related to the development. Because the obligation would not satisfy that test in paragraph 204 of the Framework and CIL Regulation 122, I shall not take it into account.

Other matter

32. Although attention was drawn to the sustainable location of the site, the Framework explains that there are 3 mutually interdependent dimensions to sustainable development which should be sought jointly and simultaneously. Whilst the proposal would produce a small economic gain by providing jobs during construction, and it would make modest social gain by providing 3 new homes, these gains would be substantially outweighed by the environmental harm that the proposal would cause to the Conservation Area. Therefore, the proposal would not be a sustainable development.

Appeal A: Balance

33. Whilst I have found that the obligation for affordable housing should not be taken into account, the failure to preserve or enhance the character or the appearance of the Conservation Area is a compelling objection to the scheme.

Appeal B: Reasons

34. The existing Whistler's Cottage is said to be in use as offices for a landscape contractor's business and other buildings may be in use for storage of related plant and equipment. This and the associated activity at the site should keep it reasonably secure. Despite the limitations of the access, it is also possible that the existing structures could enable some form of horticultural business or garden centre to operate from the site. Furthermore, the loss of the existing buildings would damage the present tangible link with the former horticultural use, which is important to the significance of this part of the heritage asset. So, it would not necessarily be in the interests of the Conservation Area or sustainability for the existing buildings to be demolished.

35. As the existing character and appearance of the site contributes positively to the Bowl and to the setting of the historic core of the village, in the absence of an acceptable scheme for the redevelopment of the site, I consider that the proposed demolition would fail to preserve or enhance the character or the appearance of the Conservation Area. It would be contrary to LP Policy SP12, UDP Policy CSV7 which broadly reflects the thrust of the statutory duty with regard to Conservation Areas, and the Framework which aims to not permit loss of part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Appeals A and B: Conclusions

36. For the reasons given above and having regard to all other matters raised, Appeals A and B fail.

Joanna Reid

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Miss Mary Cook	of Counsel, instructed by Michael Burroughs Associates
Mike Burroughs	Appellant's planning consultant, Michael Burroughs Associates
Chris Pask	Appellant's architect, Charlton Brown Architects
Stephen Levrant	Appellant's heritage consultant, Heritage Architecture Ltd
Joanna Ede CMLI	Appellant's landscape consultant, The Landscape Partnership

FOR THE LOCAL PLANNING AUTHORITY:

Robbie McNaugher	Planning officer, Council of the London Borough of Haringey
Emma Williamson	Head of development management, Council of the London Borough of Haringey
Nairita Chakraborty	Principal conservation officer, Council of the London Borough of Haringey

INTERESTED PERSONS:

Nathalie Lieven QC	instructed by Richard Stein, Leigh Day Solicitors representing the Highgate Bowl Action Group, which includes members of The Highgate Society, the Highgate Neighbourhood Forum, the Highgate Conservation Area Advisory Committee, the Highgate Village Business Association and the Harington Scheme
Michael Hammerson	Vice president, The Highgate Society
Elspeth Clements	Chair, The Highgate Society planning group
Gail Waldman	Member, The Highgate Society planning group
Susan Rose	Chair, Highgate Conservation Area Advisory Committee
Terry Meinrath	Local resident

DOCUMENTS PUT IN AT THE HEARING

1 Statement of Common Ground.
2 TLPR extracts, put in by the Council.
3 TLP Policy 7.9, put in by the Council.
4 UDP Policy UD3, put in by the Council.
5 Plan of the Highgate Bowl, put in by the Highgate Bowl Action Group.
6 Appeal decisions ref APP/Y5420/A/11/2161118 and APP/Y5420/A/13/2199690, put in by the Council.
7 UDP Policy EMP4, put in by the Council.
8 Five mounted sheets of visualisations of the proposal, put in by the appellant.
9 CAA, put in by the Council.
10 UDP Policy CSV7, put in by the Council.
11 LP Policy SP13, put in by the Council.

DOCUMENT PUT IN AFTER THE HEARING

12 Completed planning obligation dated 3 October 2014, put in by the appellant.

Annex 3

Belfast Office:

33 Shore Road
Holywood
County Down
BT18 9HX

t. 028 9042 1011
e. info@mbaplanning.com
w. www.mbaplanning.com

London Office:

93 Hampton Road
Hampton Hill
TW12 1JQ

t. 028 9042 1011
e. info@mbaplanning.com
w. www.mbaplanning.com

michael burroughs associates

TO POTTERS BAR
TO ENFIELD
TO ENFIELD
TO WALTHAM CROSS
TO MILL HILL EAST
TO BLACKHORSE LANE
TO STRATFORD INTERNATIONAL
TO HAMPSTEAD HEATH
TO DRAYTON PARK
TO HACKNEY
BOUNDS GREEN
BOWES PARK
WHITE HART LANE
NORTHUMBERLAND PARK
NORTHUMBERLAND PARK
WOODSIDE
ALEXANDRA
WOOD GREEN
NOEL PARK
WEST GREEN
BRUCE GROVE
TOTTENHAM HALE
TOTTENHAM HALE
FORTIS GREEN
TURNPIKE LANE
MUSWELL HILL
HORNSEY
HARRINGAY
TOTTENHAM GREEN
ST ANN'S
SEVEN SISTERS
SOUTH TOTTENHAM
CROUCH END
HIGHGATE
HIGHGATE
STROUD GREEN
HARRINGAY
SEVEN SISTERS
STAMFORD HILL
MANOR HOUSE
Town centres
River Lee
Rail
Rail station
Tube station
Haringey ward boundaries
Lee Valley Regional Park
Green belt
Metropolitan open land
Significant local open land
SINCs (Site of Importance for Nature conservation)
Local nature reserve
Ecological corridor
Green chain (existing)