

## **Planning & Environment – Robin’s update for Committee, 15 September 2022**

### BSoc PLANNING & ENVIRONMENT (P&E) SUB-COMMITTEE

Katy Staton, a local landscape architect, has kindly agreed to join the P&E Committee to provide landscape and environmental expertise.

- *Main Committee: to note*

### PLANNING ISSUES

#### Government

Since Michael Gove was sacked as Secretary of State, the steam has gone out of the government’s planning reforms. Its Levelling-Up and Regeneration Bill (LURB) is still in the parliamentary pipeline, and is likely to be enacted with some amendments (see below).

#### London Green Belt Council

**LURB** – LGBC Chair, Richard Knox-Johnston, and I attended a meeting on 6 September with Theresa Villiers MP. She will press for improvements to the Bill’s measures on housing targets and land banking by developers in the Green Belt (GB).

**LGBC website** – I choreographed the filming of video clips of Richard Knox-Johnston speaking on eight vital qualities of the GB on eight sites in Totteridge and Mill Hill. You can view them here: <https://londongreenbeltcouncil.org.uk/why-londons-green-belt-is-so-important/>



*Richard Knox-Johnston in action*

#### Barnet Council

I’ll be participating in the Examination in Public (EiP) of Barnet’s draft Local Plan (LP) from 20 September until it ends in November. We’re concerned about certain proposals, for example that it still earmarks High Barnet Station for 292 homes and Whalebones for 149 homes, and that its policies on green space are based partly on the flawed ‘value’ and ‘quality’ assessments in Barnet’s Parks & Open Spaces Strategy (BPOSS).

We knew that the incoming Labour administration would probably want to make some changes, not least in view of its declaration of a climate emergency. In July I asked (via FORAB) what changes they had in mind, but got no reply. In August I asked Cllr Schneiderman, Chair of the Environment Committee, what they will do about the BPOSS.

Last week I got a reply – including a link to a 140-page schedule of modifications to the LP. I've started studying it but it will keep me busy until the 20<sup>th</sup> and beyond!

If the changes don't assuage our concerns, we may need to pay for legal advice to challenge them effectively. Because our next full Committee meeting is not until November – by which time the EiP will be almost over – I need your approval in principle to expenditure of some of our financial reserves if necessary. I would of course obtain the prior approval of the Executive Committee to a detailed proposal before committing the Society.

- Main Cttee: Approve the expenditure of up to £3,000 on solicitor's advice.

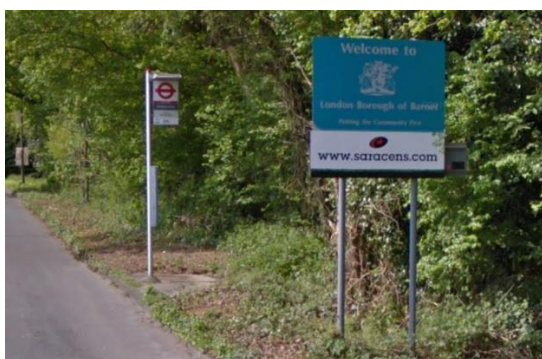
Main	Modification ID	Chapter	Section	Proposed Change	Comments
Main	MM268	Chapter 10 - Environment and Climate Change	10.17.1	Green Infrastructure can be defined as a strategic network of green spaces places and features that thread through and surround urban areas and connect town to country. It comprises of a wide range of valued public and private green spaces assets including parks, woodland, trees, residential gardens, allotments and waterways.	Updated to reflect removal of Policy ECC04E on low quality, low value open spaces.
Main	MM269	Chapter 10 - Environment and Climate Change	10.19.4	BPOSS, in a follow up to the 2009 Assessment, has assessed open spaces around the Borough and identified a number of low quality, low value sites where alternative uses may be a more optimal use of the land and allow investment in other parks	Delete para to reflect removal of 'low quality, low value' element of ECC04 with regard to parks and open spaces.
Main	MM270	Chapter 10 - Environment and Climate Change	10.19.5	Development on open space will only be permitted where it results in no net loss of equivalent open space or a better quality of provision. Small scale development on open space identified in BPOSS as being of low quality and low value may sometimes be acceptable.	Delete para to reflect removal of 'low quality, low value' element of ECC04 with regard to parks and open spaces. Also
Main	MM270	Chapter 10 - Environment and Climate Change	10.19.6	The release of low quality, low value open space for development must robustly demonstrate that the criteria set out in Policy ECC04(e) is satisfied and the requirements of Policy ECC06 - Biodiversity are met. Replacement open space should be the same or better quality than that which is proposed to be lost and be provided in the local catchment area to ensure that it does not create further deficiencies in public spaces	Delete para to reflect removal of 'low quality, low value' element of ECC04 with

Extract from Barnet's schedule of proposed modifications (one page out of 140)

### Barnet signage

BSoc member Paul Doyle suggests that it might be timely to remove the Saracens advertisement under Barnet's borough and town signs and replace them with something more relevant to the town – perhaps publicising the Chipping Barnet Town Team or lovebarnet.co.uk. In December it will be 10 years since they were put up, so it's a good time to review them.

- Does anyone agree? And is anyone willing to take up the matter with the Council?



Typical current town sign

## RECENT CASEWORK (SELECTION)

### Green Belt cases

**Arkley Riding Stables, Hedgerow Lane** – We didn't mind this second application for a GB site, this time for only three houses on the footprint of the original stables. It's been approved.

**Land off Mays Lane, Greengate Stables** – We supported applications by Strength & Learning Through Horses Another for the first stages of their project, subject to conditions to protect habitat and wildlife.

**Gaelic football pavilion, King George's playing field** – Decision still awaited on this replacement for a previous pavilion. We were neutral.

**Electricity battery, Partingdale Lane** – The Society was one of 912 objectors to the original application to build on the GB. It was refused but has gone to appeal.

**Sky Studios, Rowley Lane** – Hertsmere Council has approved Sky's application to expand the number of sound stages to 23, on 26 hectares of GB land.

### Conservation Areas & Listed Buildings

**47 High Street** – Just in, an application for a pergola beside, and a new building behind, the Crown & Anchor (on the Local List and in the Wood Street CA). It will need a close look.

**70 High Street** – We strongly objected to the latest (3<sup>rd</sup>) façade redesign. Decision awaited.

**98-100 High Street (fka Foxtons)** – Proposed enlargement of building into ground-floor co-working employment space with flats above. We were neutral. Decision awaited.

**118 High Street (fka TSB Bank & Barnet Press)** – The proposal to black out the fascia of this elegant Grade II-listed building (as part of its conversion to 'bingo') is grim. The deadline for objections has been extended to 21 September; we've already objected.



*118 High Street proposal*

**140 High Street (fka HSBC bank)** – A welcome exception to the spate of inappropriate shopfronts in the High Street. We supported this gentle adaptation of the locally-listed building by Gail's the bakers, and it's been approved.

**161 High Street** – Rear and roof extensions. We've yet to comment.

**202 High Street (fka Bentleys)** – The developer is back again with a reduced scheme (commercial + 4 flats and 1 mews house). We opposed the previous scheme (for 6 flats).

**2 Clyde Villas, Hadley Green Road (LL)** – Flats for people with special needs. Withdrawn.

**81 advertising banners on lamp-posts, High Street/Barnet Hill** – Still no decision.

**33 Lyonsdown Road** – Demolition of villa on Local List scheduled for 1 October. See ANNEX below

- Main Ctte: Approve the actions proposed in the ANNEX.

### Tudor Park pavilion

- Simon Cohen to report?

**Tudor Park playground** – The Council held a public consultation on its proposal to spend £150,000 on replacing the existing playground. We objected because it would be better spent on upgrading other parts of the park and supported Katy Staton's separate comments.

**Footgolf pavilion** – We didn't object to its rebuilding following subsidence, but hope it won't compete with community use of the refurbished former cricket pavilion.

Could there please be some joined-up thinking about investment in this popular park?



Proposals for (L) Tudor Park playground and (R) 150 High Street

### Planning decisions awaited

**150 High Street** – A particularly garish proposal. We objected not just to the shopfront but to the gussying-up of the upper floors, contrary to Barnet guidance on shopfront design.

**152 High Street** – Extension up to the roofline of neighbouring buildings. We objected.

**Land behind 36 Park Road** – Reduced from 9 to 6 new houses on vacant backland. We supported the proposal.

**63A Union Street** – Another application for this site by Coe’s Alley. We were neutral about the previous one.

**Former public WCs, Great North & Station Roads** – We were neutral about this proposed internet café.

**Western half of Meadow Works site, Pricklers Hill** (8 x 3-storey houses) – We supported these new family homes and gardens.

Planning appeal upheld

**Barnet House, Whetstone** – Overcladding of the slab and building over its car park. We objected to overdevelopment.

Planning appeals dismissed

**Victoria Quarter** – Rejection of the proposal for 539 flats has been a notable success for local residents, particularly the New Barnet Community Association. Over a gruelling 9-day public Inquiry, they cross-examined – and were cross-examined by – the developer’s agents. Theresa Villiers MP and I also spoke in their support.

**33 Park Road** – Addition of two storeys of flats.

Planning appeal decision ignored

**1 Sunset View** – The owner was given six months to make good unapproved alterations to Locally Listed house in Monken Hadley Conservation Area (CA). Nothing appears to have been done.

Planning appeal decisions awaited

**Crown & Anchor, 47 High Street** – Following our objection to lack of detail in the planning application for this former pub on the Local List, Guy and I met the owner. He’s ignored our advice about replacement windows and doors and appealed against the Council’s refusal. We’ve submitted a representation supporting the Council’s decision.

**159 High Street** – We objected to a flat in the roofspace, which would alter its roof in the Monken Hadley CA.

**1-9 Richard Court, Alston Road (PD)** – Applications for an extra storey on two blocks of flats. Again Permitted Development, but we objected anyway.

On the radar

Public consultations have been held on these proposals:

**49 Moxon Street** – We have serious reservations about the 7-storey height of these proposed workspace and 92 flats at the edge of the GB. Though partly disguised by trees and the steep gradient, it would set a very dangerous precedent for other developments in Chipping Barnet.

**Rugby Club, Byng Road playing fields** – A new clubhouse and other improvements are proposed. It’s in the GB, but will replace an existing building of no particular merit.

Both are expected to reappear as planning applications before long.

And struggling on...

**Barnet Hill hawthorns** – About a third of the 300+ hawthorns we've planted died during the summer drought, but the rest have survived and some are even flourishing.

ANNEX

### **33 Lyonsdown Road**

*CONFIDENTIAL – until we know whether the building has been demolished or saved.*

Conserving our architectural and natural heritage is a core Society priority. We're proud of having nominated many architecturally and historically significant buildings for local listing. When demolition of No.33 was approved, we realised the same could happen to many others on the Local List. At our last financial year-end, the Society had financial reserves of over £7,300. If ever there was a case to spend some of them, No.33 was surely one.

At the last Committee meeting on 30 June, it agreed to set up a No.33 sub-group comprising Robin Bishop, Guy Braithwaite, Simon Kaufman, Eamonn Rafferty & Susan Skedd.

To oppose the two planning applications by Abbeytown to demolish No.33 under Permitted Development Rights (under which the public is not invited to comment), the sub-group realised that a solicitor's letter would be needed. The sub-group therefore asked the Society's Executive Committee to authorise payment of solicitor's fees of £792 to a respected expert on heritage law, Susan Ring of Hodge Jones Allen solicitors, for a letter to the Council and, if necessary, up to £500 for a second letter. Local residents were also asked to help cover the cost and they responded magnificently, donating £480 to the Society. The net cost after donations was therefore expected to be £812.

At an Extraordinary Committee meeting on 24 July those payments were approved, and an additional payment of £2,000 was approved to investigate other legal options including judicial review. During further discussion with the lawyers, however, it became clear that this was insufficient for further advice from a Queen's Counsel (QC). We therefore negotiated a fee of £3,000. Though a large amount for a voluntary organisation like ours, it's modest by legal standards.

We met the lawyers (by video) on 29 July to seek the QC's advice on whether or not he thought No.33 would be a good test case. Unfortunately he was not very positive that our appeal for a judicial review would be successful, so we decided not to proceed any further. However it was a very useful exercise for all Committee members taking part to learn what information is required to take such a case to judicial review in the future.

On 11 August, several of us met two senior planners and all three Barnet Vale ward Councillors to express our concerns about the way demolition had been approved. We explained in some detail the reasons why we considered the decision to be unsound. The Councillors were also upset that they hadn't been notified.

We reminded the planners that we had urged them to give protection for 33 Lyonsdown Road by means of an Article 4 Direction as long ago as February 2021, when the last planning application was refused. This would have closed off the PD route and is used routinely in conservation areas. We pointed out that councils around the country had imposed, or were in the process of imposing, Article 4 Directions to prevent demolition. The planners and Councillors agreed to consider similar action in Barnet. We have yet to hear their decisions.

We've written an open letter to Abbeytown to ask them to consider the scope for a conversion scheme. Theresa Villiers MP has also stepped in. In August she attended our protest outside No.33 and wrote asking for a meeting with Simon Gerrard, a managing director of both Abbeytown and Martyn Gerrard estate agents.

In the meantime, Simon Kaufman generously offered his services – at short notice and pro bono – to sketch a scheme along these lines. His bird's-eye view is illustrated below. In a 16-page report, Simon analysed the existing building and its potential for conversion, showing that it could accommodate 6-8 flats while retaining most of its impressive interiors.

He also demonstrated that another 7-9 flats could be built in a new building in the garden – a potential total of 17 flats – almost the same quantity that Abbeytown proposed in their last (unsuccessful) planning application, but with the bonus that the proportion of high-end 'period' refurbished flats would fetch a premium. A copy of his scheme has been delivered to Martyn Gerrard. At the time of writing, there has been no response to our or Theresa Villiers's approaches.

To date, our legal costs have been £3,792 (less donations); no further charges are expected.

- Main Committee: please ratify the Executive Committee's decisions.



*Simon Kaufman Architects: bird's-eye view of alternative scheme*