

By Email

17 March 2019

Dear Mr Thuairé

Planning Application 2018/3672/P – 55 Fitzroy Park N6 6JA

I am a regular user of both Millfield Lane and Fitzroy Park, the roads which form the western and eastern boundaries of the proposed development. I cycle or walk these routes daily to travel to and from Kenwood Ladies' Pond.

For the reasons set out below, I strongly oppose this application.

1. The proposed route for construction traffic may avoid the use of the private section of Millfield Lane, but this is at the expense of turning the junction of Millfield Lane, Merton Lane and Fitzroy Park into a lorry park. Heavy goods vehicles would arrive along Merton Lane, turn left into the public section of Millfield Lane and then reverse through a narrow section of Fitzroy Park to number 55, before unloading then exiting in a forward direction. This will significantly obstruct other traffic on all three roads, put pedestrians and cyclists at a high level of risk, and hinder access for the emergency services to the Ladies' Pond. It is also likely to require the suspension of parking bays in Merton Lane/Millfield Lane (public section). That loss of parking bays will have a disproportionate impact on disabled users of the Ladies' Pond and Heath who arrive by car.
2. The proposed development would replace one house and annex with 5 large houses of between 3 and 5 bedrooms, plus basements. Detailed calculations of the build plot ratio have been discussed in earlier responses to this planning application, indicating that the applicant has underestimated the ratio. If this information is still unclear after 6 months of further discussions, then the application should be rejected by the council. It would appear that the applicants either cannot or will not provide accurate calculations.
3. Similarly, there appears to have been an underestimate of the number of trees which would be felled to make way for 5 luxury homes. The total number is close to 90 trees including 3 subject to Tree Protection Orders. At the fringes of Hampstead Heath this is entirely unacceptable.
4. The scale and nature of the construction work will have a detrimental impact on Millfield Lane and Hampstead Heath even if the private section of the lane is not being used for construction traffic. Noise, dust and pollution levels would be entirely unacceptable in this sensitive environment.
5. The development would require heavy engineering of the site, with sheet piling and bunds to contain the new properties and ground water. This is likely to have a negative impact on the water flow towards the Bird Sanctuary Pond on Hampstead Heath. The finished development would in turn increase heat and light pollution as well as disrupting wildlife corridors between an existing Private Open Space and the Heath. Such development should not be permitted to happen at the expense of the local environment. Hampstead Heath belongs to all Londoners and welcomes visitors from around the world. It is simply more important than a property development.

6. Two of the proposed houses (plots 4 and 5) will face towards Millfield Lane. There is a vehicle gate leading from the back of the property, which until recently had appeared to be unused. In the last few months, this area is showing signs of use. I am concerned that despite the statements to the contrary by the applicants, this will in future form vehicle access to plots 4 and 5, which would have a very significant impact on traffic levels in Millfield Lane. This section of the lane is unmade and narrow. It is the main route to the Ladies' Pond, which is extremely busy with pedestrians and cyclists in summer. In winter it is the only access route to the Pond and all year round it is the only means of access for emergency services called to the Pond.
7. This development in no way addresses London's housing crisis. It does not provide new housing to individuals currently without homes or housed in unacceptable conditions. Given the scale of the development (increase in floorspace) the council might justifiably expect at least one unit of (genuinely) affordable housing to be included in the total development, for allocation from Camden's housing register. This would be in the interests of creating mixed and sustainable communities. The Fitzroy Park/Millfield Lane area is currently a far from balanced community and this application will simply create another super-rich reservation.
8. Indeed, the layout and positioning of plots 4 and 5, as well as the vehicle gate, would in future make it easier to sell these off as a separate entity when they are no longer required for family purposes.
9. Furthermore, this application includes an exemption from Community Infrastructure Levy (which is intended to benefit the wider community). The reason given is that this is a family self-build by the Turner-Stokes and Springer families. The wider community loses out.
10. As a Haringey resident, this CIL exemption puzzles me. I am interested to know how many such exemptions one family or person can have at the same time? One of the beneficiaries of the current application to Camden (Ryan Springer) appears to hold a CIL exemption for redevelopment of his home less than a mile away in the Haringey section of Highgate (65 and 67 North Road, N6 4BQ applications [HGY/2015/3796](#) and [HGY/2018/2200](#)). The common feature with this application and the proposed development at 55 Fitzroy Park appears to be SM Planning, which is advising on both.

Correspondence on the Haringey portal dated 17 July 2018 indicates that the North Road development is on-going, and the application to Camden in respect of 55 Fitzroy Park was made by Geoffrey Springer in the same month. The Planning Statement submitted to Camden council at the same time includes reference to Ryan Springer:

- 1.2 The site owner is Professor Lynne Turner-Stokes MBE, whose family have owned the land for over 75 years. The application proposes three homes along the Fitzroy Park frontage, for Professor Turner-Stokes and her two daughters. The remaining two plots, to the rear, are for Geoffrey Springer and Ryan Springer who have lived in the road since 1987. The proposed development is therefore a family led scheme, allowing these local connections to continue.

However, the Haringey application originally made in December 2015 by Ryan Springer stated:

APPLICANT

Mr and Mrs Springer have lived in the area for a number of years.

With the existing house having very little architectural merit, they are keen to build a new unequivocally contemporary home that far better serves their requirements. One that is an exemplary piece of architecture and both responds to and enhances the site and surrounding Conservation Area. The existing site's potential is underutilized with the smaller of the 2 houses lacking privacy and therefore being unoccupied. Both properties are tired and outdated with no merit in themselves.

The clients have approached Gregory Phillips Architects to design a new replacement dwelling that reflects a desire to create 2 outstanding contemporary homes.

The planning permission granted in February 2016 made reference to CIL exemption for a self-build project.

I ask about these CIL exemptions as I genuinely would like to understand how this works when the applications are made in 2 different boroughs? How do those planning authorities protect public resources in such circumstances and how do they maximise benefit to the wider community through the CIL? In short, how are the interests of Haringey and Camden council tax payers protected?

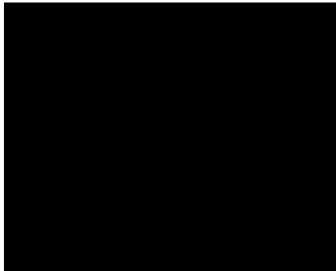
This information has all been gleaned from documents in the public domain on the Haringey and Camden planning portals.

In short, this is the wrong development in the wrong place, for the wrong reasons and with the wrong methodology. I urge Camden Council to reject this application or any re-submission of the same with minor alterations.

Yours sincerely



Mary Powell



SMPlanning

Via email Only

03 August 2018

Dear sir/madam,

Re: Demolition of all existing buildings on the site and their replacement with five detached homes (Use Class C3) at 55 Fitzroy Park, London, N6 6JA

Please accept this covering letter as an accompaniment to full planning application for the demolition of all existing buildings on the site and their replacement with five detached homes at 55 Fitzroy Park. The application is further supported with the following plans and documents:

- Site Location Plan
- Proposed Site Plan
- Existing and Proposed Plans and Elevations
- Proposed Sections
- Design & Access Statement
- Planning Statement
- Heritage Statement
- Statement of Community Involvement
- Transport Statement
- Construction Management Plan
- Arboricultural Report
- Ecological Appraisal
- Energy Statement
- Geotechnical Assessment
- Hydrological and Hydrogeological Impact Assessment
- Noise Impact Assessment
- CIL Forms

Yours sincerely



Stuart Minty
Director
SM Planning

17 July 2018

Via Email Only

Dear sir/madam,

**Re: Certificate of Lawfulness of Proposed Development
Under Section 192 of the Town and Country Planning Act 1990
To confirm that planning permission HGY/2015/3796 has been lawfully implemented**

Please accept this covering letter in support of a lawful development certificate to confirm that the above planning permission has been lawfully implemented and that the remainder of the development may be lawfully carried out.

Firstly, case law dictates that an application under s192 can confirm that a planning permission has been lawfully implemented, and that therefore the remainder of a development may lawfully be carried out.

Specifically, In *Republic of France v RB Kensington & Chelsea*, s.192/s.26H certificates of lawfulness of proposed development had been sought and obtained on the basis that:

- A 2008 planning consent and a 2010 listed building consent permitted the works.
- Although the time for implementation of both consents had now passed, works had been carried out – lawfully – under both consents before their expiry.

The claimant – the neighbour, the French Embassy – challenged the certificates on several grounds, but the Court held that the certificates had been granted lawfully.

The claimant argued that s.192/s.26H certificates could only certify the lawfulness of proposed works, not existing works (which an authority could only certify by a s.191 certificate, and not at all in the listed buildings context). The court rejected that. There is no reason why a s.192/s.26H

certificate cannot draw conclusions about the lawfulness of existing works en-route to determining that future works under the same consent(s) would be lawful.

In light of the above, this application is submitted under s.192 of the Town and Country Planning Act 1990. The following is relevant to the determination of the lawful development certificate:

- Planning permission was granted on 12 February 2016 for the demolition of two existing houses and the construction of two new dwellings under planning permission reference HGY/2015/3796.
- The application was approved subject to eight conditions (1. Time; 2. Approved Plans; 3. Materials; 4. Landscaping; 5. Removal of Permitted Development – Windows; 6. Green Roof; 7. Construction Management Plan; 8. Removal of Permitted Development – Extensions & Outbuildings)
- Of those conditions, no's 1, 2, 5 and 8 are compliance conditions, requiring no further action.
- Condition 4 requires the submission of details but at no specified point in time and condition 6 requires details to be submitted prior to the occupation of the buildings. In light of the requirements of these conditions, details have not yet been submitted.
- All conditions requiring formal discharge prior to the commencement of works have been submitted to and approved in writing by the council (3. Materials – HGY/2018/0978 – GRANTED 20 May 2018; and 7. Construction Management Plan – HGY/2018/0979 – GRANTED 22 May 2018)

Since the discharge of the conditions referred above, the applicant has implemented the planning permission. A trench has been dug in the south-east corner of the development in order to accommodate the foundations and this is highlighted on drawing numbers 254_PL_00 REV P1 and 254_PL_-01 REV P1 and photographic evidence that supports the application.

A trench is held by the Planning Act to represent a material operation that initiates development. Section 56 of the Act states:

- (1) *Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—*
- (a) *if the development consists of the carrying out of operations, at the time when those operations are begun...*

and thereafter states:

- (4) *“material operation” means—*
- (a) *any work of construction in the course of the erection of a building;*
- (b) *the digging of a trench which is to contain the foundations, or part of the foundations, of a building...*

In light of the clarity offered by the Town and Country Planning Act it is clear that the development, as outlined above, has been initiated.

I would therefore be grateful if you could issue a lawful development certificate accordingly. If you have any queries or require any points of clarification please do not hesitate to contact me.

Yours sincerely



Stuart Minty
Director
SM Planning

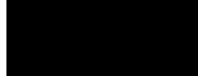


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Stephen Kelly Assistant Director Planning Service

Jonathan Tipper
Gregory Phillips Architects

On behalf of
Mr Ryan Springer



Planning Application Reference No. HGY/2015/3796

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

NOTICE OF PLANNING PERMISSION

Location: 65 & 67 North Road, N6

Proposal: Demolition of 2 existing houses and construction of 2 new dwellings

In pursuance of their powers under the above Act, the London Borough of Haringey as Local Planning Authority hereby PERMIT the above development in accordance with the application dated 18/12/2015 and drawing numbers: E100, E101, E102, E103 and G101 - G107 incl.

SEE SCHEDULE OF CONDITIONS ATTACHED



12/02/2016

Emma Williamson
Head of Development Management
Planning Service

- NOTE:
1. You can find advice in regard to your rights of appeal at:
www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent
 2. This notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.
For more information about making a Building Regulations application, please contact Haringey Council Building Control Team by email building.control@haringey.gov.uk, telephone 020 8489 5504, or see our website at www.haringey.gov.uk/buildingcontrol.

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Stephen Kelly Assistant Director Planning Service

HGY/2015/3796

The following conditions have been applied to this consent and these conditions must be complied with:

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.
Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in accordance with the following approved plans E100, E101, E102, E103 and G101 - G107 incl
Reason: In order to avoid doubt and in the interests of good planning.

3. Notwithstanding the information submitted within the application, no development shall take place until precise details of the external materials to be used in connection with the development hereby permitted be submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority and retained as such in perpetuity.
Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area and consistent with Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

4. Final details of a scheme depicting those areas to be treated by means of hard and soft landscaping, including replacement trees, shall be submitted to, approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Any trees, or plants which die within a period of 5 years from the completion of the development; are removed, or become seriously damaged, or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity of the area.

5. No windows other than those shown on the approved drawings shall be inserted in the dwellings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality.

6. Prior to the first occupation of the buildings hereby approved a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained.

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Stephen Kelly Assistant Director Planning Service

7. The applicant/developer is required to submit a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) for the local authority's approval prior to construction work commencing on site. The Plans should provide details on how construction work (inc. demolitions) would be undertaken in a manner that disruption to traffic and pedestrians on North Road and the roads surrounding the site is minimised. It is also requested that construction vehicle movements be timed to avoid the am and pm traffic peak hours. Reason: to reduce the impact of the development during the construction on the transportation and highways network.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions or construction of outbuildings to the dwellings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality.

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE: CIL EXEMPTION - SELF BUILD

In this particular case the application is accompanied by a 'Self Build Exemption Claim Form (Form 7 - Part 1)' to qualify for self build exemption. Within 6 months of completion of the development hereby permitted the applicant must submit a 'Self Build Exemption Claim Form: Part 2' together with the following appropriate supporting evidence:

- " Proof of completion (Building control compliance/completion certificate)
- " Proof of ownership (title and deeds)
- " Proof of occupation of the dwelling (Council tax certificate, and two further proofs of evidence e.g. utility bill, electoral roll, bank statement)

And one of the following:

- " An approved claim for a VAT refund for DIY house builders
- " A self-build warranty
- " An approved self-build mortgage

Failure to submit the appropriate form and evidence within six months of completion of the development will result in the withdrawal of the exemption and the need for payment of the full charge amounts (Mayoral and Local CIL).

If however personal circumstances change and the applicant decides to dispose of the property before the three year occupancy limit expires then they must notify the charging authority (Haringey Council) as the full charge amounts would apply. Failure to notify the charging authority will result in enforcement action and surcharges would become payable. Further details in respect of CIL are available on Council's website.

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INFORMATIVE:

The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.

INFORMATIVE:

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our development plan comprising the London Plan 2011, the Haringey Local Plan 2013 and the saved policies of the Haringey Unitary Development Plan 2006 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant during the consideration of the application.

12/02/2016



Emma Williamson
Head of Development Management
Planning Service

Planning Service

