

James Argles

From: Planning Support
Subject: FW: HGY/2022/4415: Further objection from Highgate CAAC

Sent: 06 February 2023 14:05

Subject: Re: HGY/2022/4415: 103 - 107 North Hill

Dear Robbie,

This is taken from an email I have just sent to Cllr. Emery, HCAAC and the Highgate Society:

Here are the policy requirements regarding 'optimum viable use'. The key words are 'optimum' and 'viable'. Where is the Viability Report? This would show whether the development is 'optimum' or not.

From the Report to Committee:

" 1.2. SUMMARY OF KEY REASONS FOR RECOMMENDATION and paragraph 6.15 Conclusion [correction] ***The proposed development will lead to a very low, less than substantial harm to the significance of the Conservation area and its assets while optimising the use of the site and its garden and while enhancing the townscape along North Hill and partly by other benefits such as the improved care home services and the optimum use of the site and its garden.*** " From the insertion of the word "[correction]" we can see this summary has been changed. It previously read:

" 6.15 Conclusion

- *The scheme optimises the potential of the site for a new modern care home (Class C2); "*

This key wording was incorrect and had to be changed. The earlier consent must therefore have been invalid.

The NPPF clauses relating to optimisation read:

" 202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. "

The heritage assets in this case are:

- Prospect Terrace listed Grade II
- Highgate Conservation Area

" 206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. "

The Case Officer says right at the beginning in of her report this time.

" 1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- *The scheme **optimises** the potential of the site for a new modern care home"*

There is no evidence anywhere to support that statement. Further references from the Case Officer's Report:

" 6.2.5 London Plan Policy D6 seeks to **optimise** the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services. It emphasises the need for good housing quality which meets relevant standards of accommodation."

" 6.3.12 The Conservation Officer notes that this contextual awareness and a solid experience in the design of specialist care homes have been the basis for a sound and successful design exploration aimed at **maximising** the site potential and providing an **optimal level of accommodation** with related amenities and a sensitive response to the historic townscape and urban context of the conservation area.....The extensive pre-application discussion with council officers, review and local groups has informed a very specific design proposal that extends across the site replacing and **optimising the footprint**, plan form, amasses and heights of the existing building,"

" 6.3.16 The Conservation Officer therefore concludes that the proposed scheme is acceptable from a conservation perspective, **as it will lead to a very low, less than substantial harm** to the significance of the conservation area and its assets **while optimising the use of the site and its garden and while enhancing the townscape along North Hill.** "

" 6.15 Conclusion

- **The scheme optimises the potential of the site for a new modern care home (Class C2)** "

" Appendix 1 Consultation Responses - internal and external consultees and Neighbour Representations
Conservation officer: The submitted scheme will lead to a very low, less than substantial harm to the significance of the Conservation area and its assets while optimising the use of the site and its garden and while enhancing the townscape along North Hill and is therefore fully supported. "

" The extensive pre-application discussion with council officers, review and local groups has informed a very specific design proposal that extends across the site replacing and optimising the footprint, plan form, amasses and heights of the existing building, with a carefully proportioned new care home building..... "

Officer's responses to comments from the public:

" Impact on Heritage assets

Officers consider the proposed scheme is acceptable from a conservation perspective, as it will lead to a very low, less than substantial harm to the significance of the conservation area and its assets while optimising the use of the site and its garden and while enhancing the **townscape** along North Hill. " HCAAC Comment: 'Townscape' is not good enough. Prospect Terrace is a registered heritage asset not just townscape.

" 1.2. SUMMARY OF KEY REASONS FOR RECOMMENDATION and paragraph 6.15 Conclusion [correction] **The proposed development will lead to a very low, less than substantial harm to the significance of the Conservation area and its assets while optimising the use of the site and its garden and while enhancing the townscape along North Hill and partly by other benefits such as the improved care home services and the optimum use of the site and its garden.** " From the insertion of the word "[correction]" we can see this summary has been changed. It previously read:

" 6.15 Conclusion

- The scheme optimises the potential of the site for a new modern care home (Class C2); "

This wording was incorrect. The NPPF clause relating to optimisation reads:

" 202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. "

The heritage assets in this case are:

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" 206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. "

There is no assessment of the impact on the listed heritage asset and no Viability statement to sustain the statement that the proposal is the optimum viable use. We would consider it would be too late in the day to change your Committee Report for this evening's meeting should you consider changes were necessary.

I'm afraid the name of the terrace would have to be changed to ' No longer a Terrace with a Prospect!

Kind regards,

Gail Waldman
Chair Highgate Conservation Area Advisory Committee