

Planning Department
London Borough of Haringey
River Park House
225 High Road
London N22 8HQ

31 March 2026

Dear Sirs

Mallinson Sports Centre, Highgate School, Bishopswood Road, Hornsey, London, N6 4NY (the “Site”)

We act for the Broadlands Road Residents Group, who own a number of properties on Broadlands Road.

On behalf of our client, please take this letter as a formal objection to the proposals for the Site under reference HGY/2023/0338 for ““*Redevelopment of Mallinson Sport Centre, to include: 1) Partial demolition of existing structure, squash and fives buildings; 2) Refurbishment and extension of the remaining facilities, comprising new part single basement, new double height sports hall and new entrances, new teaching classrooms, offices, gym and exercise studios, circulation and ancillary accommodation; 3) New basement level outdoor covered fives courts; 4) External sunken oval sports pitch; and 5) Associated landscaping and improved provision for emergency services and servicing.*” (the “**Application**”).

Our client has a number of very significant concerns with the Application, and in particular elements (4) and (5). As background please note that many of our client’s members have already objected to the Application on an individual basis, and maintains its objection even though the Application has been amended.

1. Hydrology and flooding

1.1. Policy SP5 of the Council’s Local Plan (2017) states that:

The Council will require all development in Haringey to be water efficient during construction and operation and to reduce all forms of food risk. All development shall: ■ Improve the water environment, water quality and drainage systems; ■ Minimise water use and illustrate how development would contribute to general and flash flooding; ■ Take account of flood risk vulnerability classification as set out in paragraph 100 of the NPPF and will apply the NPPF Sequential Test and Exception Test; ■ Implement measures to

prevent (or mitigate as last resort) local surface water and downstream flooding; ■ Implement Sustainable Drainage Systems from strategic to individual site level to improve water attenuation, quality and amenity; ■ Restore and enhance the Blue Ribbon Network including Pymmes Brook, Moselle Brook, the River Lee and its tributaries, deculverting wherever feasible, to improve water quality and amenity of these waterways and to help reduce food risk (in line with London River Action Plan); and ■ Require higher resilience and levels of flood protection for critical infrastructure to ensure the protection of essential services such as water and power.

1.2. Policy DM24 in its 2017 Local Plan states that:

A. The Council will ensure that all proposals for new development avoid and reduce the risk of flooding to future occupants and do not increase the risk of flooding

1.3. The supporting text to that policy states that “*Consideration should be given to the design and layout of development. This is particularly important in managing residual flood risks, which are those that remain after the application of the sequential approach and other mitigating measures. Design features may include flood resistant and resilient construction. However, the incorporation of such construction measures will not warrant justification for development in inappropriate locations*”.

Basement impact assessment

- 1.4. As background, the Council will note that the amendments to the Application make no significant change to the proposed sunken sports pitch. The Council will also no doubt be aware that it has repeatedly refused to countenance basement development in the area close to the Site.
- 1.5. The Haycock report notes a number of significant inconsistencies between the BIA and the FRA, so that the BIA cannot be considered robust.
- 1.6. Significantly, the BIA does not appear to have fully assessed the impact of the sunken oval basin in groundwater terms, and specifically given that there is evidence in previous planning applications of a Claygate minor aquifer under some of the nearby properties - if the Claygate minor aquifer is dewatered as a result of the development then this could generate subsidence risks for Broadlands Road.

Flood risk assessment

- 1.7. The most recent Flood Risk Assessment for the Application accepts that “*The proposed Fives courts will be inundated in the design event*”, and devotes an entire section to discussing how the sports hall will be designed to deal with water damage. This is a clear acceptance that the risk of flooding will be increased.
- 1.8. The Council will note that an independent review of the FRA was prepared by Haycocks in February 2026, which identifies over 30 separate flaws in the submitted FRA, including that it is inconsistent with the other submitted documents, relies only on general information, fails to properly assess groundwater risks on a number of nearby properties and fails to demonstrate that the risks of flooding will not be increased.
- 1.9. There is also a concern that the FRA has failed to assess the existing status of the land close to the proposed retention basin, which contains a number of active springs, which prevent the fields from being used in heavy rain. There is a real risk that excavations in this location will simply be filled up by the springs, or if waterproofed that the run-off will damage surrounding properties. This could potentially impact the veteran features (such as hedgerows) within the Metropolitan Open Land.
- 1.10. The FRA also does not appear to have assessed the impact of the basin itself flooding.

2. Metropolitan Open Land (MOL)

- 2.1. The Council’s 2021 SPD for the Site states that redevelopment will (emphasis added):

“ensure that the Mallinson Sports Centre does not impact on the openness of the Metropolitan Open Land and does not adversely affect the character of the Metropolitan Open Land or where proposals would be considered inappropriate development must be supported by Very Special Circumstances (Policy SP13 and Policy G3 in the London Plan”

- 2.2. Therefore, the Council’s policy requirement is for both limbs of the test to be satisfied. This is not the case.
- 2.3. The applicant’s most recent planning statement states that “*Further, given the sunken nature of the development, and the architectural approach to maintaining views through and across the Fives courts themselves, it should be considered that the openness of the*

MOL is also maintained". This suggests that maintaining views is the key aspect of openness to the MOL. However, in *R (Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council [2020] UKSC 3*, the Supreme Court found that, on a true reading of the NPPF, the visual quality of a landscape is not in itself an essential part of the openness for which the green belt is protected.

- 2.4. The applicant's MOL assessment (which under the Council's policy is subject to the green belt tests) is therefore flawed.

3. Ecology

- 3.1. Policy SP13 of the Local Plan states that:

"All development shall protect and improve sites of biodiversity and nature conservation, including private gardens through its: ■ Contribution to wildlife and ecological habitats and, where possible, include green and brown roofs, rainwater harvesting, green walls, bird and bat nesting/roosting opportunities; ■ Protection, management and maintenance of existing trees and the planting of new trees where appropriate; and ■ Protection, enhancement and creation of Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs)"

- 3.2. As the Council will be aware, a detailed and robust assessment of the scheme's ecological credentials was undertaken and submitted to the Council in mid-2023. Its findings have, however, been largely ignored by the applicant.
- 3.3. Significantly, the submitted documents ignore the designation of the woodland as a priority habitat, and also provide no justification for the felling of trees, either in ecological or MOL terms.
- 3.4. In addition, there does not appear to have been robust investigations carried out to assess the potential for reptiles on the Site or its surroundings, and in fact the investigations which have been carried out contain a number of material errors, including:
- 3.4.1. Assessing that *"no habitat potentially suitable for reptiles was present"* despite the presence of hedgerows, woodland edge habitat and unmanaged grassland at the edge of the woodland block being present, all of which have potential to support reptiles;
- 3.4.2. Assessing the woodland area and lines of trees were assessed as being of low value to commuting and foraging bats, despite the fact that the woodland is well connected via mature tree lines/hedgerows and mature gardens with other areas of significant habitat value to bats within the locality, such as Kenwood House and

therefore comprises a significant resource of semi-natural habitat with good connectivity;

3.4.3. On at least two occasions stating that the Local Plan is considered in the appraisal, which then makes no mention of the Local Plan at all; and

3.4.4. Failing to assess how the proposed sunken sports pitch, to double as a flood storage attenuation area, will impact ecology (woodland, hedgerow and ditches).

3.5. Fundamentally, the applicant has chosen not to undertake a full Ecological Impact Assessment, instead relying on a Preliminary Ecological Appraisal. As a result it has failed to assess many of the important ecological issues, which are all the more pertinent given the Site's proximity to MOL.

4. Highgate School SPD

4.1. The Site is allocated for redevelopment in the Local Plan. The site-specific SPD (2021) states that:

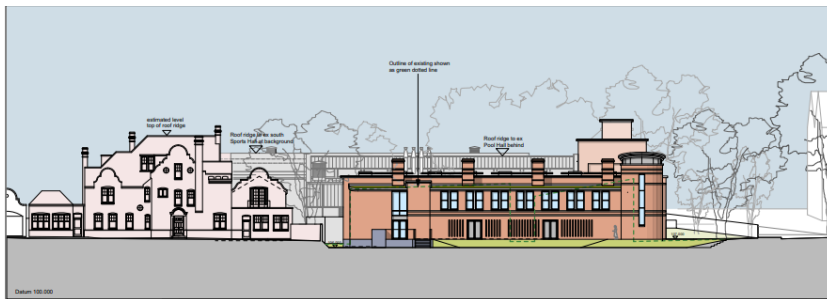
The Council will expect any redevelopment scheme to:

- ensure that the Mallinson Sports Centre does not impact on the openness of the Metropolitan Open Land and does not adversely affect the character of the Metropolitan Open Land or where proposals would be considered inappropriate development must be supported by Very Special Circumstances (Policy SP13 and Policy G3 in the London Plan);
- be supported by a Flood Risk Assessment;
- preserve or enhance the Highgate Conservation Area (Policy SP12);
- ensure that all new development is of high architectural quality and responds to the surrounding streetscape (Policy SP11);
- ensure that any proposed development would not have an adverse impact on any trees within the Metropolitan Open Land boundary (Policy SP13);
- ensure that any adverse effects on the amenity of the surrounding area are minimised.
- improve accessibility, in particular disabled access.
- seek to enable community use consistent with Sport England's guidance
- enhance sporting facilities (Policies SP9 and SP16 in Haringey's Local Plan, and Policy S4 in the London Plan),
- the impact of the temporary loss of sports facilities must be mitigated in order to align with national policy. and;
- any new/improved facilities should align with Sport England's Design and Cost guidance

4.2. The proposals are in breach of a number these objectives.

4.3. Firstly, as set out above, there will be an impact on the openness of Metropolitan Open Land.

- 4.4. Secondly, whilst a Flood Risk Assessment accompanied the application, it cannot reasonably be suggested that it supported the application, given that it accepts that the area as a whole is susceptible to flooding, that certain elements of the design will be inundated in certain circumstances and generally fails to provide robust support for the development as shown by the Haycock report.
- 4.5. Thirdly, as submitted by the Highgate Conservation Area Advisory Committee, the scheme does not preserve or enhance relevant heritage assets on the basis that *“the proposed building, if allowed, would instead be a megalithic presence in this area of significant open space. The proposed building would be far bigger than any building in the Bishops Area or in the Highgate Conservation Area. Its closest equivalent is the Holloway Bus Garage in Islington. It would be larger than Park Road Pools. The sheer bulk of the proposal remains unacceptable”*.
- 4.6. Fourth, and for similar reasons, the proposals do not respond to the surrounding streetscape – there is limited architectural continuity or coherence, and the proposals will sit in stark contrast to its neighbours in terms of design, materials and style.



- 4.7. Fifth, there is no evidence that the proposed use will benefit the wider community.

4.8. Sixth, the applicant has accepted that tree felling will be required within Metropolitan Open Land. This is in direct contradiction with the SPD which states that development must “*not have an adverse impact on any trees within the Metropolitan Open Land boundary*”.

4.9. Finally, Sport England has commented that the proposed squash courts are not fit for purpose, and that “*the design concerns and community use comments previously raised do not appear to be addressed*”. As a result it cannot be suggested that sporting facilities are being enhanced, or are in accordance with Sport England’s guidelines.

5. Conclusion

5.1. As can be seen from the above, the Application is in breach of a number of the Council’s policies, and its development plan as a whole.

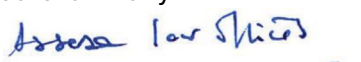
5.2. The Application is in breach of the site-specific SPD, the Council’s policies regarding flooding, basement development and ecology, and overall represent an entirely unnecessary intrusion into Metropolitan Open Land and on the amenity and indeed properties of the Site’s neighbours.

5.3. Permission should therefore be refused, and our view is that it would in any event be clearly irrational to grant permission in view of the above. Any such permission would therefore be highly susceptible to a judicial review.

5.4. Please be advised that due to our client’s overriding concerns about potential damage to property, we have also been instructed to send a formal letter before action to the applicant, confirming that our client will seek injunctive relief at a very early stage if permission is granted and if it appears that steps are being taken to implement the consent, on the grounds that a common law nuisance will be likely to be caused, and that the balance of convenience would be in favour of both interim and final injunctions. The Council will be copied into that letter.

5.5. Should the Council wish to take the Application forward, our client requests the right to speak at the relevant committee meeting. Please address any response to this letter to James Kon on james.kon@asserson.co.uk.

Yours faithfully



Asserson Law Offices