

HIGHBURY COMMUNITY NEWS

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A six year battle

Islington Council's tall buildings' policies vs. the Arsenal student tower

By ROGER WRIGHT

Islington Council has spent nearly six years tenaciously battling against Arsenal Football Club's wishes to build a student tower against Council policy. The club has appealed and appealed, with the Council winning the last legal challenge. The Highbury Community Association (HCA) has supported the Council's position all the way through, requiring submissions to be made and attending all the hearings.

The history of this struggle is outlined below - step by step:

In November 2009, Arsenal Football Club (AFC) applied to the London Borough of Islington (LBI) for planning permission to build, at 45 Hornsey Street, a 25 storey, 78m high tower block consisting of 450 student bedrooms. The proposal also included the refurbishment of a row of railway arches which formed part of the site. This application was not well received by LBI nor by residents and was subsequently withdrawn.

At that time, building heights in Islington were covered by Unitary Development Policy (UDP) D9: "The Council considers that Islington is an area where high buildings are inappropriate, and will oppose any proposals for such buildings."

In 2011, the Club tried again. They submitted two applications, one for a largely similar 78m building for 450 students, and another for an 18 storey, 51m building for 393 students. Both schemes retained the refurbishment of the railway arches.



Artist's impression ©CZWG PR

By now, the UDP had been superseded by the Islington Core Strategy of which Policy CS9 covers tall buildings: "All buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported. Parts of the Bunhill and Clerkenwell key area may contain some sites that could be suitable for tall buildings ..."

LBI rejected both applications on the grounds that both were far taller than permitted by the policy on Tall Buildings given in the Core Strategy.

AFC appealed against both refusals and a Planning Inspector was appointed to consider both applications. He decided to hold a single inquiry to cover both. HCA made a submission and participated as a third-party representative, supporting the Council's arguments and explaining the wide-ranging consultation process that had led to the establishment of policy CS9.

The Inspector rejected the appeal against the 18 story

building, but to great consternation, supported the appeal against the 25 storey building on the grounds that: "A building more than 30 metres high in this area would not be out of scale with its surroundings, would not be contrary to the character of the area, would not be inappropriate, and would not be in conflict with the thrust of policy CS9".

As the Tall Buildings policy had been interpreted by LBI and residents as providing a "red line" against all buildings over 30m tall except on the City Fringe (Bunhill and Finsbury), this decision rendered that protection void, and opened up the possibility of tall buildings having to be permitted throughout the borough. As a result, LBI sought a Judicial Review in the High Court of the Inspector's decision.

The Judicial Review was allowed and took place on 24th July 2013, with HCA attending as observers, led by Roger Wright. Mr Justice Mackie QC heard the case. LBI had obtained the services of Ms. Nathalie Lieven QC, a highly regarded barrister, to put their case. Judge Mackie gave judgement in under a week, agreed with LBI and quashed the result of the Planning Appeal, leaving the original refusal in place. His judgement said: "Further, many policies are equivocal and can reasonably be read in different ways. However CS9 is explicit and, on this particular issue, stands alone on the question of tall buildings".

None-the-less, AFC sought leave from the Court of Appeal to have Judge Mackie's judgement overturned and this was heard on 19th March 2014 before Lord Dyson, Master of the Rolls, Lord Justice Davis and Lady Justice Gloster.

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Victoria line improvements

This August major work will be carried out to improve the Victoria line, making way for 36 trains per hour – up from 24 - to run on the full length of the line next year.

The Victoria line now carries a staggering 200 million passengers every year.

Work will begin on Saturday 8 August and run to Sunday 30 August, and will see a three week closure between Seven Sisters and Walthamstow Central. Services between



Photo: Sunil Prasanna

Seven Sisters and Brixton will run but at a lower frequency.

Rail replacement buses will cover areas affected by the closures. Check TfL's website for more details at www.tfl.gov.uk/victoria-line-closure

Residents, have your say on new CPZ proposals

You may have had a leaflet through the door about the proposed changes to Controlled Parking Zone (CPZ) regulations, across the borough. The council has carried out a review of existing CPZs in Islington and claims to have developed some proposals to improve parking for residents, and

wants to hear your views on the plans.

If you'd like the opportunity to have a say, you need to do so before 7 September 2015, when the consultation closes.

The survey, along with the relevant supporting information, can be found at www.islington.gov.uk/cpzconsultation

Newsletter editor needed

Do you have an eye for an interesting story or interview; are you motivated to make the community the best that it can be? The current editor of the Highbury Community News is moving on so the HCA is on the look out for a new editor. It is a voluntary role and works closely with the HCA's newsletter designer, Will, to produce about five issues a year filled with local content. Articles are written by committee members and wider members of the HCA and residents who have felt the urge to take to their computers and put words down. This will

be a fulfilling role for someone who enjoys being involved in current affairs at the local level and the challenge of putting together a balanced newsletter that reflects the interests of a vibrant and diverse community of Highbury, and its surrounding area. If you are interested in journalism and editorial, this is also a great opportunity to add some essential skills to add to your CV!

If you are interested in the position or have any questions for the current editor, Lucy, get in touch via hcanews@hotmail.com or Twitter - @HighburyCA

Important action on 'buy to leave' in Islington

By DIANE BURRIDGE

Nearly one third of the 1,979 new build housing units, completed since 2008 in Islington, have no-one named on the electoral register. This level of 'Buy to Leave' has prompted Islington to issue a draft Supplementary Planning Document (SPD), in May 2015, outlining plans to enforce greater levels of occupancy. Consultation was carried out late 2014 to early 2015 and, as a result, minor revisions were made to this draft SPD. Final feedback had to be given by June 2015 before adoption of this SPD.

Being the most densely populated borough in the country, with the least amount of open space (2011 Census), and with Mayoral and National Planning Policy Framework targets to build a minimum of 1,264 houses each year (to 2025), Islington is obliged to ensure that there is no wasted supply.

This high level of Buy to Leave - when 'individuals or companies buy new residential dwellings for speculative investment purposes only, leaving the home vacant' (SPD, section 1.1), was discovered only after extensive research using Land Registry Titles,

census returns and the electoral register. On our own doorstep, for example, 129 units of a total of 694 units in the North, East, West and South Stands in the old Arsenal stadium have nobody on the electoral register.

Even when we exclude 'affordable housing tenure' (40% of housing stock in the borough),



©Graham Turner for the Guardian

students, tenants not eligible to vote on the grounds of nationality and serviced apartments, unexplained non-registration figures still remain high in Islington. For example, 45% of 127 market units at the Bezier development, and 33% of 106 units at Worcester Park, had unexplained non-registration figures. The borough-wide level of household spaces with no usual resident is 4.8% -

similar to other inner London boroughs.

The draft SPD, 'Preventing Wasted Housing Supply' advocates using a Section 106 legal agreement for each site of over 20 units to ensure occupancy. In Islington, there are 375 housing schemes in the development pipeline (2013 Annual Monitoring Report), which are aiming to deliver a net total of 4,300 residential units. Of these, only 28 schemes are for 20 or more homes, but the total delivery of these is 3,544 (82% of the total).

The Section 106 agreement will require the owners of individual dwellings within these developments to use and occupy the individual dwelling as a dwelling house or to ensure such use and occupation (at least 14 days in any period of three consecutive months). The freeholder (or head lease owner) will be required to include such an obligation in the lease/sub-lease of the individual dwelling, and to provide the council with reasonable evidence of

compliance with this obligation - which applies from six months after the date of first purchase or practical completion of the dwelling.

We will monitor the outcomes of this SPD, as a vibrant community needs people living next to neighbours, not empty soulless properties.

For further information contact: LDF@islington.gov.uk

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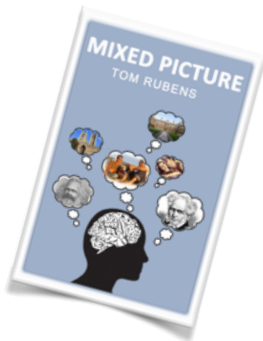
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'Mixed Picture': a novel by Tom Rubens

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Published in 2015 by Austin Macauley, it is available to buy as an e-book on Kindle for the price of £3.

Tom has been a teacher of English in further and higher education for most of his working life, he has written extensively and published seven books on philosophy, and a selection of poems. He is active politically, and in local community affairs, and sits on the HCA committee.

Information about his published works is available online, and can be found by Googling 'Tom Rubens, author'.

Would you like to join us?

...on a HCA visit to the new Arsenal Sports Centre and Stadium, which has been arranged for Saturday 15 August?

Arsenal in the Community have offered HCA members a free tour of the new Sports Centre in Queensland Road at 9.50 am, followed by a tour of the Stadium from 10 – 11 am. The first 25 people to express an interest will be included, and children and friends are also welcome to join. Email hcanews@hotmail.com by Wednesday 12 August to book your place.



Photo: Arsenal in the Community

A six year battle...

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This judicial line-up was quite a surprise, given that the Master of the Rolls is the most senior judge in the Civil Division and second in the Judicial hierarchy after the Lord Chief Justice. Again, HCA attended as observers. The judgement was handed down in under two weeks and was supported Mr. Justice Mackie's verdict in no uncertain terms. The judgement said: "CS9(E) makes it clear that, save in that area, the general rule is to be applied and tall buildings will not be supported" and later "... I would refuse to disturb the judge's decision".

The result of all this legal argument on behalf of AFC was that, since the result of the original Planning Inquiry was quashed, AFC could either accept LBI's original rejection of their application or seek a fresh Planning Inquiry from the Planning Inspectorate. This they did and that was held on

17-20th March 2015. As with the original appeal, HCA made a submission and participated as a third-party representative.

This time, the Planning Inspector rejected the appeal by AFC, on the grounds that the building was too tall with respect to policy CS9 and that it was detrimental to the surrounding area.

At present, we are waiting to see if Arsenal Football Club will seek judicial review of this decision which, of course, they can do.

As things stand today, the conclusion of this protracted legal process is that, if a borough has a red-line tall buildings policy, which is supported by thorough consultation and a well-constructed evidence base, it can stand up to legal challenge from developers and provide the protection from the over-development of the built environment.

This article was first published by the London Forum of Amenity and Civic Societies.


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Widening access to higher education - a local perspective

By SARAH POTTER

Students in London have access to a range of quality universities and colleges which exists nowhere else. Across the UK, progress is being made, according to the Office for Fair Access, in ensuring that more students from disadvantaged backgrounds gain entry to higher education. Our local Higher Education institution, London Metropolitan University, succeeded in 2012-2013 in recruiting 51% of its full-time intake from the 4 least privileged socio-economic groups, compared to 33% nationally, and half of its full-time intake were adults over 21, compared to 23% nationally. A much higher proportion of black and ethnic minority students were also admitted than the national average (www.ucu.org.uk/7538).

In these circumstances, the news in March this year that up to 165 academic and support staff posts are at risk at the university may have implications for widening participation. (Times Higher Education Supplement 19 March 2015). Severe cuts had already been made in 2013-2014, when 140 academic posts and 110 support posts were lost, and many courses were closed. The university's deficit was cut to £700,000, tuition fees were raised, and a £20 million investment was made in student numbers and retention (THES February 12 2015).

But the recent proposed cuts have, according to the new Vice-Chancellor, been made necessary by a fall in recruitment this year of 14%, and higher costs than at other similar institutions (THES 19 March 2015).

In an open letter to the Board of Governors at London Met, our local MP Jeremy Corbyn, Councillor James Murray and representatives of staff unions and the National Union of Students have called for a new strategy that allows the university to grow and recover rather than shrink and decline further, in order to protect widening participation for local students (www.ucu.org.uk/stophelondonmetcuts). Whatever the outcome of this very serious situation, it can be said with certainty that the Office for Fair Access and the government currently share the target of doubling the proportion of disadvantaged young people in higher education between 2009 & 2020 (www.gov.uk/government/speeches/teaching-at-the-heart-of-the-system).

Between 2010-2011 and 2014-2015, the entry rate to highly selective universities for the most disadvantaged English 18 year olds did increase from 2.3% to 3.2% (www.offa.org.uk/uncategorized/celebrating-ten-years-of-access-agreements).

Nevertheless, these figures surely indicate that universities like London Met which already have a proven record in successful outreach to the less advantaged will also need to play a major part in meeting the national target for widening recruitment to higher education.

“Up to 165 support staff and academic posts at London Met are under threat”

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HCA News | Issue 92 | July 2015

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Great escapes

By SARAH POTTER

Highbury residents seeking a peaceful retreat from inner London might consider visiting Myddelton House Gardens in Enfield. The gardens were created by the gardener and botanical artist E. A. Bowles, 1865-1954, and were restored in 2011. The New River, built by Sir Hugh Myddelton between 1609 and 1613, used to pass through the gardens on its way from Ware and originally ending at New River Head, near Sadlers Wells in Islington. Bowles was a descendant of a rich family of Huguenot jewellers who were major investors in the New River Company in the 18th century. The gardens contain a kitchen garden, a lake with carp, and restored Victorian glass houses.

A shortish walk from Myddelton House is Forty Hall, a 17th century house built by a former Lord Mayor of London, with a lovely walled garden. It is set in an extensive 18th century park, once the setting of a Tudor palace.

*Close by you can visit Forty Hall Farm, an organic farm which even has it's own 10-acre vineyard, the first vintage bottled in 2013. NB only open to the public for special events, listings here: www.fortyhallfarm.org.uk/events.

Travel to Turkey Street station on the Overground from Seven Sisters to visit these oases of calm. Definitely no smoking barbecues or pop concerts!

Working on the wilder side

By MATTHEW LOVEDAY, Gillespie Park Area Parks Manager (Nature Conservation)

Nature conservation is an evolving discipline – over time, theories and practice combine to help us to improve the quality of the habitats we are charged with looking after. Here at Gillespie Park, we have a wide range of habitats, from ponds to woodland, meadows to scrub, and all are managed by regular volunteers.

Over the last few years, we've made subtle changes to how we manage our meadows and ponds. For the past 20 years, our meadows have been cut about every 18 months. The cutting replicates grazing or cutting for hay – large amounts of vegetation are removed to reduce the fertility of the soil and allow a wide range of flowers and grasses to compete with each other. However, the meadows were starting to be dominated by a few vigorous species. After consulting the Grasslands Trust, we started a trial process of cutting back our meadows far more frequently, which are now being cut twice a year, and some areas up to 6 times a year to try and further reduce fertility in the soil. The results have been impressive, with the rare Bee Orchid being seen in our meadows over the last couple of years, after several years of absence.

Likewise in the pond, we have sought expert advice and have

The Highbury Community Association (HCA) represents over 900 residents and businesses on all aspects of living and working in Highbury, Lower Holloway and Finsbury Park.

Membership is free. Members receive bi-monthly newsletters like this one. New members will receive the newsletter by email (unless you don't have email).

To join or talk to us about anything Highbury-related, visit our website, or email hcanews@hotmail.com

The HCA can also be contacted on Facebook and Twitter.

The opinions expressed in Highbury Community News are not necessarily those of the HCA and/or its committee members.

Please let us know if you move, so we can keep our membership list up to date.



A rare Bee Orchid

reduced the number of fish through the tireless efforts of Matthew, our volunteer fisherman.

We have also left a lot more vegetation in the pond, creating more habitat for invertebrate wildlife. This year, as reward for this effort, we have been visited by the beautiful reed warbler, a delicate bird that flits across areas of reeds, gobbling up newly emerged damselflies.

All of this is down to the sterling effort made by our volunteer group. Coming out in all weathers, they make a huge difference to the practical conservation of the ecology within the reserve.