

The Brixton Society

Understanding the Past, Looking to the Future

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10th October 2021

Ropers Walk SW2 2QN Reference 20/022406/RG3 Objection

The Brixton Society submitted an objection to the application for the Ropers Walk site when it was submitted in 2020. A copy of our earlier objection is attached for reference.

The comments below address issues raised at the Judicial Review in July 2021.

1. Judicial Review - Ground One

1.1 The Court allowed the judicial review to proceed on the ground that Lambeth Council officers had misdirected members of the Council's Planning Applications Committee by wrongly advising them that they did not need to consider the impact on the Cressingham Gardens Estate as it had not been designated as a heritage asset.

1.2 The issue discussed at the JR and conceded by Lambeth Council was that the Estate should be recognised as a "potential non-designated heritage asset". This is because, while the Estate not as present part of a Conservation Area, when the boundaries of the Brockwell Park Conservation Area are reviewed the Estate is likely to meet the criteria for inclusion in the CA. There is relevant documentary evidence from Historic England, that the Estate is well overdue for consideration as a CA, since in 2013 Historic England recommended that Lambeth Council extend the boundaries of the BPCA to include the Estate. It is regrettable that nine years on Lambeth Council have not yet acted on this recommendation.

1.3 At the end of last year Lambeth Council issued a consultation report setting out proposed changes to the BPCA boundaries which, extraordinarily, made no mention of HE's recommendation. Lambeth Council have yet to produce their final recommendations for the BPCA boundaries. Until the

outcome of the BPCA boundary review is known, permission for the Ropers Walk development would undermine the purpose of designation. For this reason, our view is that Lambeth Council should defer making a decision on the application for the Ropers Walk site until a final decision has been taken on the BPCA boundaries. However, if the decision on the BPCA boundaries has not been taken at the time when the application is determined, then the decision on the Ropers Walk application should consider the impact on the Estate if it were to be designated as Conservation Area either in its own right or as part of the BPCA.

1.4 We do not consider that the Built Heritage Statement submitted by Homes for Lambeth in September 2021 adequately considers the impact on “potential non designated heritage assets”. It concedes that when, the issue of the BPCA boundaries is determined by Lambeth Council, it is likely that the Cressingham Gardens Estate will meet the criteria for recognition. We agree with this assessment. It goes on to conclude that, even if the Estate were to be designated, the impact of the development would be minimal, as the site only represents 2.5% of the Estate and relates more to Trinity Rise than it does to other parts of the Estate. We disagree with this assessment, as it fails to take account of the impact of the development on neighbouring blocks on the Estate as required by the NPPF and Lambeth Local Plan Policies, including Local Plan Policy Q22 which requires that proposals affecting conservation areas should respect the character of the local area in terms of building line, height and siting. The four storey terrace proposed would be built up to the flank wall of 14-24 Upgrove Manor Way, a two storey terrace of houses adjoining the site, and it would overshadow and dominate Upgrove Manor Way. Viewed from the the Tulse Hill entrance to the estate and across one of the green open spaces characteristic of the Estate bounded by Hardel Walk on the left, Upgrove Manor Way opposite and the estate boundary with MacGregor House on the right, the proposed new block would interrupt the townscape in this section of the Estate by introducing a four storey building into the corner of the C-shape, twice the height of the neighbouring blocks, and clearly visible at the right hand corner of the open space.

1.5 The Built Heritage Statement also fails to take account of the likely impact of the development on Brockwell Park. At the meeting of PAC on 6 Feb 2021 a member of the committee asked if the development would have an impact on views towards the site from the path in Brockwell Park that skirts the edge of the Estate. He was advised that the difference would not be significant, as the new block would only be two metres higher than the existing buildings. This advice was misleading and we would be grateful if it could be corrected. While it is true that the Trinity Rise-facing element of the development would only be two metres higher than the existing building, at the Park-facing end of the site a two storey building would be replaced by one of four storeys and this building would be six, not two, storeys higher than the existing. The impact on the Park will be significant as the new building would be higher than mature trees in the area, including the mature oak at the rear of the existing block which would be felled to make way for the development, and, in addition, the development would be just 12 metres from the Park boundary, closer than

the existing block. The development would be clearly visible from the public footpath in Brockwell Park which runs along the boundary with the Estate and people using the Park would notice the difference.

1.6 In conclusion, our view is that Lambeth Council should defer making a decision on this application until the BPCA boundaries have been determined and Homes for Lambeth should be asked to withdraw the application. If HfL decline to withdraw the application then the development should be assessed against relevant NPPF and Lambeth Local Plan policies which presume against the grant of planning permission for developments which would cause harm to the character or appearance of a CA and should be refused on this ground.

2. Judicial review - Ground Two

2.1 The second ground raised at the Judicial Review was Lambeth Council's failure to consider the implications of the Ropers Walk site for the redevelopment of the estate as a whole.

2.2 Our view is that Lambeth Council should defer making a decision on the application for the Ropers Walk site until Homes for Lambeth have published and consulted on a Masterplan for the Cressingham Gardens Estate, and HfL should be asked to withdraw this application in the meantime.

2.3 If HfL decline to withdraw the application then, in the light of Lambeth Council and HfL's continued statements that they intend to redevelop the entire estate and Homes for Lambeth's failure to publish a Masterplan, the application for the Ropers Walk site should be regarded as creating a precedent for the redevelopment of the Cressingham Gardens Estate. This means that the assessment of benefit and harm likely to result from the application should take account of the harm that might be caused if the pattern of development proposed were to be reproduced across other parts of the Cressingham Gardens Estate.

2.4 Looking firstly at the impact on neighbouring properties, it seems clear that the proposed four storey terrace facing Hardel Walk is intended as the first phase of a building which at a later date could be extended, rather than terminating rather awkwardly at the flank wall of 14-24 Upgrove Manor Way. The design of the new four storey terrace, which appears odd now, only makes sense if it was intended that 14-24 Upgrove Manor Way was going to be demolished at a later date and the four storey building extended over its footprint. The effect of this would be to cause further damage to the local townscape, including to the green open space bounded by Hardel Walk and Upgrove Manor Way referred to para 1.4 above. Also, by replacing a two storey terrace which runs parallel with the boundary with Brockwell Park for approximately 14 metres (separated by a narrow alleyway just over a metre wide) with a four storey building twice its height, it would cause damage to the Brockwell Park Conservation Area. Since the new four storey building would appear above the tree line, it would be conspicuous in views towards the

boundary of the Park from the well-used public footpath along the Park boundary and from views from the plateau near Brockwell Hall.

2.5 If this pattern were to be reproduced more widely across the Estate, the impact for Cressingham Gardens and for the Brockwell Park Conservation Area would be extremely serious. At present the interior of the estate is made up of mainly of one and two storey blocks along the park boundary separated by green open spaces which create a continuity between the park and the estate. If other blocks along the boundary with the BPCA were developed in a similar way, with two storeys replaced with four and the green open spaces which separate the blocks built over, then the harmonious relationship between the Estate and the BPCA would be seriously damaged.

Yours sincerely,

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For the Brixton Society