Kodi Sprott, Principal Committee Coordinator

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06 November 2023

To: All Members of the Planning Sub Committee

Dear Member,

Planning Sub Committee - Monday, 6th November, 2023

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

8. HGY/2022/4552 & HGY/2023/0236 BRAEMAR AVENUE BAPTIST CHURCH, BRAEMAR AVENUE, WOOD GREEN, LONDON, N22 7BY (PAGES 1 - 18)

Planning application for the demolition of existing Church Hall and 1950's brick addition to rear of main Church building and redevelopment of site to provide new part 1, part 4 storey building (plus basement), comprising a new church hall and associated facilities at ground and basement level and self-contained residential units at ground to fourth floor level with associated refuse, recycling storage, cycle parking facilities including landscaping improvements.

Listed building consent application for demolition of existing Church Hall and 1950's brick addition to rear of main Church building and redevelopment of site to provide new part 1, part 4 storey building (plus basement), comprising a new church hall and associated facilities at ground and basement level and self contained residential units at ground to fourth floor level with associated refuse, recycling storage, cycle parking facilities including landscaping improvements.

Yours sincerely

Kodi Sprott, Principal Committee Coordinator Principal Committee Co-Ordinator

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- 2. FIELD_PAGE_RANGE

Planning Sub Committee 06 November 2023

UPDATE FOR CONSIDERATION AT PLANNING SUB-COMMITTEE Item No.

Reference No: HGY/2022/4552 &	Ward: Bounds Green
HGY/2023/0236	

Address: Braemar Avenue Baptist Church, Braemar Avenue, Wood Green, London, N22 7BY

Proposal:

Planning application for the demolition of existing Church Hall and 1950's brick addition to rear of main Church building and redevelopment of site to provide new part 1, part 4 storey building (plus basement), comprising a new church hall and associated facilities at ground and basement level and self-contained residential units at ground to fourth floor level with associated refuse, recycling storage, cycle parking facilities including landscaping improvements.

Listed building consent application for demolition of existing Church Hall and 1950's brick addition to rear of main Church building and redevelopment of site to provide new part 1, part 4 storey building (plus basement), comprising a new church hall and associated facilities at ground and basement level and self contained residential units at ground to fourth floor level with associated refuse, recycling storage, cycle parking facilities including landscaping improvements.

[To note: the numbering as set out in this addendum corresponds with the numbering of each section within the Officers committee report]

2. RECOMMENDATION

Section 106 heads of terms – Planning Application HGY/2022/4552 1. Affordable housing provision

The affordable housing head of terms which includes the mechanism to ensure the works to the church are carried out is amended as follows:

_Works to the church to be undertaken and completed before no more than 50% of the residential units are occupied

- The church hall shall be available prior to occupation of the residential development and the final residential flat can only be occupied until the repairs/refurbishment of the church has been carried out
- The necessary listed building consent must be sought for the repairs/ refurbishment of the church prior to the commencement of the development

5. LOCAL REPRESENTATIONS

1 further objections has been received which have raised a number of points. These are responded to in detail in Appendix 1 below and the objection attached in full (appendix 2). The additional points raised are listed below and addressed as follows:

- Concern with the publication on consultation responses
- Concerns with the viability appraisal
- Concern with the consideration of the proposal has 'enabling development'
- Concerns with CIL figures and impact on viability
- Concerns with detailed points raised in the officer's report

CONDITION 2

Condition 2 of HGY/2022/4225, amended to include the drawing numbers

1802 - 000.1, 1802 - 000.2, 1802 - 001, 1802 - 002, 1802 - 003, 1802 - 004, 1802 - 010, 1802 - 011, 1802 - 012, 1802 - 013, 1802 - 014, 1802 - 015, 1802 - 020, 1802 - 021, 1802 - 022, 1802 - 023, 1802 - 024 Rev A, 1802 - 025, 1802 - 026, 1802 - 027, 1802 - 028, 1802 - 031 Rev A, 1802 - 032 rev E, 1802 - 033 rev A, 1802 - 034 rev A, 1802 - 035 rev B, 1802 - 036, 1802 - 037/041, 1802 - 040 rev A, 1802 - 041 _rev A, 1802 - 042 rev A, 1802 - 043, 1802 - 044, 1802 - 045, 1802 - 046, 1802 - 051_3D Visual 01, 1802 - 055_3D Visual 02_rev A, 1802 - 056_3D Visual 03_revA, 1802 - 057_3D Visual 04_revA, 1802 - 058_3D Visual 05, 1802 - 059_3D Visual 06, 1802 - 060_3D Visual 07, 1802 - 061_3D Visual 08_revA, 1802 - 067, 1802 - 080_Accomodation Schedule, 1802 - 081_Site Plan 1, 1802 - 082_Site Plan 2, 1802 - 083

Condition 2 of HGY/2023/0236 amended to include the drawings of appendix

ADDITIONAL CONDITIONS INCLUDED

Condition 39 is included to secure the opportunity for the new church hall to be used by the local community

The development herby approved shall not commence until a Community Use Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the following:

- The approach to advertising and promoting the use of the space
- Management arrangements to ensure it can be provided for wider use
- A pricing regime for the use of the space

ADDITIONAL INFORMATIVE INCLUDED

An additional informative is included to encourage water efficiency

Addendum Report

Developers are encouraged to maximise the water efficiency of the development. Thames Water offer environmental discounts for water efficient development which reduce the connection charges for new residential properties. Further information on these discounts can be found at: https://www.thameswater.co.uk/developers/charges

CIL

Correction to the CIL calculation. The total Mayors CIL is £69,714.00 (1080 sqm x £64.55).

Appendix 1-

Appendix 1-	
NEIGHBOURING PROPERTIES	
1 further letter received	
On 27/10/23, six working days before the planning committee's meeting, the council uploaded at least fifteen (15) new documents from the applicant that had not been made available to the community for the original consult	It is normal that in the course of considering an application response are received from consultees outside of the consultation period.
	There is no obligation to display such comments or any other comments on a public portal and therefore no timescale for displaying them.
	They are summarized and set out in full in the report to sub-committee which must be published 10 days prior to the committee meeting.
BNP Paribas did not consider two schemes surrounding the application site to assess value per square foot, namely Caxton Square and Campsbourne Well or the increased value of the land following the alleged increased amenity and attraction of the site.	Officers are satisfied that the market comparisons are acceptable and provide a robust analysis of the likely sales values for this development based on nearby new build developments such as Clarendon Square.
Affordable housing assumptions and consideration of benefits of repairs to the church; £206,325 new church hall; £790,331 and manse; £545,000.	The proposal does not include value for the site as it is owner by the applicant. The Council's viability consultant does not advocate this approach but accepted it in this instance. Their preference is for a policy compliant affordable housing to be tested with a land value included. However the re-povision of a new church hall is required by Local Plan Policy which requires replacement and enhancement of community facilities which includes repairs to the church which is a listed building. The Manse is conditioned to only be used in connection with the church and not for commercial purposes. The manse was originally included in the viability assessment as a private unit and only generated a surplus of £30,000. As noted below the CIL calculations included in the viability assessment are less than calculated by the CIL officer so this figure is reduced to approximately £20,000 and \$106 obligation have been included which were not included in the viability report which mean no payment towards affordable housing is viable.

The development is for 16 flats not 15 as set out in the viability report.

The proposal is for 15 flats as assessed in the viability report. The first proposals for the site included 16 flats but this was reduced during pre-application discussions.

The 1950s extension in use is incorrectly included in CIL figures are 242.73 sqm.

The Council's CL officer has measured this part of the building and found it to be 40 sqm and this has been used in the Council's CIL calculation which exceeds the applicant's calculations.

Omission in the report of consideration of enabling development and Historic England were not informed of this point. Enabling development is a specific consideration where a level of heritage harm is accepted to generate capital funding to repair a heritage asset. That is not the case here, the level of harm is found to be acceptable. Whilst repairs to the Church are included in the viability calculations and whilst the term enabling development is used in the applicant's financial viability assessment, this is not a true enabling development and has not been assessed as such in the report.

Concerns with the report

religious denomination

Contrary to the officer's report the applicant is very clear that the new church hall is not for the local community; it is being provided for a very specific

The conservation officer's comments do not consider the tin tabernacle as curtilage listed.

There are only two 3-bed units available to meet local housing requirements. One of the 3-bed units has been reserved for the applicant's pastor

Whilst the primary use would be for church functions these are community uses. Furthermore an additional condition (39) has been included above to ensure the use of the hall maximises the use by the community beyond the use by the church.

Supplementary comments were provided by the Conservation Officer to consider this point and this is set out in the report so the officer's report does assess this issue correctly.

Whilst one of the 3 bed units is reserved for the Pastor it can still be considered to meet housing need for family sized units.

The design documents appear to show that the height of the fourth story will exceed the height of the ridge of the church.

The proposed plans show the proposal beneath the height of the ridge of the Church, a levels condition (9) has been included to ensure the proposal complied with the application plans.

There is no evidence for the conclusion that the proposal would not impact on neighbouring amenity particularly privacy and noise.

The report assesses the impact on neighbours in detail including privacy (paras 6.7.5 - 6.7.6). The impact of noise during construction would be a temporary impact and controlled through environmental health legislation.

Addendum Report

Appendix 2

1802 -	000.1	Front	Cover

- 1802 000.2_Contents
- 1802 001_Site Location Plan
- 1802 002_Site Images 01
- 1802 003_Site Images 02
- 1802 004_Site Analysis
- 1802 010_Existing Ground Floor Plan
- 1802 011_Existing Roof Plan
- 1802 012_Existing Elevation D
- 1802 013_Existing Elevation A
- 1802 014_Existing Elevation B
- 1802 015_Existing Elevation C
- 1802 020_Demolition Ground Floor Plan
- 1802 021_Demolition Elevation A
- 1802 022_Demolition Elevation B
- 1802 023_Demolition Elevation C
- 1802 024_Tree Proposal_revA
- 1802 025_Tree Proposal
- 1802 026_Proposed Site Plan
- 1802 027_Proposed Church Amendments
- 1802 028_Proposed Roof Amendments
- 1802 031_Lower Ground Floor Plan_revA
- 1802 032_Ground Floor Plan_revE
- 1802 033_First Floor Plan_revA
- 1802 034_Second Floor Plan_revA
- 1802 035_Third Floor Plan_revB
- 1802 036_Roof Plan
- 1802 037/041_Urban Greening Factor
- 1802 040_Proposed Elevation A_revA

Addendum Report

- 1802 041_Proposed Elevation B_revA
- 1802 042_Proposed Elevation C_revA
- 1802 043_Proposed Elevation D
- 1802 044_Proposed Section AA
- 1802 045_Proposed Front Landscape
- 1802 046_Proposed Rear Fence
- 1802 051_3D Visual 01
- 1802 055_3D Visual 02_revA
- 1802 056_3D Visual 03_revA
- 1802 057_3D Visual 04_revA
- 1802 058_3D Visual 05
- 1802 059_3D Visual 06
- 1802 060_3D Visual 07
- 1802 061_3D Visual 08_revA
- 1802 065_Precedents
- 1802 066_Materials 1
- 1802 067_Materials 2
- 1802 080_Accomodation Schedule
- 1802 081_Site Plan 1
- 1802 082_Site Plan 2
- 1802 083_Existing Urban Greening Factor

Addendum Report

Appendix 3



5th November 2023

Dear Chair,

Applications: HGY/2022/4552 and HGY/2023/0236

- 1. I am grateful for the opportunity to speak at the committee meeting. The reason I am writing this letter is there are important points that need to be taken into account by the committee, that three minutes per speaker against the application cannot accommodate, especially with the new material that was uploaded on 27/10/23. This note addresses:
 - a. Consultation;
 - b. Response to new material; and
 - c. Mischaracterisations and material omissions in the Planning Officer's report ("Report").

Consultation

- 2. Comments from various Haringey departments have been posted seven and a half months after the originally publicised consultation deadline.¹
 - a. 13 October 2023 Conservation officer's comments on both applications.
 - b. 16 October 2023 Design officer's comments on both applications.
 - c. 18 October 2023 Transportation planning comments on HGY/2022/4552.
 - d. 19 October 2023 Health in All Policies Officer's comments on HGY/2022/4552.
 - e. 24 October 2023 Head of Building Control's comments on HGY/2022/4552.
 - f. 27 October 2023 Arboricultural Officer's comments on HGY/2022/4552.
 - g. 27 October 2023 Carbon Management comments on HGY/2022/4552.
- 3. On 27/10/23, six working days before the planning committee's meeting, the council uploaded at least fifteen (15) new documents from the applicant that had not been made available to the community for the original consultation nor for the revised consultation deadline (that had not been advertised to the community). This includes the independent financial viability review by BNP Paribas, and developer's responses, which were available from March, April and May 2023. These are critical documents to the objections raised by the community on affordable housing.
- 4. The local community are not planning experts and I feel that the community has not been fairly consulted with further documents being provided after the consultation process has been closed to the community.

Response to the new material

- 5. The independent financial viability review is not robust because relevant factors have not been taken into account.
- 6. *Comparators*: BNP Paribas were not invited to consider two schemes surrounding the application site to assess value per square foot, namely Caxton Square (0.7 miles from the site) and Campsbourne Well (1 mile from the site), which were both proposed in the consultation response seeking an independent review of the financial viability

 $^{^{1}}$ The original deadline given was 24/2/23. Due to confusion on publicised deadlines for HGY/2022/4552 and HGY/2023/0236 this was extended to 8/3/23. It is noted that planning website has since updated to say the end of the consultation period was 18/8/23 – this was not notified to the local community.

- assessment. These comparator developments were raised in my response of 23/2/23 before BNP Paribas' report.
- 7. *Lifecycle*: Neither applicant nor BNP Paribas take into account value of the land over the lifecycle of the development. If what applicant says is true, the assessments do not take into account the increased value of the land following the alleged increased amenity and attraction of the site.
- 8. Affordable housing assumptions: BNP Paribas note that the applicant and developer: "have not undertaken an assessment of the proposed Development including the provision of affordable housing. Therefore, we are unable to comment upon their assumed affordable housing values." This means that the bare assertion that affordable housing is not viable omits a critical aspect of the analysis, i.e. the difference between the realisation of a development with and without affordable housing provision.
- 9. Private enrichment: BNP Paribas itself observes in the March 2023 review that "There are no provisions in the PPG nor in the Local Plan that requires the Council to set aside the normal approach to viability in order to fund the works to a third party's assets" and refers to the Sandown racecourse decision, which concluded a standard approach to testing viability should be adopted. Works for the benefit of the applicant's third-party assets and the value of private enrichment of the applicant is:
 - a. Repairs to the church £206,325 (Planning Statement ¶7.21)
 - b. Build of the new church hall £790,331 (Planning Statement, ¶7.21)
 - c. Flat for the pastor £545,000 (Braemar Avenue FVA Report Redacted, ¶9.2)
 - d. Total: £1,541,656.
- 10. The costs of the development, reduced by that £1,541,656, indicates that on-site affordable housing is viable.
- 11. Available flats: The applicant responded to BNP Paribas to say that one of the flats will be for the pastor. In response, BNP Paribas reduced the realisation by the value of one 3-bed flat (from 15 available flats to 14) however, the developer's websites advertise that the development will have 16 apartments (see Appendix 1). Therefore, the realisation cannot be reduced by one flat or there are significant concerns between what is being presented as the proposed build to the committee and what is intended by the applicant. Even if Appendix 1 is incorrect, the provision of a flat is a wholly private benefit for the applicant, especially as a manse has not formed part of the applicant's site prior, and the realisation should include the value of the manse.
- 12. *Infrastructure levy:* the applicant in its response of 12 April 2023 states that "we have amended the planning obligation payment, on the basis of excluding the church extension, which is in use and therefore does not fall under any Haringey CIL payment obligations." However, the reduction it contends for amounts to not paying Haringey's community infrastructure levy for 242.73 sqm:
 - a. In the original financial viability assessment £261,697 based on £229.21 per sqm: £261,697/229.21 = 1,141.73 sqm
 - b. In the applicant's response to BNP Paribas £220,335.91 based on £245.09 per sqm: £220,335.91/245.09 = 899 sqm
 - c. 1,141.73 less 899 = 242.73 sqm.

13. As can be seen from figure 4.2 in the heritage statement, it is risible to suggest that the 1950's extension in use is 242.73 sqm in size.



- 14. The applicant's approach to the community infrastructure levy demonstrate that the applicant is avoiding any public benefit to Haringey, and is inflating its deficit to avoid meeting the planning requirements for affordable housing.
- 15. The financial viability assessment, contending that affordable housing is not viable, is not robust.

The Planning Officer's report ("Report")

- 16. There are mischaracterisations and material omissions from the Report. In doing so, the planning officer has not complied with her legal duty to take into account consultation responses properly.
- 17. The extent of the mischaracterisations in the Planning Officer's summary of the community's responses is so great that it would not be proportionate to set them out here in full. I urge the committee to consider the actual community's responses to understand the nuance thereof, including the repeated areas where the application does not comply with national, London, and Haringey planning law and policy. The Report fails to address the areas of non-compliance with planning policies which have not been complied with in her report.
- 18. In respect of the community responses, the most significant omission by the Report is the failure to engage with the response concern that this is an "Enabling Development", which was unclear in the application, but has been made explicit by the Report thereby rendering the absence of engagement by the Planning Officer a serious omission.
- 19. The "Braemar Avenue FVA Report Redacted" at p.9, ¶9.2, of– refers to "enabling costs" and an "enabling agreement", but the Planning Statement and Heritage Statement make no reference to the development being an Enabling Development within the scope of Historic England's guidance "Enabling Development and Heritage Assets". BNP Paribas makes explicit that it understands that "[t]his [the applicant's viability assessment] is not strictly an 'enabling development' assessment", p.15, ¶5.1. However, the Report, at p.13, ¶2.6(1), indicates that this is in its substantive nature an enabling development, because the mitigation for not complying with planning policies is the repair of a designated heritage asset (though it also includes the provision of a free flat for a pastor, which is strictly a private benefit on any view). This is the first explicit statement that the proposed development is, in reality, an enabling development.
- 20. DM9, section J, states:

"The Council will approve proposals for enabling development where it is demonstrated that:

a It is the only viable means of securing the long term future of the asset affected; and

b It is the optimum viable use, supported by an appropriate options appraisal; and c The proposals address relevant policies (A-I) above."

- 21. The applicant has not provided any enabling development assessment that addresses these requirements at all or any justification as to why this development is not an enabling development. These matters impact on the financial viability assessment.
- 22. This is entirely inconsistent with Historic England's guidance "Enabling Development and Heritage Assets: Historic Environment Good Practice Advice in Planning Note 4. Historic England do not appear to have been properly consulted on the demolition of a non-designated heritage asset, namely the tin tabernacle, and that this is a potential enabling development.
- 23. These are fatal failures to the planning application.
- 24. What follows is a table setting out the mischaracterisations and omissions in the Report.

Thank you for your consideration.

Kind regards,

Planning Officer's	Correction	Reference
Characterisation/Material		
Omissions		
[mischaracterisations in yellow;		
omissions in red]		
	Re: the Application and Report	
"The applicant has confirmed	The applicant is very clear that the new church hall is not for the local community;	Doc: "Statement of
that there would also be the	it is being provided for a very specific religious denomination. The applicant itself	community involvement
opportunity for the new	states:	
church hall to be used by the	"The church hall will serve the church and its congregation in the first	
local community." (p.27,	instance. The initial brief of the project is to re-provide the church hall for the	
¶6.2.19, Report)	Sunday school and associated church activities. The church has been at the	
	site for many years and will continue to serve that need Where there is	
	further capacity to accommodate other uses in the church hall, the church will	
	very much welcome discussions with the community about that use."	
	(Emphasis added.)	
	The application has no intention for the local community to use the new church	
	hall; the height of the community benefit is they will have discussions with the	
	local community.	
	This does not satisfy paragraphs 92(a) and 93(a), (b) and (e) of the National	
	Planning Policy Framework ("Framework"). ²	
"The new church hall may also	This is not specified in the applicant's planning statement or statement of	
be hired for other appropriate	community involvement or any of the other narrative documents submitted by the	
events, which can be a vital small income stream for the	applicant. There is no source for the Planning Officer's conclusion.	

² As updated in September 2023.

church." (p.27, ¶6.2.19, and p.160, Report) "The Conservation Officer advises that the tin tabernacle is 'curtilage listed'" (p.33, ¶6.4.13, Report)	 (1) This appears to refer to the comments of Elisabetta Tonazzi; Principal Conservation Officer posted on 13/10/23. Ms Tonazzi does not describe in that representation that the tin tabernacle is 'curtilage listed'. (2) Historic England's website, being responsible for maintaining the register of listed buildings, makes no reference to the concept of "curtilage listed". It says: "Unless the List entry states otherwise, it includes both the 	
Inadequate assessment of heritage assets	 structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building." (3) It is a material omission that there is no assessment of the tin tabernacle as a non-designated heritage asset in line with paragraph 196, and 199 to 208 of the Framework. 	
"Historic England – no objection" (p. 20, Report)	(1) Historic England's responses were "we are not offering advice. This should not be interpreted as comment on the merits of the application."(2) Historic England do not appear to have been informed that this was potentially an enabling development. Statutory consultation is therefore wholly inadequate.	"Comments from Historic England", letter dated 13/2/23. (p.157- 158, Report)
"3 bed3 units Officers consider the scheme provides a good mix of units which would deliver a range of unit sizes and includes 3 family sized units to meet local housing requirements." (p.30, ¶6.3.12, Report)	There are only two 3-bed units available to meet local housing requirements. One of the 3-bed units has been reserved for the applicant's pastor which is clear from p.9, ¶9.2, of the Braemar Avenue FVA Report – Redacted, which refers to the unit reserved as unit 1.2, read with p.23 (unpaginated in pdf), the <i>Residential Accommodation Schedule Option 1</i> table, which notes unit 1.2 is a 3-bed unit.	Braemar Avenue FVA Report – Redacted.

The development's "overall height will remain below the ridge height of the main church roof." (p.46, ¶6.5.11, Report) No enabling development	 (1) I can see no measurements of proposed total height of the development in the construction logistics plan, structural engineering report, Design and Access statement, and no measurements have been provided of the ridgeline of the church. (2) The design documents appear to show that the height of the fourth story will exceed the height of the ridge of the church. See letter. 	Example: "045- 1802_GA_040_Braemar Ave. Proposed Elevation A"
assessment		
No loss of amenity assessment	The Report states neighbouring properties will not be materially impacted by the loss of amenity (p.54-56, ¶6.7). There is no evidential basis for that conclusion. The applicant has provided no assessment of the loss of amenity and steps to avoid loss of privacy (DM1 Haringey's DPD) and noise. Privacy In Fearn and others v Board of Trustees of the Tate Gallery [2023] UKSC 4, the Supreme Court concluded that the Tate Modern's viewing platform caused a substantial interference with the peaceful enjoyment of the residents' property because it was an exceptional use of the Tate's property. It is an exceptional use of the church's land, which was not residential, to build residential flats that exceed the height of other residences opposite and have balconies where no other house on the street has a balcony on the front of the building. The lack of assessment of loss of amenity means the applicant and planning officer have not taken into account these issues.	
	Noise There is no assessment of noise nuisance caused by the build. There is no noise assessment addressing repairs to the church, which is the object of a number of noise complaints that have been made to Haringey, due to the lack of sound insulation of the main church building.	



Braemar Avenue Baptist Church, a Grade II listed building, previously sat alongside an unused and dilapidated tin tabernacle. So the church approached us to see how they could use the site better for the benefit of the whole community.

We've designed a new four storey building to sit on the site of the old tin tabernacle, including a new community space on the ground floor for both the church and the wider community – helping to bring everyone together. Above the community space sits 16 new apartments, including 1, 2 and 3 beds, providing much needed new housing for the area. One of these apartments will be gifted to the pastor.

The new development tapers back from the street building line so as not to dominate the Grade II listed church building. The material palette is representative of the local vernacular, whilst also giving homage to the 'tin-tabernacle' – a derelict structure previously occupying the site



1 of 2 05/11/2023, 13:28