

Planning Sub Committee 11<sup>th</sup>, June 2018.

**SUPPLEMENTARY REPORT FOR ITEM 7A considered at Planning Sub Committee held on Monday, 12<sup>th</sup> JUNE, 2017, 7.30pm.**

**UPDATE FOR CONSIDERATION AT PLANNING SUB-COMMITTEE Item No.**

**REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE**

**1. APPLICATION DETAILS**

**Reference No:** HGY/2016/4095

**Ward:** White Hart Lane

**Address:** St John's Church and Hall Acacia Avenue N17 8LR

**Proposal:** Remodelling and extension to existing church. Demolition and replacement of existing hall on church site with new community facility / nursery. Proposed 22 new build residential units to church site and 10 new build residential units to Acacia Avenue site with a mix of 1, 2, 3, and 4 bedroom accommodation over 2 - 4 storeys.

**Applicant:** Mr Mark Hayes

**Ownership:** Private

**Case Officer Contact:** Gareth Prosser

**Date received:** 05/12/2016 Last amended date: 24.05.2018

**Drawings Numbers:** Drawing number of plans: 289 / P2 / 01, 289 / P2 / 02, 289 / P2 / 03, 289 / P2 / 04, 289 / P2 / 05 Rev D, 289 / P2 / 06 Rev B, 289 / P2 / 07 Rev B, 289 / P2 / 08 Rev B, 289 / P2 / 09, 289 / P2 / 10 Rev B, 289 / P2 / 11 Rev B, 289 / P2 / 101 Rev C, 289 / P2 / 102 Rev C, 289 / P2 / 103, 289 / P2 / 201 Rev C, 289 / P2 / 202 Rev C, 289 / P2 / 203 Rev B, 289 / P2 / 204 Rev C, 289 / P2 / 205 Rev C, 289 / P2 / 301 Rev C, 289 / P2 / 302 Rev C, 289 / P2 / 400 Rev C, 289 / P2 / 401 Rev B, Heritage Statement Rev A, Design, Access and Supporting Statements dated 02.12.16.

**1. BACKGROUND**

- 1.1 This item was presented to the planning sub-committee on Monday, 12<sup>th</sup> June, 2017. The committee resolved to Grant Planning Permission, subject to conditions and the completion of a section 106 legal agreement.
- 1.2 Prior to the signing of the section 106 agreement an application for listing the church on the site was submitted to Heritage England. The church was awarded Grade II listing under the Planning (Listed Buildings and Conservation Areas) Act 1990 for its special architectural interest on 30<sup>th</sup> January 2018.

- 1.3 As the church is now a listed building, the Local Planning Authority must now consider the application against the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant heritage policy, hence it being referred back to Planning sub-committee.
- 1.4 The consideration of the scheme in its new context as adjacent and attached to a listed building has led to revisions being required in order to safeguard its value as a listed building. These revisions are now being reported to committee. This supplementary report to the original committee report (attached) outlines the amendments to the proposal and the subsequent heritage considerations.

## **2. PROPOSED AMENDMENTS**

1. The proposed Vicarage and 4 bedroom house at the west end of the development have been set back from the front to be in line with the first buttress of the church with full height windows introduced on the north and south facades of the proposed meeting rooms.
2. The stepping up of the rear residential development from the proposed 3 bedroom houses going east, on both the north and south sides of the church, has been made level by the adjustment of parapet levels.
3. The third floor of the rear residential apartment block has been increased in bulk to accommodate 2no. 3 bedroom flats with the previously proposed Assessable Flats moved onto a lower level of the building.

The percentage of affordable housing increases slightly, now at 53%, and the tenure has been revised as part of the section 106 negotiations to 6 x 'London Affordable Rent' units and 11 x 'Intermediate Rent' units, replacing the previous provision of 6 'shared ownership' units and 10 'intermediate rent'.

## **3. HERITAGE CONSERVATION**

- 3.1 The building is statutorily listed Grade II under the Planning (Listed Buildings and Conservation Areas) Act 1990 for its special architectural interest - List Entry No. 1451762 dated 30th January 2018.
- 3.2 Summary: Designed by the firm of Seely and Paget in a mixture of Classical and Moderne styles and built in 1939, it is Grade 2 listed for the following principle reasons:
- 3.3 "an interesting mixture of Classical and Moderne styles, use of good quality materials, technological innovation for its use of concrete parabolic arches, and degree of completeness. It is comparable in date, quality and survival with other listed churches by Seely and Paget.

## **4. MATERIAL PLANNING CONSIDERATIONS**

- 4.1 In addition to the material planning considerations set out in paragraph 6 of the report to the Sub-Committee dated 12 June 2017, the following are further material considerations –
- i) Impact on the setting of a listed building; and
  - ii) The Planning Sub-Committee’s resolution on 12 June 2017 to grant planning permission subject to a section 106 agreement being signed.
- 4.2 The impact on the setting of a listed building is discussed within this supplementary report.
- 4.3 There is a legal requirement on the Sub-Committee to ensure that its decisions are consistent. Therefore the Sub-Committee should have regard to its previous decision and focus on the changes that have occurred since; principally the listing of the church and the impact on its setting and give reasons for any departure from its previous decision.

## **5. CONSULTATION SUMMARY**

### **5.1 CONSERVATION OFFICER RESPONSE**

- 5.2 The residential development at the rear of the building is not considered subordinate to the church and will affect the setting of the building causing some harm to its significance. Additionally, views of the church will be restricted or blocked entirely from some surrounding streets. This harm has been partially mitigated by design changes.
- 5.3 The extension to the front of the church building and the two houses proposed at either side will cause some harm to significance through their effect on the building’s setting, and by partly obscuring the front elevation of the church. Design changes have mitigated this harm to an extent.
- 5.4 Overall, the proposed development will cause less than substantial harm to the significance of the building and its setting and there are some heritage benefits to the proposal that partially outweigh that harm.

### **6. QUALITY REVIEW PANEL (QRP) RESPONSE**

- 6.1 The revised scheme was presented to members of the panel for comment.
- 6.2 In the panel’s view, successful resolution of these two issues (sliding the flanking buildings back by one bay and simplifying the stepping of the roofline to the flank of the rear apartment building) will sufficiently mitigate the potential harm to the exterior and front of the listed church, taken together with the wider community benefits of the development.

- 6.3 As outlined in detail at the previous review (by the QRP - April 2017), the panel reiterates that the quality of the design details and construction methods and maintenance regimes are critically important to the success of the project.
- 6.4 The panel offer their support for the proposals, subject to the two amendments outlined above. It is confident that the project team will be able to address the detailed issues identified above, in consultation with Haringey officers.

## **7. POLICY AND LEGAL BACKGROUND**

- 7.1 Section 66 of the Act contains a general duty as respects listed buildings in exercise of planning functions. Section 66 (1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 7.2 The Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council case tells us that "Parliament in enacting section 66(1) intended that the desirability of preserving listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."
- 7.3 The judgment in the case of the Queen (on the application of The Forge Field Society) v Sevenoaks District Council says that the duty in Section 66 Listed Buildings Act does not allow a Local Planning Authority to treat the desirability of preserving listed buildings as a mere material consideration to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell, it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight. The authority's assessment of likely harm to the setting of a listed building remains a matter for its own planning judgment but subject to giving such harm the appropriate level of weight and consideration. As the Court of Appeal emphasized in Barnwell, a finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one, but it is not irrefutable. It can be outweighed by material considerations powerful enough to do so. An authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the strong statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering 6.8 In short, there is a

requirement that the impact of the proposal on the heritage assets be very carefully considered, that is to say that any harm or benefit needs to be assessed individually in order to assess and come to a conclusion on the overall heritage position. If the overall heritage assessment concludes that the proposal is harmful then that should be given "considerable importance and weight" in the final balancing exercise having regard to other material considerations which would need to carry greater weight in order to prevail.

- 7.4 London Plan Policy 7.8 seeks that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. London Plan Policy 7.9 seek to restore at risk heritage assets through regeneration.
- 7.5 Policy SP12 of the Local Plan seeks to maintain the status and character of the borough's conservation areas. Policy DM6 continues this approach and requires proposals affecting conservation areas and statutory listed buildings, to preserve or enhance their historic qualities, recognise and respect their character and appearance and protect their special interest. Policy indicates that heritage assets should be put to viable uses consistent with their conservation, including through the adaptive re-use of vacant historic buildings, reinstating street frontages and historic street patterns, wherever possible.
- 7.6 Paragraph 129 of the National Planning Policy Framework (NPPF) states that the LPA should assess the particular significance of any heritage asset that may be affected by the development. Paragraph 131-2 states that the LPA should take account of the desirability of sustaining and enhancing the significance of heritage assets and that great weight should be given to their conservation. Paragraph 133 sets out that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 7.7 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use

## **8.0 ASSESSMENT OF SIGNIFICANCE**

- 8.1 The Church of St John the Baptist is a Grade II Listed Building, which was designated on 30 January 2018. The church was built in 1939 to the designs of Seely and Paget, and was listed principally for its architectural interest: specifically the 'interesting mix of classical and modern styles, use of good

quality materials, technological innovation for its use of concrete parabolic arches, and degree of completeness’.

- 8.2 Much of the significance of the church resides in its interior space, defined by innovative concrete parabolic transverse arches with plain white painted walls. The church has a T shaped plan. Externally, the principle elevation at the west end features a pedimented gable and a copper semi-dome supported on four Tuscan columns, which encloses a stone statue of St John the Baptist. The north and south elevations feature metal clerestory windows and exposed concrete parabolic arches that allow the structure of the church to be read. Architectural interest to the north and south elevations is largely confined to the upper storeys.

#### Setting of the church

- 8.3 The church is situated on slightly raised open ground with the Great Cambridge Road to the west and an open recreation ground to the east, allowing for complete views of the building from north, south and west. It is not part of an asset grouping, or within a conservation area. Surrounding buildings are generally subordinate in scale giving views of the church from the immediate area greater impact, especially the principle (west) elevation. A redundant boiler room is attached to the east face of the building, which is of little or no significance.

#### Assessment of Impact

- 8.4 The residential development at the rear of the building is not considered subordinate to the church and will affect the setting of the building causing some harm to its significance. Additionally, views of the church will be restricted or blocked entirely from some surrounding streets. The harm is mitigated somewhat because the main mass and height of the new building is located to the rear of the church while the western ‘wings’ of the new building, which approach the listed church have been reduced in height to two storeys (following listing) so that they do not completely obscure the form of the church, or the architectural interest visible on the north and south elevations.
- 8.5 The extension to the front of the church building and the two houses proposed at either side will cause some harm to significance through their effect on the building’s setting, and by partly obscuring the front elevation of the church. The two houses have been moved towards the rear (east) of the site by one bay to ensure they appear subordinate to the church, and do not obscure the form and architectural features of the church building. This mitigates their impact on the significance of the building considerably. The new additions are considered generally sympathetic in design to the original building.

- 8.6 Overall, the proposed development will cause less than substantial harm to the significance of the building and its setting, and this should be balanced against heritage benefits of the proposed development, as required by statute and NPPF policies. Heritage benefits resulting from the proposed development are as follows:
- Extensions and internal alterations to the listed building, as well as maintenance work enabled by the development, will ensure the preservation of the listed building and its most significant features (including the most significant elements of the interior) and its continued use as a church.
  - There will be some improvements to the setting of the building, which address the existing poor relationship to the street and lack of landscaping.
- 8.7 Paragraph 134 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. This should be read in conjunction with the first part of paragraph 132, which states that when considering the impact of a proposal on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation. This wording reflects the statutory duty in sections 16 (2), and 66(1). Paragraph 132 also states that “Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”
- 8.8 In the Barnwell Manor case, the Court of Appeal held that in enacting section 66(1) (and section 16 (2)), Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration but “considerable importance and weight” when carrying out the balancing exercise. This gives rise to a strong statutory presumption against granting planning permission for development which would cause harm to the settings of listed buildings. Even where the harm would be “less than substantial” the balancing exercise cannot ignore the overarching statutory duty imposed by section 66(1) and section 16 (2).
- 8.9 The refurbishment of the church in order to preserve the structure and ensure its continued use as a community church is a considerable heritage benefit, and the scheme will provide some limited benefits to the setting of the building. The new developments that will enable this have been carefully designed to be sympathetic to the original building and mitigate as far as possible any adverse impact on the significance of the building and its setting. However, the scale of the proposed additions, their proximity to the listed

building, and their cumulative impact on the setting of the church will cause some harm to the significance of the building and its setting that is partially but not completely outweighed by heritage benefits.

- 8.10 Having given “special regard to the desirability of preserving” the significance of the listed building and its setting as per council’s statutory duty under sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, officers conclude that the development will cause less than substantial harm to the significance of the asset. This should be weighed against the public benefits of the proposal as required by NPPF 134.

#### Public Benefits

- 8.11 The proposal provides 32 new residential units overall, consisting of:
- 22 new build residential units to church site
  - 10 new build residential units to Acacia Avenue
  - 53% Affordable (6 x London Affordable Rent Units and 11 x Intermediate Rent Units)
  - Mix of 1, 2, 3, and 4 bedroom accommodation over 2 - 4 storeys

In addition, the proposal;

- Provides potential to increase the use of the church as a community facility.
- Safeguards the future of the listed structure

### **9. CONCLUSION:**

- 9.1 Officers conclude that on balance, the heritage benefits of the proposal would partially but not completely outweigh the harm identified. In such cases additional public benefits beyond heritage conservation should be considered. In this case these are judged to be substantial and include the provision of housing (including 53% affordable housing) for which there is a need in the locality as well the potential to increase the possible use of the church as a community facility. The proposal will include economic benefits that will improve the vitality of the White Hart Lane ward and create employment.
- 9.2 The scheme therefore makes a significant contribution to the delivery of the Local Plan, which seeks to meet Haringey’s strategic aspirations and the wider regeneration of the borough. The heritage conservation impacts of the proposal are acceptable.
- 9.3 The report to Planning sub-committee on 12th June 2017 is appended. The amendments have no greater impact on other matters previously assessed (including amenities of nearby residential properties, transport and design and sustainability issues).



9.4 The latest round of consultation does not expire until after the Planning sub-Committee meeting, therefore it is recommended that the Committee delegate the issuing of the decision to officers subject to no new material considerations being raised between now and the expiry of the publicity period.

#### 10.0 **RECOMMENDATION**

That Members delegate authority to the Head of Development Management or Assistant Director for Planning to GRANT PLANNING PERMISSION subject to conditions and subject to a S106 Legal Agreement and the expiry of the publicity period.

Appendix 1: Conservation Officer Comments (Full).

Application Ref: HGY/2016/4095

Location: Church of St John the Baptist, Great Cambridge Rd

Proposal:

Planning Permission for: Remodelling and extension to existing church. Demolition and replacement of existing hall on church site with new community facility / nursery. Proposed 22 new build residential units to church site and 10 new build residential

units to Acacia Avenue site with a mix of 1, 2, 3, and 4 bedroom accommodation over 2 - 4 storeys. (Affecting Listed Building).

Officer: Gareth Prosser

## COMMENTS:

### Assessment of Significance:

The Church of St John the Baptist is a Grade II Listed Building, which was designated on 30 January 2018. The church was built in 1939 to the designs of Seely and Paget, and was listed principally for its architectural interest: specifically the 'interesting mix of classical and modern styles, use of good quality materials, technological innovation for its use of concrete parabolic arches, and degree of completeness'.

Much of the significance of the church resides in its interior space, defined by innovative concrete parabolic transverse arches with plain white painted walls. The church has a T shaped plan. Externally, the principle elevation at the west end features a pedimented gable and a copper semi-dome supported on four Tuscan columns, which encloses a stone statue of St John the Baptist. The north and south elevations feature metal clerestory windows and exposed concrete parabolic arches that allow the structure of the church to be read. Architectural interest to the north and south elevations is largely confined to the upper storeys.

### Setting of the church

The church is situated on slightly raised open ground with the Great Cambridge Road to the west and an open recreation ground to the east, allowing for complete views of the building from north, south and west. It is not part of an asset grouping, or within a conservation area. Surrounding buildings are generally subordinate in scale giving views of the church from the immediate area greater impact, especially the principle (west) elevation. A redundant boiler room is attached to the east face of the building, which is of little or no significance. . An earlier church hall by Sir Charles Reilly (dating from 1925) is situated to the east of the church. This is not contemporary with, or in the same style as the church, and does not make a considerable contribution to the setting of the listed building.

### Proposed development

The building, while structurally sound, is in need of significant renovations. The stated aim of the proposed development is to refurbish the church to create a sustainable 'mission hub' financed through enabling residential development at the rear of the site. The main elements of the scheme likely to have an impact on the significance of the listed building are as follows:

- Enabling residential development at the rear of the site: A new building that wraps around the east of the church - it is four storeys in height at the east of the site, stepping down to two storeys to allow views of the north and south elevations of the church. There is significant impact on the setting of the church and views of the building from adjacent streets. The simple modern design is sympathetic to the church building in materiality, and aims to create a 'neutral backdrop' to the church building.
- Extension to the principle (east) elevation of the church flanked on each side by two storey houses: A ground floor extension of the church's secondary spaces, which is somewhat sympathetic to the architectural characteristics and materiality of the existing elevation. Extensive glazing aims to allow the church to be visible behind and above the addition, with a central oval roof light to allow views of the prominent statue when moving through the porch area. The two storey houses are a contemporary echo of the church's gabled façade. Taken together, these elements have considerable impact on the integrity of the church's principle elevation. The proposal has been revised to move both houses back from the front of the church revealing one bay of the church structure on either side. This mitigates the impact considerably as the houses are perceived as subordinate to the church building, and the mass, structure and architectural details of the church are not obscured at the front elevation.
- Renovations to the existing church building and reconfiguration of the internal church space to ensure its suitability for continued use: While internal works are not the subject of this planning application, they are a key element of the overall scheme and provide heritage benefits which should be weighed against harm caused by the proposals. The principal space within the nave of the church will remain substantially unaltered, with minimal interventions to ensure accessibility. New openings at ground floor level to connect the nave with newly created spaces will have a small negative impact on significance. However, the north and south church elevations have little significance at ground floor level. In combination with the ground floor extension, internal renovation works should ensure the sustainable continued use of the space and preservation of the building, and are considered an enhancement.
- Demolition of redundant boiler room facilities and chimney attached to the east elevation of the church to provide secure external amenity space: This element is considered to be of limited or no significance, and there is no objection in principle to its demolition.

#### Assessment of Impact

The residential development at the rear of the building is not considered subordinate to the church and will affect the setting of the building causing some harm to its

significance. Additionally, views of the church will be restricted or blocked entirely from some surrounding streets. The harm is mitigated somewhat because the main mass and height of the new building is located to the rear of the church while the western 'wings' of the new building, which approach the listed church have been reduced in height to two storeys (following listing) so that they do not completely obscure the form of the church, or the architectural interest visible on the north and south elevations.

The extension to the front of the church building and the two houses proposed at either side will cause some harm to significance through their effect on the building's setting, and by partly obscuring the front elevation of the church. The two houses have been moved towards the rear (east) of the site by one bay to ensure they appear subordinate to the church, and do not obscure the form and architectural features of the church building. This mitigates their impact on the significance of the building considerably. The new additions are generally sympathetic in design to the original building.

Overall, the proposed development will cause less than substantial harm to the significance of the building and its setting, and this should be balanced against heritage benefits of the proposed development, as required by statute and NPPF policies. Heritage benefits resulting from the proposed development are as follows:

- Extensions and internal alterations to the listed building, as well as maintenance work enabled by the development, will ensure the preservation of the listed building and its most significant features (including the most significant elements of the interior) and its continued use as a church.
- There will be some improvements to the setting of the building, which address the existing poor relationship to the street and lack of landscaping.

Paragraph 134 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. This should be read in conjunction with the first part of paragraph 132, which states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation. This wording reflects the statutory duty in sections 16 (2), 66(1) and 72(1). Paragraph 132 also states that "Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

In the Barnwell Manor case, the Court of Appeal held that in enacting section 66(1) (and section 16 (2)), Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration but "considerable importance and weight" when carrying out the balancing exercise. This

gives rise to a strong statutory presumption against granting planning permission for development which would cause harm to the settings of listed buildings. Even where the harm would be “less than substantial” the balancing exercise cannot ignore the overarching statutory duty imposed by section 66(1) and section 16 (2).

The refurbishment of the church in order to preserve the structure and ensure its continued use as a community church is a considerable heritage benefit, and the scheme will provide some limited benefits to the setting of the building. The new developments that will enable this have been carefully designed to be sympathetic to the original building and mitigate as far as possible any adverse impact on the significance of the building and its setting. However, the scale of the proposed additions, their proximity to the listed building, and their cumulative impact on the setting of the church will cause some harm to the significance of the building and its setting that is partially but not completely outweighed by heritage benefits.

Having given “special regard to the desirability of preserving” the significance of the listed building and its setting as per council’s statutory duty under sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, it is my conclusion that the development will cause less than substantial harm to the significance of the asset. This should be weighed against the public benefits of the proposal as required by NPPF 134.

#### CONCLUSION:

1. I conclude that on balance, the heritage benefits of this proposal partially but not completely outweigh the less than substantial harm caused by the new development, which should be weighed against other public benefits

Lucy Morrow, Conservation Officer

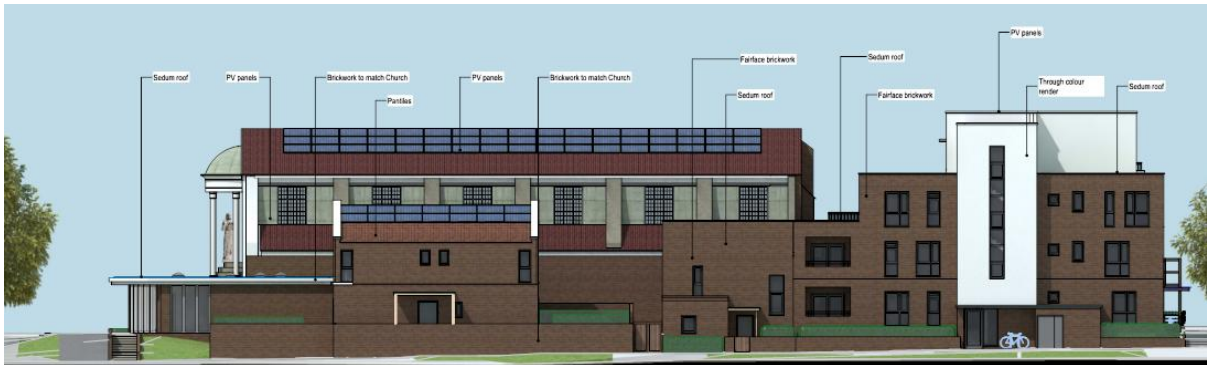
29th May 2018

Appendix 2: Revised Drawings

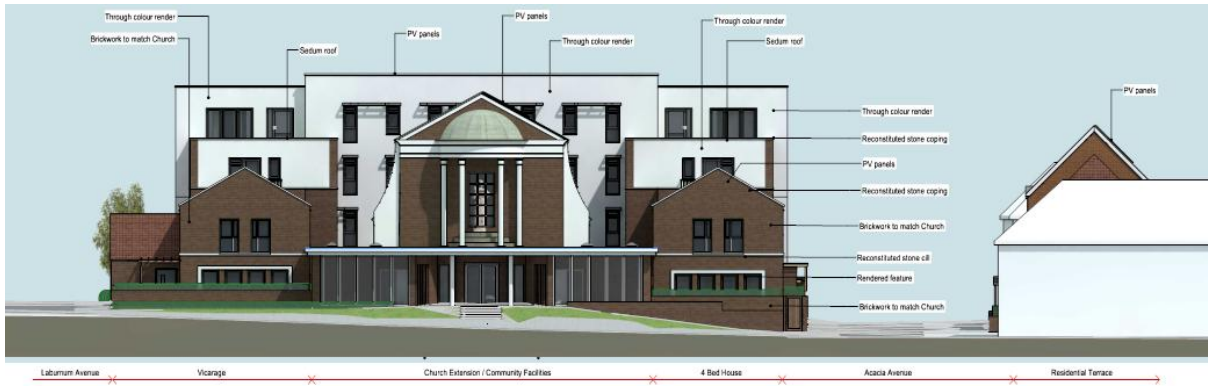
Revised Ground floor plan as proposed.



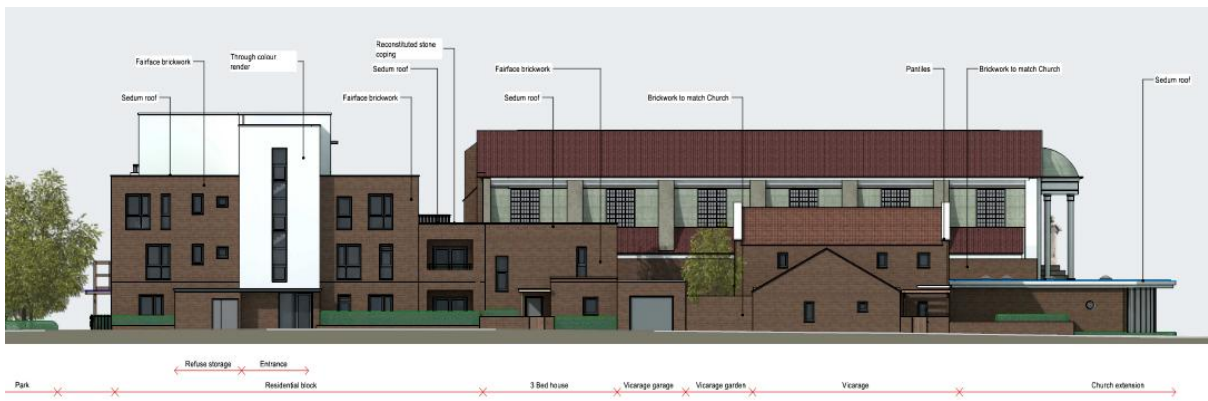
Revised south elevation as proposed.



Revised west elevation plan as proposed.



Revised north elevation plan as proposed.



Revised east elevation plan as proposed.



Revised massing study as proposed.







## Appendix 3: Quality Review Panel (QRP) Report.