

MINUTES OF MEETING

Planning Sub Committee held on Monday 6th November 2023, 7.00 – 9:17

PRESENT:

Councillors: Barbara Blake (Chair), Reg Rice (Vice-Chair), John Bevan, Cathy Brennan, Sue Jameson, Scott Emery, Emine Ibrahim, Alexandra Worrell, George Dunstall and Sean O'Donovan

1. FILMING AT MEETINGS.

The Chair referred to the notice of filming at meetings and this information was noted.

2. PLANNING PROTOCOL

The Chair referred to the planning protocol and this information was noted.

3. APOLOGIES

Apologies were received from Councillor Bartlett.

4. URGENT BUSINESS

There were no items of urgent business.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. MINUTES

Minutes 16th October. APPROVED

7. PLANNING APPLICATIONS

The Chair referred to the note on planning applications and this information was noted.

HGY/2022/4552 & HGY/2023/0236 BRAEMAR AVENUE BAPTIST CHURCH, BRAEMAR AVENUE, WOOD GREEN, LONDON, N22 7BY (PAGES 7 - 176)

8.

Valerie Okeiyi introduced the report. This report was 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.

The following was noted in response to questions from the Committee:

- The point that was mentioned in the objection was that the allocation of housing to the pastor shouldn't be counted as a unit that contributes to housing in the borough. The Planning Officers assessment was that this was not correct. This would still go into the pool of housing in the borough and could be occupied by a family.
- The blue badge spaces were to service the residential element of the development proposal. This complied with the London plan in terms of the 10% Blue Badge parking for the 15 units.
- This was not an enabling development and that was made clear in the addendum. An enabling development was a specific term in an assessment of policy which says that you are allowing something that's harmful to heritage in the interest of benefiting heritage. The viability assessors had used that term incorrectly. There were works being done to the church, but officers were not saying in this case that there was a harm to heritage that wouldn't normally be accepted.
- Haringey's housing target was 1592 dwellings per annum. That was assessed by the GLA and the borough's own reviews of housing needs. If the Council does not deliver on that, there would be impacts on how planning applications would be assessed. Currently Haringey does not have a 5-year housing land supply, which means that decisions are subject to the 'tilted balance'; which weakens decision making. However that is not in play in this case, where officers have found the application to be in line with policy.
- In planning policy terms, there is also the issue of meeting the needs of residents. Whilst there is an important need for affordable housing, there is also a need to meet targets in terms of private housing. The viability assessment has shown that affordable housing was not viable. Even with no land value. A small development of 15 units, there is not an economy of scale to viably deliver affordable housing.
- A version of the viability where the pastor's allocated home was assessed as a private unit only provided a surplus of £30,000. This would have been available for a payment in lieu, but the appraisal was not based on the Community Infrastructure Levy contributions that are in the report. Once the section 106 obligations for children's play space and the transport mitigation are included they wipe out the potential surplus that you would have allowed for a payment in lieu. The numbers did not support the pastor's house being provided as an affordable home. Ultimately, this was a decision that the developer had made.
- In terms of the policy and affordable housing, anything over 10 units would trigger a policy that required on site affordable housing. However, that was subject to viability. It is not an absolute requirement if the viability evidence shows that affordable housing can not be provided. Officers are satisfied that the viability experts have interrogated this sufficiently and looked at these issues.
- The actual child yield was based on the GLA calculator. With regards to the amount of £2660.00, that was the amount for the off-site Child Place based provision. This requirement is set out in the planning obligations, SPD (supplementary planning document). There is a formula used to come to this figure.
- There would be a lift in the new glazed link which would access the basement.

- The design officer was confident that the appearance was appropriate to the context, the use of brick was a durable material. Officers do not insist on pastiche to match context. Officers sought a contemporary design that harmonised with context, the brick would match a broad range of colour of bricks in the existing context. There was a great deal of discussion about whether there should be colour matching with the church, the simplicity of the pink brick has been settled on. There were a variety of different architectural styles in the area. The design officer was confident that this would be a good contemporary building.
- Officers sought to strike the right balance between pinning down the obligations to restore the church building and provide the community use without making it difficult for the applicant to deliver this. The Applicant would need some residential units to sell to generate income to do that restoration work. Due to this, the applicant was concerned by not being able to occupy more than 50% of the residential units. Officers looked at the value of the works and development and made sure the works to the church hall were secure.

Terrence McCarthy, Three Avenues Residents Association attended the committee and spoke in objection of the application.

- All TARA members strongly objected the proposal. The Church and hall are listed buildings in the Trinity Gardens Conservation Area. The development would dominate the protected view of the Church. The report obscures the substantial harm this development would have on the Community. TARA are particularly concerned about the loss of amenity to houses next to the development, particularly 1 Braemar Avenue. There was no proper impact assessment of present and future parking. The traffic report is inadequate and the travel action plan simply would not work. There would be no space for extra cars for visitors to the flats. They contended that despite a wholly inadequate consultation, it was revealing that of 109 community responses, not one was in support of the investment.

Cathy Lee, Three Avenues Residents Association attended the committee and spoke in objection of the application.

- She outlined that Aesthetics could be personal taste, and contended that this design was shocking. The proposal would negatively impact the setting of the listed building due to its height and it does not harmonise with the street. The report did not mention that the Church and it's Chapel were the only gothic Grade 2 listed buildings in the area, and the Bat survey was unconvincing. Residents were told that the development would be unviable if social or affordable housing would be included, yet there would be a free apartment for the Pastor. If this was meant to help Haringey, a condition should be that Haringey residents had priority.

Saara Idelbi, Three Avenues Residents Association attended the committee and spoke in objection of the application.

- With the affordable housing, a key point was that the calculations consider the costs of private enrichment of the applicant's interests. With the repairs, a free flat, and a new Church hall that enrichment stood at £1,541,656. She felt that without those costs, affordable housing must be viable and there was not an assessment showing it was not. It was explicit in the report that no affordable housing was being provided. She contended that the applicant was not complying with planning law because the

money was being used to fund repairs to a listed building which was, contrary to what's said, an enabling development. The Tin Chapel was a listed non designated heritage asset and that value had not been assessed. The true value of the heritage assets in a conservation area therefore could not be weighed.

Councillor Mary Mason, representing Bounds Green ward attended the committee and spoke in objection of the application.

- This proposal was not as set out a needed or wanted community development. There were plenty of church halls, community halls and schools with halls to rent in the area. The area hasn't got any free or easily accessible community space for the residents, of which over 40% of people are impoverished. The biggest problem wasn't a lack of high-quality dwellings, but the lack of social housing for the 4000 children in temporary accommodation.

The following was noted in response to questions from the committee to the objectors:

- There is a definition of community use set out in the London Plan, there are no conditions on where users of the building would be coming from. The policy says this should be provided and enhanced where possible. There are some validity to the concerns of residents but in pure planning terms, the only material consideration was that this would function as a community use. The additional condition was to provide some enhancement to ensure that it maximised the potential use of the building for the community.
- It would be a breach of the local and London plan if there would be no provision of community uses in the proposal. This was in line with DM49 (DM39 was stated but corrected later in the meeting) and found this to be an acceptable balance.
- There was simply not enough money to viably provide the policy compliant benefits and affordable housing.
- It was viewed by residents that the way planning officers had described objections from the community was inaccurate and mischaracterised. A summary seemed to have been provided, whereby there were 180 pages worth of objections.
- There would be members of the public who would be able to look into windows walking past, but this was not the same as looking across windows on the 1st/2nd floors. The closest separation distance was 20 metres. To mitigate loss of privacy, windows had been amended to high level windows and the terrace was non accessible.

The Applicant, Mandip Sohota spoke in support of the application.

- This application follows extensive discussion with officers. Since then, there had been four pre application meetings. The applicant had also presented the scheme to the Quality Review Panel and to residents. There had been continued dialogue with officers throughout that period. The facility that was proposed would serve the needs of the Church, including its Sunday school and other church related activities. There would also be the opportunity for the new Church Hall to be used by the local community. This would offer a flexible space that could accommodate a variety of activities or hired for other appropriate events, which would also provide a vital income stream for the church. Whilst the affordable units could not be delivered due to the viability, the sale of these flats would create the necessary funds required to deliver the community's benefits. Without these funds, the Church would not be able to deliver on these ambitions. The 15 flats would also contribute towards the housing stock in the borough. It's noted that the Council at the present time is unable to fully

evidence its five-year housing land supply and therefore these new homes contributed to meeting that identified target.

- In terms of the ridge of the proposed development, it would be at the top floor. The Officers had proposed a condition that secured the details to ensure that was correct.

The following was noted in response to questions from the committee to the Applicant.

- Even if the Pastor's accommodation was sold privately as part of the development, there still wouldn't be sufficient funds to provide any affordable housing. There would still be a deficit. This scheme was at roughly 9% GDV. The normal expectation would be roughly 17% to 20% GDV. It was substantially lower than where a private developer would be. This would not be the first scheme of this nature. It all started with the Church; the Applicant would be working for the church. The starting point was to create the community hall and funds would need to be generated that would deliver those works.
- The Applicant had comments about the previous design, the main objections to it were in terms of the size, scale and bulk. Concurrently, the applicant was having discussions with the design officers and conservation officers and went through the Haringey Council's Quality Review Panel. Officers welcomed the Applicant to submit the application.
- In terms of the Community use, the Applicant had always said that this firstly meets the needs of the Church. The Church have specific requirements in terms of Sunday service and Sunday school. However, there would always be opportunities for further community use. The Applicant saw this as a flexible space. It would be in the basement and was designed to be robust. It could take a range of different uses.
- Comments from officers and residents had informed where the applicant had got to with the proposal. It was visible how different the previous scheme was compared to the scheme that was now being proposed. There were quite considerable changes made. The Applicant did not think it was fair to say residents were ignored. There were lots of contrasting and conflicting things that needed to be considered, it was not an easy process.
- With the applicant's agreement, officers could enhance the additional condition that was included in the Addendum (condition 39). Based on some of the points discussed, this could include an element of prior engagement with the local community to understand their needs. On the point of marketing and priority to Haringey residents, there was no planning policy basis for this. Officers thought that this would be best listed as an informative.
- The Applicant had submitted revised drawings which addressed the doors opening inwards.
- When the Applicant had first consulted residents, there were 16 units being proposed. The proposal now has 15 units within the scheme, therefore there was some loss in terms of the overall mass and bulk. The applicant had also changed the stepping arrangement on the Braemar Avenue facade. There was more of a chamfer on the final scheme that gave a deference to the listed building. Quite significantly, there was a change in building materials. It was now a predominantly brick building, it would be more traditional in terms of the brick palette and reflected the Edwardian properties along the street. Some of the stepping towards the rear of the property had also been reduced. The applicant had also changed some of the windows and the use of the terrace. This would help ensure that the potential for overlooking was mitigated.

The Chair asked Robbie McNaugher, Head of Development Management and Planning Enforcement to sum up the recommendations as set out in the report. It was noted that the Bat survey needed to be completed again. There was an amendment to condition 39 to include engagement on the needs of residents. There was also an informative which requested that the applicant give priority to residents in their sales.

Cllr Ibrahim put forward a motion to reject the proposal on the basis of lack of affordable housing. Robbie McNaugher, Head of Development Management and Planning Enforcement advised that the viability evidence did not support this and this reason would be unlikely to be successfully defended at an appeal. Matthew Barrett, Senior Legal Officer advised that procedurally the motion was valid, subject to being seconded. Cllr Brennan seconded the motion. Following a vote with 5 for, 4 against and 0 abstentions the motion to refuse permission was carried.

RESOLVED

That the Committee **rejected the proposal for planning permission**. The reason for this was due to the lack of affordable housing within the proposal.

9. UPDATE ON MAJOR PROPOSALS (PAGES 177 - 192)

To advise the Planning Sub Committee of major proposals that are currently in the pipeline. These are divided into those that have recently been approved; those awaiting the issue of the decision notice following a committee resolution; applications that have been submitted and are awaiting determination; and proposals which are the being discussed at the pre-application stage. A list of current appeals was also included.

There were no queries on the report, The Chair noted that any queries could be directed to the Head of Development Management.

RESOLVED

This report was noted.

10. APPLICATIONS DETERMINED UNDER DELEGATED POWERS (PAGES 193 - 282)

To update on progress of proposals for Major Sites.

There were no queries on the report, The Chair noted that any queries could be directed to the Head of Development Management.

RESOLVED

This report was noted.

11. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

12. DATE OF NEXT MEETING

The date of the next meeting is 11th December.