

[REDACTED]
14 Braemar Avenue
Haringey
London N22 7BY

23 February 2023

Dear Sir/Madam,

Objections to Planning Application: HGY/2022/4552 (associated with Listed Building consent application HGY/2023/0236) – Development of Braemar Avenue Church Site (“the Development”)

Our address: 14 Braemar Avenue

1. By letter dated 24 January 2023, Haringey’s planning and building control department (“the Council”) notified us of planning application HGY/2022/4552 (“4552”). No notice was received in respect of HGY/2023/0236, nor was any nexus drawn in the letter of 24 January 2023 with HGY/2023/0236 (“0236”).
2. We do object to both 4552 and 0236 (“the Development”). The Development fails to comply with a number of planning policies and guidance at a local, London and national level without any or any adequate explanation or justification. We have received expert advice in preparing this response.
3. The grounds of our objection are that the Development:
 - i. Fails to comply with the London Plan (“the Plan”) or the Council’s policy relating to the provision of Affordable Housing
 - ii. Fails to assess the intrusion on privacy and adverse effect of the residential amenity of neighbouring properties (including our own);
 - iii. Fails to appropriately assess the interference with sunlight to neighbouring properties (including our own);
 - iv. Is fundamentally flawed in its heritage assessment;
 - v. Relies on a fundamentally flawed transport statement and assessment of parking;
 - vi. Fails to undertake a noise assessment relating to the construction of the Development and its associated impact;
 - vii. Relies on inadequate consultation with the local area.
4. Finally, this letter addresses proposed restrictions and conditions on the Development.

[REDACTED]

OBJECTIONS

i. Affordable Housing and Mitigation reliance

5. The Development proposes 15 residential units.
6. Policy H4 of the London Plan (March 2021) states that “[t]he strategic target is for 50 per cent of all new homes delivered across London to be genuinely affordable”.
7. The Application acknowledges that DM13 of Development Management Development Plan Document (July 2017) (“Haringey DPD”) requires proposals with more than 10 residential units proposed will be required to provide affordable housing, with a target of 40% target on all schemes.²
8. The Haringey Housing Strategy 2017-2022³ states that “the planning process is one of the most important tools that the council has in making sure that new homes in the borough are the homes we need: affordable for the borough’s current and future residents” and this Strategy is “a material consideration in planning decisions.”⁴ It goes on to highlight that “The supply of affordable housing in Haringey is diminishing at a time when we are facing rising demand, placing significant constraints on our ability to help homeless or potentially homeless families, in particular because of the supply and cost of temporary accommodation.”⁵
9. DM13 of Haringey DPD states “there is a borough wide target of 40% affordable housing on all schemes 60% of that provision is to be social affordable rent and 40 % to be intermediate housing.”
10. Further DM11 of Haringey DPD states “proposals should provide a mix of housing having regard to... The priority afforded to the delivery of affordable family housing”.
11. Zero affordable housing units are proposed by the development.
12. 12 of 15 units in the Development are one or two bed flats, contrary to the need for more family housing, and in the context of a nearby development offering only 1, 2 and 3-bed properties.⁶
13. The reason by the Applicant for not providing any affordable housing (on or off-site) is because of the cost of providing a new church hall and repairing the existing church.⁷ The Applicant has provided no justification or mitigation for failure to comply with significant national, London, and local planning policy priorities to provide affordable housing.
14. The Government Guidance on Viability⁸ continues:

“The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and

² Braemar Avenue FVA Report - Redacted, page 7.

³ The 2023-2028 Strategy is yet to be published.

⁴ Page 5.

⁵ Page 18.

⁶ <https://www.weston-homes.com/caxton-square/> at N22 6YQ.

⁷ Planning statement, ¶7.20.

⁸ <https://www.gov.uk/guidance/viability>

viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.”

15. We note that the Financial Viability Assessment calculates build costs on the basis of 22-month construction,⁹ but the Outline Construction Logistics Report refers to a 17-month construction.¹⁰ The conclusion on the basis of an erroneous projection of build costs (and dependent increase on professional fees) is concerning. It suggests that the build costs are being inflated to suggest financial non-viability of offering affordable housing. It further suggests that the assumptions underpinning the assessment are not transparent.
16. Further we note the Financial Viability Assessment relies on sales figures of the units, based on a Sales Valuation Report that uses comparables of:
 - a. A development between Wood Green and Tottenham – acknowledged to be “*within a less desirable area*”¹¹ when this Development is in “*a most desirable site due to its proximity to Alexandra Palace*”¹²; and
 - b. A development that is situated on the High Street – that the valuer acknowledges that the area “*is not as desirable*”.¹³
17. Absent from the comparables are new build sites on residential streets in close proximity to the iconic Alexandra Palace, such as Caxton Square,¹⁴ or Campsbourne Well.¹⁵ The latter has an N8 postcode. If the Applicant is using less desirable comparables, a proper analysis should also include potentially more desirable comparables.
18. The Clarendon is the only close comparable, albeit it is a development that started building and marketing in the midst of a slump in the housing market,¹⁶ and indicates that:
 - a. A one bed unit is priced on average for £436,605.50.
 - b. A two bed unit is priced on average for £527,185.
 - c. A three bed unit is priced on average for £737,500.
19. By contrast, the Development suggests that it will price:
 - a. A one bed unit, on average, at £370,714 (over £50,000 less than the appropriate comparator).
 - b. A two bed unit, on average, at £501,400 (over £25,000 less than the appropriate comparator).

⁹ Braemar Avenue FVA Report – Redacted, ¶10.5.

¹⁰ R02-JP-Outline Construction Logistics Plan (221222), ¶3.1.

¹¹ Braemar Avenue FVA Report – Redacted, Appendix 3, page 8.

¹² Ibid.

¹³ Ibid.

¹⁴ *Supra* n.6.

¹⁵ <https://www.berkeleygroup.co.uk/developments/london/hornsey/campsbourne-well>.

¹⁶ <https://www.forbes.com/sites/garybarker/2019/01/25/2018-what-happened-in-the-property-market-and-why-it-matters/>; <https://www.theguardian.com/business/2018/aug/29/one-in-three-chance-of-london-house-price-crash-says-expert-poll>.

- c. A three-bed unit, on average, at £565,000 (over £170,000 less than the appropriate comparator).
20. The Government Guidance on Viability states “*Market evidence can be used as a cross-check but it is important to disregard outliers*” and “[a]ny market evidence used should be adjusted to take into account variations in use, form, scale, location, rents and yields, disregarding outliers.”¹⁷ It seems to us that the Lane and The Icon are outliers that should have been disregarded. The use of inappropriate comparators artificially depresses the sales value to imply that affordable housing would not be financially viable.
 21. An in-depth review of the Financial Viability Assessment is required.
 22. Additionally, if the implied mitigation for failing to offer any affordable housing is the provision of the new church hall,¹⁸ there is a dearth of robust assessment of the usage, need, and function of the church hall. The Applicant simply states:
“The actual use will develop over time as the facility establishes.”
 23. Aside from the use of the Development for the church’s activities, it is unclear whether the church hall will be used as a commercial space or for events, whether it is being made available at low-cost community use. There is no detail of the need for the hall within the Baptist community, especially noting that there are several Baptist churches in Wood Green and Hornsey area. The community benefit is wholly unparticularised.
 24. The Council is unable to make a robust decision on the basis of the information provided by the Applicant and there is no policy basis on which it can do so. The Developer is not able to simply cite financial unviability due to the use of profits from a residential development to construct a church hall. Whilst the Council can have regard to (pursuant to DMD Housing 13) both “*viability*” and “*other planning benefits that may be achieved*”, neither the Viability Assessment provided in the form of the FVA nor the rest of the assessment assesses the financial and planning impact of the church hall. Offsetting the profits of the Development in the construction of the church hall has not, in any way, been assessed at any point in the Application.
 25. The purpose and need for a viability assessment are predicated on the basis that the Development and its associated infrastructure would, if constructed in the current economic climate, be rendered unviable (see Standard inputs to a viability assessment¹⁹). The church hall is not associated infrastructure to the residential element of the Development. The Developer has not cited that the Development is a form of enabling development, that being that the purpose of the Development is to secure the future conservation of the church hall as a heritage asset²⁰. It is proposing to demolish the current church hall (the tin tabernacle).

¹⁷ <https://www.gov.uk/guidance/viability>

¹⁸ By implication in the Planning statement, ¶7.11, 7.14, 7.15.

¹⁹ <https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment>

²⁰ <https://historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/#:~:text=Enabling%20development%20is%20development%20that,conservation%20of%20a%20heritage%20asset>

26. If the Developer is not stating that this is some form of enabling development, which it is not, then the only other possible justification would be the importance of the church hall as some form of community asset, even though this has no explicit basis or reasoning in planning policy and would not be likely to succeed in planning terms. This has not been assessed or considered at all.
27. The design and access statement states that the Development will “*contribute positively to the promotion of a sustainable community in a location suited to this type of use, offering all the necessary facilities required for modern living within walking distance*”.²¹
28. The Transport statement assumes that the use of the church hall will be local persons.²²
29. The Statement of Community Involvement states “*Whilst it is accepted that many of the residents who attended to consultation event do not attend the church at the site, it nonetheless serves a well-established community function.*”²³
30. These statements are unevidenced and unassessed.
31. The Application should be clear in defining the community it purports to benefit. It has not done so.
32. The Application includes no mention that the church hall will serve the locality affected by the Development.
33. The volume of increased cars parked on Braemar Avenue for Sunday service strongly suggests that the community, that attends the church, live sufficiently far away that they cannot use public transport, and so are not local. There is no survey of the demographic of the congregation or the prospective users of the church hall to conclude the church hall will serve the local community. The Three Avenues Residents’ Association invited to discuss the local residents’ concerns with the Braemar Avenue Baptist Church. There was no response to that invitation as far as we understand. The failure to respond strongly indicates that the Church does not serve the community affected by the Development and that there is no genuine intention for the new church hall to serve the community affected by the Development.
34. The Applicant is stating that they cannot provide any form of mitigation, and may not be able to provide any form of community infrastructure levy, because of the church hall. As such, the Council must consider the church hall as some form of mitigation. Accordingly, the Council need to consider whether the church hall is acceptable mitigation in planning terms, and therefore forms an appropriate planning obligation (and everything that this implies). If the Applicant has not justified it, the Council must nonetheless satisfy itself that comprises acceptable planning mitigation in lieu of the mitigation existing elsewhere. Consequently, the Application is fundamentally flawed.
35. The Government’s Guidance on Viability refers to a balance being struck between aspirations of developers and aims to secure maximum benefits in the public interest

²¹ 220830_1802_Braemar Ave Planning DandA Statement, page 3.

²² R01-JB-JP-Transport Statement (220810), ¶6.9.

²³ Statement of Community Involvement, page 5.

through the granting of planning permission.²⁴ The point of the planning process is to focus on local communities: balancing the needs of infrastructure and the impact on the locality.

36. In this case, there is a substantial impact on the community of Braemar Avenue, Cornwall Avenue, and Northcott Avenue, with no benefit to the Council's housing strategy, no community benefit for the locality that will be affected by the Development and, it appears, a future attempt to avoid the payment of the Community Infrastructure Levy (by reserving its position on its payment)²⁵.
37. Granting planning permission where the Development fails to comply with applicable policies would be irrational.

ii. Privacy

38. The Mayor of London's 'Housing Supplementary Planning Guidance' (March 2016)²⁶ at ¶1.3.45 states:

“Policy 7.6Bd requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed.”

39. DM1 of Haringey DPD states:

“Development proposals must ensure a high standard of privacy and amenity for the development’s users and neighbours. The Council will support proposals that:

...

b Provide an appropriate amount of privacy to their residents and neighbouring properties to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents and the residents of the development” (Emphasis added.)

40. The Planning Statement attempts to address this requirement by reference to assessments undertaken by Anstey Horne²⁷ and KP Acoustics.²⁸ Neither assessment considers the loss of privacy detrimental to the amenity of neighbouring residents.
41. Where proposals must ensure a high standard of privacy, it is striking that the Application includes no assessment of impact on the privacy of neighbouring properties.
42. The height of the Application's assessment is:

²⁴ <https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment>

²⁵ Braemar Avenue FVA Report – Redacted, ¶10.7.

²⁶ https://www.london.gov.uk/sites/default/files/housing_spg_revised.pdf

²⁷ Planning statement, ¶7.31-7.32; ROL00920_Braemar Avenue_DS study_20 September 2022.

²⁸ Planning statement, ¶7.37; 24490.NIA.01 Rev A.

“The plan form of the proposals further respects the outlook from neighbouring windows, and the appropriate location of windows and outlook ensures any potential overlooking of the adjacent houses is mitigated.” ¶7.28

43. Firstly, this indicates that the Applicant consideration has been limited to adjacent houses (i.e. 1 Braemar Avenue) not opposite houses.
44. Secondly, there is no assessment to support this conclusion. The plans for the second floor (the third storey) show seven floor to ceiling windows, two floor to ceiling doors, and two balconies, on the street facing elevation of the Development²⁹. The plans for the third (fourth storey) show four floor to ceiling windows, and two floor to ceiling doors (which are each directly adjunct to a window), on the street facing elevation of the development.³⁰
45. The four-storey Development will allow residents of the third and fourth floor of the development to be able to see directly into the front bedrooms of 14 Braemar Avenue (and other houses opposite) at all times, unless we keep shutters or curtains closed at all times, which results in a substantial loss of light and enjoyment of our home.
46. Without any assessment of the privacy impact, it is impossible for the Council to assess whether the Development does cause unacceptable harm to the privacy of neighbouring properties, or degree of nuisance and interference with the private lives of the neighbouring properties. Planning permission granted, despite the failure of the Applicant to comply with the applicable published policies and in the absence of substantive consideration of the privacy of residents, would be wholly irrational, and amount to a disproportionate interference with our private lives and peaceful enjoyment of our property.

iii. Light

47. DM1 of Haringey DPD states:

“Development proposals must ensure a high standard of privacy and amenity for the development’s users and neighbours. The Council will support proposals that: a Provide appropriate sunlight, daylight and open aspects (including private amenity space where required) to all parts of the development and adjacent buildings and land...”

48. ¶2.10 of Haringey DPD continues:

“The design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. The Building Research Establishment (BRE) provides guidance on site layout planning to achieve good

²⁹ 056-1802_GA_056_Braemar Ave. 3D Visual 03; 038-1802_GA_034_Braemar Ave. Proposed Plan - Second Floor Plan.

³⁰ 056-1802_GA_056_Braemar Ave. 3D Visual 03; 039-1802_GA_034_Braemar Ave. Proposed Plan - Second Floor Plan.

sun-lighting and day-lighting (BRE Site Layout Planning for Daylight and Sunlight: a guide to good practice)."

49. The Anstey Horne report³¹ references the criteria for consideration of the impact on Daylight at ¶3.13, but limits the scope of its study to 1, 3, and 18-28 Braemar Avenue³², despite 14 Braemar Avenue meeting the definition under the BRE guidance.
50. The Anstey Horne report seeks to argue that "[c]are must therefore be taken to apply its recommendations in a manner fitting to the location of the proposed development" insinuating a reason to depart from the guidance. However, the location of the proposed development is entirely residential bar the Church site. The impact on light should have been assessed by reference to our home.
51. It is likely that there will be a substantial loss of sunlight to our house caused by the Development exceeding the height of current residential houses, as demonstrated by the below photograph taken from the window in our living room.



52. The failure to consider the relevant neighbouring properties is a substantial concern with the efficacy of the assessments that have been undertaken.

iv. Heritage Assessment

53. As set out above, the Developer has not cited that the Development is a form of enabling development, that being that the purpose of the Development is to secure the future conservation of the church hall or church itself as heritage assets. The heritage statement does not appear to suggest any part of the Development is an enabling development.

³¹ ROL00920_Braemar Avenue_DS study_20 September 2022.

³² ¶6.2 ROL00920_Braemar Avenue_DS study_20 September 2022.

54. The heritage statement underestimates the harm caused by the Development because, despite the heritage statement suggesting that “*any replacement building would need to be sensitively designed to respect the setting of the listed building and to have a neutral impact on its significance*”³³, it proceeds on the basis that the “*design [of the development] has been conscious to derive its western elevation rhythm from the historic terraces south of the church hall, to ensure the proposed building blends with its context.*”³⁴
55. The context as noted is “*Edwardian Housing*” which “*forms part of the historic setting of the listed building, lies in close proximity to the Site, and lies in the experiential, visual and aesthetic setting of the listed building. The housing is considered to contribute towards the significance of the listed building as an element of setting.*”³⁵
56. The purported sympathetic design referenced in the heritage statement is contradicted by the Design and Access statement describing the elevations as “*a contemporary, striking new mixed use development.*”³⁶
57. This internal contradiction indicates a lack of robust heritage assessment that fails to demonstrably give considerable importance and weight to the heritage assets on the development site.
58. Insofar as the heritage statement suggests that the Development respects the setting of historical terrace houses near the listed building merely by being in line with the terrace houses, such conclusion is incredible. It is equally confounding to read that a flat Western elevation can be considered respectful to the historic terrace houses, with undulating bay windows, and the church with its multiple depth elevations.
59. “*Braemar Avenue Church forms a part of the Trinity Gardens Conservation Area, which is characterised by a sense of openness and verdure. Shrubs, trees and planting are widespread throughout the area and form an important element of the character and appearance. Most properties are of Victorian origin and are of architectural interest which positively contribute to the character and setting.*”³⁷ However, the design of the Development does not incorporate the stonework of the heritage asset of the Main Church building and the conservation area, nor the brickwork³⁸ of Victorian/Edwardian architectural style of the conversation area.
60. The heritage statement goes on to say that the proposed footprint of the Development is not “*an excessive change from the status quo*”, because the current church hall “*is hemmed in by the trees*”.³⁹ To suggest that the replacement of trees with a four storey building is not an excessive change from the status quo is remarkable.

³³ Braemar Church - Heritage Statement Final - Dec22, page 39.

³⁴ Braemar Church - Heritage Statement Final - Dec22, page 38.

³⁵ Braemar Church - Heritage Statement Final - Dec22, page 29.

³⁶ 220830_1802_Braemar Ave Planning DandA Statement, page 5.

³⁷ Planning statement, ¶7.43.

³⁸ Braemar Church - Heritage Statement Final - Dec22, page 41.

³⁹ Braemar Church - Heritage Statement Final - Dec22, page 37.

61. It appears that the heritage assessment is predicated on the assumption that “*the parapet wall above the second floor⁴⁰ of the new block being level with the roof ridge height of the historic terraces*”. It can be seen from “045-1802_GA_040_Braemar Ave. Proposed Elevation A” that the parapet wall exceeds the roof ridge height of the terraces.
62. It continues that the “*new building would therefore be marginally higher than the roof ridge height of the historic terraces to the south and only very marginally above the roof ridge height of the church*”⁴¹ with the inclusion of the fourth storey. Again, as can be seen from “045-1802_GA_040_Braemar Ave. Proposed Elevation A”, the conclusion is absurd.
63. Thus, the conclusion that the harm analysis (that the impact is neutral and/or less than substantial harm) is unsustainable.

v. Transport Statement and Travel Plan

64. The Development states that it “*will be car-free and residents of the development will not be eligible apply for a parking permit within the estate or within local controlled parking zones*”⁴²
65. It is relevant to note that that Parking Beat Survey was undertaken in the week that we were away for our wedding and had taken our car with us, therefore the “observed space” outside our house is not an available space.⁴³
66. The Transport Statement refers to using “Lambeth methodology”⁴⁴ and then refers to “Haringey’s preferred methodology”.⁴⁵ Neither reference a publicly available policy for substantive consideration of the efficacy of the assessment.
67. In any event, it is apparent that the Transport Statement takes into account available parking spaces on Trinity Road and Finsbury Road, which is now subject to the Bounds Green Low traffic neighbourhood, where it is impossible for any person to park unless they fall within the Low Traffic exemptions. As the survey was undertaken in June 2022, it predates the introduction of the Low Traffic Neighbourhood trial, and the consequential impact of parking on the surrounding streets (including Braemar Avenue) of the restrictions introduced in those areas.
68. Although the Applicant suggests that the Development will be a permit free area, permit restrictions only exist between 8:00am to 6:30pm, allowing for residents of the development to have cars and drive to work. The Transport Statement therefore acknowledges that the Development will be demand for 8 cars to park, and then does not assess that impact appropriately.
69. Further, it appears to be internally inconsistent to refer to a permit free development and then suggest that the introduction of car club membership will be offered to each

⁴⁰ Meaning the third storey above ground.

⁴¹ Braemar Church - Heritage Statement Final - Dec22, page 37.

⁴² Save for the disabled parking bay about which there is no objection.

⁴³ R01-JB-JP-Transport Statement (220810), p.35-36.

⁴⁴ R01-JB-JP-Transport Statement (220810), ¶2.8.

⁴⁵ R01-JB-JP-Transport Statement (220810), ¶2.9.

unit for three years as mitigation.⁴⁶ It is questionable what is being mitigated. The insinuation is that permit restrictions on the Development is intended to lapse at some point, or that the Applicant acknowledges a potential increase in car use of the residents of the Development. The latter is reinforced by the Statement of Community Involvement which states “[r]egarding the residential use, there will be some uplift in activity”.⁴⁷ This planning application is not providing the Council with a complete picture of the impact of the Development.

70. There is no assessment of the increased parking on Sundays where the likely impact on the street is likely to be most acute, or of persons using the church hall, which appears to be accepted in the Statement of Community Involvement.⁴⁸ This is particularly confusing because if an increased use for community engagement is anticipated, one cannot see how there would not be increased congestion from increased usage. This underscores that there is no intended benefit to the community, to justify the failure of the Applicant to offer affordable housing.
71. Finally, the Travel Plan only considers church movements and not residential movement. In our experience, the church congregation already park in our parking space and along Braemar Avenue. It is hard to see how this plan is going to improve the current behavioural pattern of the congregation. The only mitigation would be to impose 24/7 restrictions, which would have an adverse impact on existing residents.
72. Any restrictions on parking should be imposed on the Development, mitigated by free parking permits for the existing residents.

vi. Noise

73. The Government guidance on noise states:

“Noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced). When preparing plans, or taking decisions about new development, there may also be opportunities to make improvements to the acoustic environment.

...

Plan-making and decision making need to take account of the acoustic environment and in doing so consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

⁴⁶ Planning statement, ¶7.87.

⁴⁷ Statement of Community Involvement, page 5.

⁴⁸ Statement of Community Involvement, page 5.

In line with the Explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.”⁴⁹

74. DM18 of Haringey DPD states:

“Noise and Vibration

D The Council will seek to ensure that new noise sensitive development is located away from existing or planned sources of noise pollution. Proposals for potentially noisy development must suitably demonstrate that measures will be implemented to mitigate its impact.

E A noise assessment will be required to be submitted if the proposed development is a noise sensitive development, or an activity with the potential to generate noise.”

75. It continues at ¶4.60:

“Noise pollution can adversely impact on the amenity and health of building occupiers as well as the wider public. The Council will seek to ensure that new developments both minimise noise pollution and appropriately manage its impact. Noise sensitive development (such as housing, schools and health facilities) should be located away or appropriately separated from major sources of noise. The Council will expect that mitigation measures are considered and incorporated into the design process prior to the submission of an application.” (Emphasis added.)

76. The construction of the Development is anticipated to take 22 months.⁵⁰ There is no assessment of the noise nuisance that will be caused for nearly two years. The Sustainable Design and Construction Statement states that:

“Noise levels shall be mitigated to acceptable levels, through suitable design measures. The proposed scheme is not expected to experience a significant adverse noise impact and the site is considered acceptable for the proposed residential use. Please refer to the Outline Construction Logistics Plan prepared by ttp Consulting on August 22 for more information.”⁵¹

77. There is no Outline Construction Logistics Plan from August 2022. The December 2022 Outline Construction Logistics Plan does not address any “design measures” to mitigate the noise impact. The only planned mitigation of noise nuisance is that:

“The construction project will be registered with the Considerate Constructors Scheme in order to minimise any negative impact that construction activity may have on the local area.... Membership of the scheme requires compliance with a code of practice and seeks to: Minimise any disturbance or negative impact (in

⁴⁹ <https://www.gov.uk/guidance/noise--2>.

⁵⁰ Braemar Avenue FVA Report – Redacted, ¶10.5; subject to the comments above on the inconsistency between projected construction times.

⁵¹ 22403 - Braemar Avenue - Sustainable Design and Consturction (sic) Statement - Issue 1, page 2, ¶7.

terms of noise, dirt, and inconvenience) caused by construction sites to the immediate neighbours.”

78. There is no noise assessment of the noise nuisance that will be caused by two years of construction.
79. There are no controls proposed. It is unreasonable to suggest that membership of an unregulated scheme is a suitable measure to control noise nuisance.
80. Working from home is a substantial feature of our lives. We spend at least 90% of our working hours in our house. Two years of noise nuisance amounts to a substantial disruption (especially when balanced against the lack of local benefit from the Development).
81. The KP Acoustics report appears only to address the environmental noise “*likely to be experienced by the proposed development*”⁵² not by the local area.
82. Deferring the assessment of noise management to be addressed in a Detailed Construction Plan⁵³ is disproportionate given the impact on existing residents.
83. Again, the Application fails to comply with relevant applicable policies, it is insufficient to leave the noise impact to be dealt with by way of planning condition and planning permission in such circumstances would be irrational and amount to disproportionate interference with our private lives and peaceful enjoyment of our property.

vii. Consultation

Consultation by the Applicant

84. An in-person exhibition in the Church was held on Tuesday 27 September 2022 between 6:30pm and 8:00pm. We attended the exhibition.
85. At the exhibition, we were informed that the Development was due to be a permit free development. The organisers failed to inform us about the “mitigation” planned to use a car club in the area. The failure to do so deprived us of being able to understand what was being mitigated. It is not addressed in the Application.
86. Further, we raised with the Applicant the opportunities for community engagement offered by the development of the church hall. None were able to provide further information. We were directed to speak to the members of the Baptist Church. On speaking to representatives from the Baptist Church, it was apparent (as it is from the planning application) that there are no plans for engagement with the local community. We were informed that there would be further meetings about community engagement. We expressed a desire to be a part of that discussion. There has been no engagement with us (or as far as we are aware with the rest of the local residents who would be affected by the construction of the Development). In fact, I understand that our

⁵² 24490.NIA.01 Rev A, ¶7.0.

⁵³ R02-JP-Outline Construction Logistics Plan (221222), ¶7.1.

residents' association proposed a meeting prior to the submission of this application, to discuss concerns, and the invitation was ignored.

87. The Statement of Community Involvement indicates that none of the local community's concerns have been genuinely considered.
88. It is concerning that concerns raised by the locals are dismissed in the Statement of Community Involvement based on pre-applications discussions with the Council and by the Quality Review Panel.⁵⁴
89. The Applicant attempts to style the Quality Review Panel as being an impartial and objective board⁵⁵ but it is comprised of local architects⁵⁶ and officers from the planning department.⁵⁷ The QRP is not independent. It cannot fortify the Application. It is a manifestation of the Council within itself.
90. The refusal of the Applicant to genuinely consider the community concerns, alongside reliance on the LPA and QRP is a significant indication that the application has been predetermined.⁵⁸

Consultation by the Council

91. The Application comprises of 1,747 pages. On the Council's letter of 24 January 2023, it says the deadline for responses is 24 February 2023. On the planning register online, it states that the end of the consultation period is 8 March 2023, but the deadlines for consultation on HGY/2023/0236 (for which we have no received notice) is 24 February 2023. This has been extremely confusing and, in reality, has given residents a month to review and provide a response, so as not to be shut out by errors on the correspondence/website.
92. The consultation process by the Council has given existing residents extremely limited time to consider the density of the application, where the Applicant has had multiple meetings with the Council and four years to prepare its plans.
93. Internal referencing in the application documentation is obtuse. For instance, a reference is made to the "ttp Construction Environmental Management Plan"⁵⁹, but no document in the application bears such a title. It had to be assumed that the Outline Construction Logistics Plan⁶⁰ is what was intended. However, the Sustainable Design and Construction Statement states: "*A Construction Environmental Management Plan (CEMP) would be potentially developed for the construction phases and will include a strategy to minimise environmental impacts such as carbon emissions.*"⁶¹ Although the Outline Construction Logistics Plan addresses construction phasing, other than setting

⁵⁴ Statement of Community Involvement, page 5.

⁵⁵ Planning statement, ¶4.21.

⁵⁶ Affiliations unspecified.

⁵⁷ Officers unspecified.

⁵⁸ *R(CPRE (Somerset)) v South Somerset DC* [2022] EWHC 2817 (Admin); *R (G) v Thanet District Council v Kentish Projects Limited* [2021] EWHC 2026 (Admin).

⁵⁹ Planning statement, ¶7.92-7.93.

⁶⁰ R02-JP-Outline Construction Logistics Plan (221222).

⁶¹ 22403 - Braemar Avenue - Sustainable Design and Consturction (sic) Statement - Issue 1, ¶4.1.1.3.

out what will be done, it does not address how what will be done minimises environmental impacts, such as carbon emissions. “*Sufficient safety measures and requirements*”,⁶² “*opportunities to introduce measures to encourage sustainable freight transport*”⁶³ and a “*Detailed CLP will be required, to be secured as a planning condition*”⁶⁴ defer the provision of information and avoids proper consultation on actual proposals and impacts.

94. Consultation time and information provided for consultation have been insufficient.

OUTCOMES AND CONCLUSION

95. We object to planning permission being granted. The Application has failed in multiple areas to comply with policies, provide vital and/or comprehensive assessments, and is providing incomplete or contradictory information in the application.
96. We are concerned that the Application fails to include a substantial number of assessments. We have noted, for example, the representation from Thames Water to the absence of assessment to minimise groundwater discharges into the public sewer. To potentially leave such a volume of necessary assessments for planning conditions is inconsistent with the spirit of the use of planning conditions, and also deprives representations being made by the community about those assessments, in advance of planning permission being granted.
97. Haringey’s Scheme of Delegation seems to suggest that planning permission decision may be delegated to a planning officer. We strongly urge that the application is considered by a Planning Committee.
98. If permission is granted, the Development should be subject to conditions, particularly around monitoring the noise of the construction, and restrictions, including the preservation of parking entitlement by existing residents.

Yours faithfully,



⁶² R02-JP-Outline Construction Logistics Plan (221222), ¶5.3.

⁶³ R02-JP-Outline Construction Logistics Plan (221222), ¶5.12.

⁶⁴ R02-JP-Outline Construction Logistics Plan (221222), ¶7.1.