

14 Braemar Avenue
Haringey
London N22 7BY

16 February 2024

Dear Sir/Madam,

**Objections to Planning Application: HGY/2023/3192 (associated with Listed Building consent application HGY/2023/3193) – Development of Braemar Avenue Church Site
Address: 14 Braemar Avenue, N22 7BY**

INTRODUCTION

1. We received notice that the applications in HGY/2023/3192 (“3192”) and HGY/2023/3193 (“3193”) (together “Applications”) have been re-submitted. This concerns, in substance, the same development in HGY/2022/4552 and HGY/2023/0236 (“Previous Application”).
2. I object to both 3192 and 3193 (“the Development”). The terms of my objection remain as they were through the life cycle of the Previous Application.

Previous Application

3. The Development fails to comply with Haringey’s planning policies; the London Plan; and the National Planning Policy Framework.
4. The developer states in this application that “With the exception of the lack of affordable housing and the s106 Agreement, the Committee resolved that all other matters were acceptable.”¹ The developer is wrong.
5. The Previous Application was rejected at motion.² The full planning application was not considered thereafter. From this, the developer cannot deduce that the Committee resolved that all other matters were acceptable. They were not considered.
6. A resolution is a formal decision. The decision notice for HGY/2022/4552 does not state that there were any resolutions confirming other matters were acceptable.
7. The developer misrepresents the basis of the conclusions in respect of the Previous Application. All matters must be considered in this application.
8. In the alternative, London Borough of Haringey (“Council”) has not published any reasons concerning the committee’s resolutions. If this is the case, then such is concerning.
9. I note that an officer of the Council has adopted the Developer’s reasoning before consideration of the responses to the Applications. It suggests the Council has pre-determined its approach to the Applications.

¹ Planning Statement FINAL 231127, at 1.14.

² Planning Sub-Committee Meeting Minutes for 6/11/23.

Grounds of objection

10. The Development:

- a. Does not comply with policies in respect of Affordable Housing;
- b. Does not comply with policies in respect of the heritage of the Church and the non-designated heritage asset, the Chapel.
- c. Does not comply with policies in respect of conservation areas;
- d. Does not comply with policies concerning assessments on privacy;
- e. Does not comply with policies concerning the adverse effect on the residential amenity of neighbouring properties (including our own), including in respect of light, noise and transport; and
- f. Has had no regard to the views or consultation with the local community.

11. The National Planning Policy Framework reiterates:

“12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.”

OBJECTIONS

I. Affordable Housing and Mitigation reliance

12. The Development proposes 15 residential units.

The Policies

13. 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”. Affordable housing should be provided on site. Affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances”.

14. The Application acknowledges that DM13 of Development Management Development Plan Document (July 2017) (“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 (at DM(A)(a)). 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.*”

15. Under DM13, DPD states:

“3.17 The latest Strategic Housing Market Assessment (SHMA) (2014) identifies an affordable housing requirement deficit of 11,757 homes by 2026, which equates to 59% of the total net housing requirement of 20,361 households for the Borough of all tenures over the same period (2011 – 2026). This demonstrates that the ‘need’ for affordable housing continues to be significantly greater than the ‘supply’ of affordable housing.

...

3.19 While the SHMA suggests there is a significant shortfall in one and two bedroom dwellings, the priority afforded to family affordable housing recognises that the shortage relative to supply of affordable housing is greatest for three or more bedroom properties”

16. 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”*.
17. 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
18. The intermediate housing strategy⁶ states:
“To seek to achieve a more mixed and sustainable tenure mix across the borough, Local Plan policy SP2 should be flexed to address the local circumstances. ... in the west of the borough, a higher proportion of Social Rented/Affordable Rented housing will be sought, having regard to the achievement of the overall borough-wide 60:40 tenure split target.”
19. 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.”*⁷
20. 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 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.”

Objections

21. Zero affordable housing units are proposed by the development.
22. 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.⁹
23. The Applicant has provided no lawful justification or mitigation for failure to comply with significant national, London, and local planning policy priorities to provide affordable housing.

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

⁴ Page 5.

⁵ Page 18.

⁶ https://www.haringey.gov.uk/sites/haringeygovuk/files/intermediate_housing_policy_statement_2018.pdf

⁷ <https://www.gov.uk/guidance/viability>

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

⁹ <https://www.weston-homes.com/caxton-square/> at N22 6YQ.

24. The reason by the Applicant for not providing any affordable housing (on or off-site) is because of the cost of providing, a free flat for the pastor, a new church hall and repairing the existing church.¹⁰
25. The Planning Sub-Committee rejected the proposal at motion because of the lack of affordable housing, following questions as to why the Previous Application was able to provide a free flat to the pastor but not make provision for affordable house. If the Planning Sub-Committee's decision was wrong, the Applicant can appeal. To date, it is understood that they have not.
26. The sentiment remains. It is remarkable that the Applicant says it is not able to offer at least one affordable unit (for which it will yield a return), when it can offer a free unit (for which it will receive no return).
27. In any event, if affordability is calculated on the basis of private enrichment to the Applicant, it remains fundamentally flawed.
28. The Applicant's viability assessment must be doubted:
 - a. The Applicant has not undertaken an assessment of the proposed Development including the provision of affordable housing. Such is deliberately omitted, despite BNP Paribas noting the omission in its report in respect of the Previous Application.
 - b. Despite the Applicant's own report referring to the costs as "enabling costs", the Applicant has not conducted an assessment to confirm whether this is an enabling development (see further below).
 - c. The FVA calculates build costs on the basis of 22-month construction,¹¹ but the Outline Construction Logistics Report refers to a 17-month construction.¹² 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.
 - d. The FVA ignores from its calculation the value for the acquisition of the site and the value associated with the existing church and facilities.
 - e. The FVA does not consider the prospective land value after the development.
 - f. The FVA does not consider ongoing income the Applicant will receive from remaining the freeholder of the site.
 - g. The FVA does not take into account the lifecycle of the land and associated value.
 - h. The FVA continues to rely on inappropriate comparables, that BNP Paribas suggested were inaccurate, and omits relevant comparables:¹³
 - i. A development between Wood Green and Tottenham – acknowledged to be "*within a less desirable area*"¹⁴ when this Development is in "*a most desirable site due to its proximity to Alexandra Palace*"¹⁵;

¹⁰ 231121 Braemar Avenue - FVA Report – Appended ("FVA"), ¶9.2.

¹¹ FVA, ¶9.2.

¹² R02-JP-Outline Construction Logistics Plan (221222), ¶3.1.

¹³ FVA, ¶6.1.

¹⁴ FVA, ¶6.1.

¹⁵ Ibid.

- ii. A development that is between Manor House and Turnpike Land, that does not benefit from being proximate to Alexandra Palace. The FVA comments that “*although the site does benefit from two stations being a short walk*” and fails to note the Development is a short walk from both Alexandra Palace overground station and Wood Green tube station; and
- iii. A development that is situated on the High Street – that the valuer acknowledges that the area “*is not as desirable*”.¹⁶

Absent from the comparables are new build sites on residential streets in close proximity to the iconic Alexandra Palace, such as Caxton Square,¹⁷ or Campsbourne Well.¹⁸ The latter has an N8 postcode. If the Applicant is using less desirable comparables, a proper analysis should also include potentially more desirable comparables.

29. 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,¹⁹ and indicates that:
 - a. A one bed unit is priced on average for £422,127.
 - b. A two bed unit is priced on average for £546,709.
 - c. A three bed unit is priced on average for £750,000.
30. By contrast, the Development suggests that it will price:
 - a. A one bed unit, on average, at £382,723.
 - b. A two bed unit, on average, at £523,000.
 - c. A three-bed unit at £602,500.
31. It seems that the Lane, The Icon, and Evergreen 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.
32. An in-depth review of the Financial Viability Assessment is required. **This time with the objections outlined here made available to the independent assessor.**
33. Additionally, if the implied mitigation for failing to offer any affordable housing is the provision of the new church hall, there is a dearth of robust assessment of the usage, need, and function of the church hall.
34. 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.
35. 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

¹⁶ Ibid.

¹⁷ *Supra* n.9.

¹⁸ <https://www.berkeleygroup.co.uk/developments/london/hornsey/campsbourne-well>.

¹⁹ <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>.

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.

36. 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 assessment²⁰). 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 asset²¹. It is proposing to demolish the current church hall (the tin tabernacle).
37. If the Developer is not stating that this is some form of enabling development, 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.
38. 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*”.²²
39. The Transport statement assumes that the use of the church hall will be local persons.²³
40. 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.*”²⁴
41. These statements are unevidenced and unassessed.
42. The Application should be clear in defining the community it purports to benefit. It has not done so.
43. The Application includes no mention that the church hall will serve the locality affected by the Development.

²⁰ <https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment>

²¹ <https://historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/#:~:text=Enabling%20development%20is%20development%20that,conservation%20of%20a%20heritage%20asset>

²² 1802 Braemar Ave. Planning DAS, page 3.

²³ R01-JB-JP-Transport Statement (220810), ¶6.9.

²⁴ Statement of Community Involvement FINAL 231127, page 4.

44. 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.
45. 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.
46. 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 through the granting of planning permission.²⁵ The point of the planning process is to focus on local communities: balancing the needs of infrastructure and the impact on the locality.
47. 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)²⁶.
48. Granting planning permission where the Development fails to comply with applicable policies would be irrational.

II. Heritage Assessment and Conservation area

Enabling development

49. 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.
50. The NPPF states:
- “214. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies

²⁵ <https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment>

²⁶ FVA, ¶9.7.

but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”

51. As Robbie McNaugher stated in the meeting on 6/11/23:

“enabling development is 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 so taking a derelict building and allowing some new development in the grounds of that that you wouldn't normally permit for that funding to then restore the historic building would be the best example.”

52. That is exactly what is being proposed here.

53. The Applicant is not allowed to demolish a Grade II curtilage-listed building. It is proposing to do so. It does so on the basis that it is securing repairs to the main Grade II listed church.

54. The FVA 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 Application 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.

55. 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.”

56. 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.

57. 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.

Impact on heritage

58. 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*²⁷, 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.*”²⁸

59. 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.*”²⁹
60. 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.*”³⁰
61. 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.
62. 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.
63. 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*”.³¹ To suggest that the replacement of trees with a four storey building is not an excessive change from the status quo is remarkable.
64. It appears that the heritage assessment is predicated on the assumption that “*the parapet wall above the second floor*³² *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.
65. 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*”³³ 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.
66. “*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*

²⁷ Braemar Church - Heritage Statement Final - Dec22, page 39.

²⁸ Braemar Church - Heritage Statement Final - Dec22, page 38.

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

³⁰ 220830_1802_Braemar Ave Planning DandA Statement, page 5.

³¹ Braemar Church - Heritage Statement Final - Dec22, page 37.

³² Meaning the third storey above ground.

³³ Braemar Church - Heritage Statement Final - Dec22, page 37.

*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.”*³⁴ 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 brickwork³⁵ of Victorian/Edwardian architectural style of the conversation area.

67. It is in a conservation area and the church and grounds were included because of the green space around the church which will be encroached on, if the block of flats is built. The conservation area, included BABC and the surrounding area, and the Character Appraisal remarked at paragraph 4.17:

“The church is set within densely vegetated gardens and makes an attractive contribution to the street scene. The church hall, which is situated to the south of the Baptist Church, was built at approximately the same time as the church. It is clad with corrugated metal with blue painted windows, has a rustic appearance, and makes a limited contribution to the street scene.” (<http://tinyurl.com/w3d6a8c9>)

68. This is not referenced at all in the Heritage assessment.

69. The Heritage assessment fails to address and give weight to the fact that the Development involves:

- a. the total demolition of a whole building, the Chapel, which I understand to be a non-designated heritage asset within the curtilage of a Grade II listed building and so should be weight as though it has not been subject to neglect (per 202 NPPF); and/or
- b. In the alternative, is a relevant demolition within a conservation area (as defined by section 196D of the Town and Country Planning Act 1990).

70. No consideration has been given to maintaining the Chapel.

71. I refer back to the Victorian Society’s objection to the Previous Application:

“Braemar Avenue Baptist Church is a significant Grade II listed building within the Trinity Green Conservation Area. Built in 1907 by George Baines, the church is a characterful architectural composition with a distinctive tower and palette of materials. It has high aesthetic significance and makes a strong contribution to the Conservation Area and surrounding townscape. Next to the church is a former church hall, built before the present church, it is typical of lightweight, easy construct buildings of the 19th century, often used to accommodate churches and community uses. Although unlisted it is within the Conservation Area and has historic significance in communicating the social and religious history of the area. The proposals would see the demolition of the existing former church hall and the construction of a new 4 storey building accommodating church/community uses and dwellings. The demolition of the existing former hall building would harm the significance of the listed church by the loss of a building which communicates the church's history this would also harm the significance of the Conservation by the loss of a building that has historical significance. The proposed new building would negatively impact the setting of the listed building due to its height and any

³⁴ Planning statement, ¶7.43.

³⁵ Braemar Church - Heritage Statement Final - Dec22, page 41.

acceptable proposal must be lower than the ridge height of the listed building. The design of the proposed building also raises concern, it does not harmonise well with the listed building, or the neighbouring terraces, it could interact more successful if the form was further broken up and design features such as pitched roofs were utilised. We recommend the retention and restoration of the church hall building for church and community use. However, if your authority is minded to accept the principle of a new building then we recommend that the design is reconsidered, and its height reduced. The NPPF states: '206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.' This proposal as submitted would not ensure that the significance of the Conservation area or listed building would be better revealed."

72. The NPPF states:

“96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings”

73. The Development is not designed sympathetically, does not enhance or give prominence to the Grade II listed building (it does not confirm in dimensions that it will be lower than the Main Church ridgeline), and as such cannot be considered a beautiful building in the context of the heritage asset and conservation area.

74. At the Planning Sub-committee meeting some councillors were unconvinced on the design of the development being in keeping with local housing and the church itself. The appearance of the development is not in keeping with the local environment - insisting that the brickwork be pink is insufficient; it does not blend with the dominant Edwardian red brick facades in the road, nor with the brickwork on the Church.

75. The quality and design officer at the Planning Sub-Committee on 6 November 2023 appeared to describe Braemar Avenue as having a number of different architectural types forming part of its existing housing. This is an error: there are a couple of infill houses built post-war as a result of bomb damage and the 1970s sheltered housing development, which is on a separate plot of land at the bottom of Braemar Avenue (where old railway sidings used to be). All these post-war developments have sought to preserve the character of the Avenue - all are two-storey buildings with pitched roofs - and these cannot be said to set a precedent for a 5-storey apartment block with a flat roof, balconies facing the road and overlooking Nightingale Gardens and no front or back gardens. Such an apartment block bears no resemblance to the style and form of existing housing on Braemar Avenue.

76. Assurances are given about the size, but there are no dimensions provided in respect of the size of the main church and the intended size of the development.

77. Thus, the conclusion that the harm analysis (that the impact is neutral and/or less than substantial harm) is unsustainable.

III. Privacy

78. The Mayor of London's 'Housing Supplementary Planning Guidance' (March 2016)³⁶ 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."

79. 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.)*

80. The Application attempts to address this requirement by reference to assessments undertaken by Anstey Horne³⁷ and KP Acoustics.³⁸ Neither assessment considers the loss of privacy detrimental to the amenity of neighbouring residents.

81. 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.

82. The height of the Application's assessment is:

"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

83. Firstly, this indicates that the Applicant consideration has been limited to adjacent houses (i.e. 1 Braemar Avenue) not opposite houses.

84. 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 Development³⁹. 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.⁴⁰

85. The 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.

³⁶ https://www.london.gov.uk/sites/default/files/housing_spg_revised.pdf

³⁷ Planning statement, ¶7.31-7.32; ROL00920_Braemar Avenue_DS study_20 September 2022.

³⁸ Planning statement, ¶7.37; 24490.NIA.01 Rev A.

³⁹ 056-1802_GA_056_Braemar Ave. 3D Visual 03; 038-1802_GA_034_Braemar Ave. Proposed Plan - Second Floor Plan.

⁴⁰ 056-1802_GA_056_Braemar Ave. 3D Visual 03; 039-1802_GA_034_Braemar Ave. Proposed Plan - Second Floor Plan.

86. 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.

IV. Adverse impact on neighbouring properties

87. It is notable that the assessments are now substantially outdated. The Application has made no effort to update these.

Light

88. 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...”

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

90. The Anstey Horne report⁴¹ 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 Avenue⁴², despite 14 Braemar Avenue meeting the definition under the BRE guidance.

91. 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.

92. 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.

⁴¹ ROL00920_Braemar Avenue_DS study_20 September 2022.

⁴² ¶6.2 ROL00920_Braemar Avenue_DS study_20 September 2022.



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

Transport Statement and Travel Plan

94. 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*”⁴³
95. 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.⁴⁴
96. The Transport Statement refers to using “Lambeth methodology”⁴⁵ and then refers to “Haringey’s preferred methodology”.⁴⁶ Neither reference a publicly available policy for substantive consideration of the efficacy of the assessment.
97. 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.
98. 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

⁴³ Save for the disabled parking bay about which there is no objection.

⁴⁴ R01-JB-JP-Transport Statement (220810), p.35-36.

⁴⁵ R01-JB-JP-Transport Statement (220810), ¶2.8.

⁴⁶ R01-JB-JP-Transport Statement (220810), ¶2.9.

acknowledges that the Development will be demand for 8 cars to park, and then does not assess that impact appropriately.

99. 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 unit for three years as mitigation.⁴⁷ 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”.⁴⁸ This planning application is not providing the Council with a complete picture of the impact of the Development.
100. 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.⁴⁹ 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.
101. 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.
102. The Applicant’s website appears to be actively encouraging the use of cars to attend service.

⁴⁷ Planning statement, ¶7.87.

⁴⁸ Statement of Community Involvement, page 5.

⁴⁹ Statement of Community Involvement, page 5.



**BRAEMAR AVENUE
BAPTIST CHURCH**

Sunday Services



The church meets every Sunday at 10am for tea, coffee and biscuits. It helps to arrive 10-15 minutes early to get a parking spot and a seat in time for the service to start. The main service begins at 10.30am.

We meet at:
Braemar Avenue Baptist Church
Braemar Avenue
Wood Green
London
N22 7BY

We meet at:
Braemar Avenue Baptist Church
Braemar Avenue
Wood Green
London
N22 7BY

There is parking available on the site.

You can expect a warm welcome; great worship; relevant preaching based in the Word of God and a friendly group of people ready to learn more about what it means to be a follower of Jesus.

We have a great programme lined up for kids of all ages:

- **Creche** (0 months to 3 years). Children under 6 months are welcome but must be accompanied by their parent/carer at all times.
- **Livewires** (3-7 years)
- **Encounter** (7-11 years)
- **Katalyst** (11-15 years)
- **Young people** (15+ years) Stay in service.

103. There is no parking available on site. The parking is on the street.

104. The increased parking due to non-local persons using the church results in irregular parking, including parking outside designated spaces, and on double yellow lines (as depicted below). As opposed to use of spaces identified further afield. The transport assessment and travel plan predicated on the use of public transport is flawed because it does not take into account established behaviour patterns.



105. The implication is that:

- Attendees are not local persons as asserted in the Application and/or is the premise of assessments in the Application – underscoring the absence of benefit to the local area affected by the Development; and

- b. The transport statement and travel plan are incomplete, at best, because neither consider the Applicant's apparently established encouragement of car use, or disingenuous at worst, which underscores the need for anxious scrutiny of the Application and Development.
106. Any restrictions on parking should be imposed on the Development, mitigated by free parking permits for the existing residents.

Noise

107. 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.*
- 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."*⁵⁰
108. 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."*
109. 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.)*

⁵⁰ <https://www.gov.uk/guidance/noise--2>.

110. The construction of the Development is anticipated to take 22 months.⁵¹ 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.”*⁵²
111. 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 terms of noise, dirt, and inconvenience) caused by construction sites to the immediate neighbours.”
112. There is no noise assessment of the noise nuisance that will be caused by two years of construction.
113. There are no controls proposed. It is unreasonable to suggest that membership of an unregulated scheme is a suitable measure to control noise nuisance.
114. 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).
115. The KP Acoustics report appears only to address the environmental noise “*likely to be experienced by the proposed development*”⁵³ not by the local area.
116. Deferring the assessment of noise management to be addressed in a Detailed Construction Plan⁵⁴ is disproportionate given the impact on existing residents.
117. 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.

⁵¹ FVA, subject to the comments above on the inconsistency between projected construction times.

⁵² 2023-09-19_Braemar Avenue - Sustainable Design and Construction Statement - Issue 2 (1)_compressed, page 5, ¶7.

⁵³ 24490.NIA.01 Rev A, ¶7.0.

⁵⁴ R02-JP-Outline Construction Logistics Plan (221222), ¶7.1.

V. Consultation

118. An in-person exhibition in the Church was held on Tuesday 27 September 2022 between 6:30pm and 8:00pm. We attended the exhibition.
119. 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.
120. 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. That remains the case.
121. Despite the Developer being questioned on why no consultation took place with the community, the Application made no attempt to engage with the community prior to the re-submission of the Application.
122. The Developer said at the sub-committee meeting:
“it was felt through all of those discussions that ... we were actually giving being given quite favourable comments from officers and also from the quality review panel in terms of the design they welcomed us to um submit the application so we felt that you know we had we had reached a position where whilst yes there were objections to to the design principally from local residents that we were being given a different opinion and design is one of those things it's very opinion based that we were encouraged to submit the application so we did”.
123. Essentially, the Developer thought planning permission was guaranteed and so there was no need to consult the community.
124. 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.⁵⁵
125. The Applicant attempts to style the Quality Review Panel as being an impartial and objective board⁵⁶ but it is comprised of local architects⁵⁷ and officers from the planning department.⁵⁸ The QRP is not independent. It cannot fortify the Application. It is a manifestation of the Council within itself.
126. 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.⁵⁹

⁵⁵ Statement of Community Involvement, page 5.

⁵⁶ Planning statement, ¶4.21.

⁵⁷ Affiliations unspecified.

⁵⁸ Officers unspecified.

⁵⁹ *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).

127. As before the community has been faced with a vast number of documents to be consulted on.

128. 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 five years to prepare its plans.

VI. OUTCOMES AND CONCLUSION

129. 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.

130. We strongly urge that the application is considered by a Planning Committee.

Yours faithfully,

Resident at 14 Braemar Avenue