

STATEMENT OF COMMON GROUND

THE GROVE LAWN TENNIS CLUB, CASCADE AVENUE, N10 3PS

09 APRIL 2025

LPA Reference: HGY/2023/0733
PINS Ref: TBC

Prepared by: Firstplan Ltd on behalf of ROK Enterprises One Ltd and Haringey Council.

DOCUMENT CONTROL

Project Title	Cascade Avenue
Client Name	ROK Enterprises One Ltd
Site Address	The Grove Lawn Tennis Club, Cascade Avenue, Hornsey, London, N10 3PS
Report Title	Statement of Common Ground
Firstplan Ref	21112/KM/RB
Prepared by	Firstplan Ltd
Version	Final
Date	09 April 2025
Copyright	The contents of this document must not be copied or reproduced in whole or in part without the written consent of Firstplan Ltd.

CONTENTS

SECTION 1 INTRODUCTION	4
SECTION 2 THE APPEAL SITE & SURROUNDING AREA	6
SECTION 3 PLANNING HISTORY	8
SECTION 4 THE APPEAL PROPOSAL	9
SECTION 5 RELEVANT POLICY FRAMEWORK	12
SECTION 6 AREAS OF AGREEMENT	19
SECTION 7 AREAS OF DISAGREEMENT	22
SECTION 8 DRAFT HEADS OF TERMS	23
SECTION 9 CORE DOCUMENT LIST	24
SECTION 10 DECLARATION	26

SECTION 1 | INTRODUCTION

1.1 This Statement of Common Ground (SOCG) has been prepared by Firstplan Ltd in respect of the appeal made on behalf of ROK Enterprises Ltd (the Appellant) against the refusal of planning permission ref. HGY/2023/0733 by the London Borough of Haringey at The Grove Lawn Tennis Club, Cascade Avenue, Hornsey, London, N10 3PS.

1.2 The planning application subject to this appeal (ref: HGY/2023/0733) was submitted in March 2023 for the “Redevelopment of site including conversion of existing pavilion into 1.no residential dwelling and erection of 8.no residential dwellings, associated landscaping and cycle storage”. The application was refused by Haringey Council on 31 May 2024, for the following reasons:

1. “The proposed development would result in the permanent loss of a community sports facility and open space which is considered to be important to the social vitality of the area and the applicant has failed to demonstrate that it is not viable to continue the existing use, an alternative community use nor has the applicant sought to re-provide an equivalent quality facility in the locality. The proposal conflicts with London Plan Policies S1 and S5, Local Plan Policies SP15, SP16 and DM49 and paragraphs 92, 93 and 99 of the National Planning Policy Framework.

2. The proposed development by reason of its siting, scale and bulk would introduce a dominant and discordant form of development, detrimental to the verdant, open and spacious qualities of the site and its spatial relationship with surrounding buildings, overall street scene and the contribution the site makes to the special interest of the Rookfield Conservation Area , contrary to Policies D3 and HC1 of the London Plan 2021, Policy SP11 of Haringey’s Local Plan Strategic Policies (2017) and Policies DM1 and DM7 of the Haringey Development Management DPD (2017).

3. By virtue of the close relationship of the rear windows of the dwelling in the converted pavilion and the rear garden of no.10 The Chine and no.37 Cascade Avenue, the proposed development would result in the actual or perceived overlooking and loss of privacy to the neighbours at no.10 and no.37 and a poor quality living environment for the future occupant of the building contrary to London Plan Policies D3 and D6 and DPD Policies DM1 and DM7.

4. Due to the scale of the proposed buildings their close relationship with the flank windows and rear gardens of no.10 The Chine and no. 37 Cascade Avenue and the rear gardens of no. 59 and no 67 Etheldene Avenue, the proposal is considered to result in unacceptable outlook and overbearing impacts on these neighbours contrary to London Plan Policies D3 and D6 and DPD Policies DM1 and DM7.

5. In the absence of a legal agreement to secure a financial contribution towards the carbon offset fund the development and a S106 monitoring fee would fail to achieve net zero-carbon contrary to London Plan Policy SI2, Local Plan Policy SP4 and DPD Policy DM21.”

1.3 The purpose of this SOCG is to set out those matters that have been agreed between the Appellant and the Haringey Council and those matters which remain in dispute will be the focus of each party’s case at the forthcoming Inquiry.

1.4 This SOCG is structured, as follows:

- **Section 2** The Appeal Site & Surrounding Area

- **Section 3** Planning History
- **Section 4** The Appeal Proposal
- **Section 5** Relevant Policy Framework
- **Section 6** Areas of Agreement
- **Section 7** Areas of Disagreement
- **Section 8** Draft Heads of Terms
- **Section 9** Core Document List
- **Section 10** Declaration

SECTION 2 | THE APPEAL SITE & SURROUNDING AREA

- 2.1 The appeal site, Grove Lawn Tennis Club, is located between Cascade Avenue and The Chine, within the residential part of Muswell Hill. Figure 1, below, shows an extract of the Site Location Plan with the site outlined in red. The site is approximately 500 metres from the centre of Muswell Hill, to the north west. The centre of Crouch End is located approximately 1 kilometre to the south east of the site. The site is within very close proximity of the Crouch End Playing Fields to the south and Alexandra Park to the north east.

Figure 1. The Site Location Plan



- 2.2 The appeal site currently comprises three tennis courts with a pavilion located on the northern boundary. The perimeter of the courts is overgrown and much of the hardstanding is covered in moss and unmaintained. The pavilion building is boarded up and the wire fence between the courts is dilapidated. Pedestrian access is via Cascade Avenue and several mature trees surround the site.
- 2.3 In terms of topography, the site itself is level, however, there is an upward slope to the north and the properties that lie to the north are approximately 1.5m higher at ground level.
- 2.5 The site has a PTAL rating of 2 (where 0 is the worst and 6b is the best) and the closest underground station is Highgate, approximately 1 kilometre to the south west of the site, which is served by the Northern Line. There are various bus routes serving the main roads surrounding the site.
- 2.6 The area surrounding the site is residential in nature characterised by low density housing. Both Cascade Avenue and The Chine are private unadopted roads, and there is on-street parking for residents.
- 2.7 The residential properties of the Rookfield Estate are built in the Arts and Craft style; which was of particular popularity in the late 19th and early 20th Century. As such, in terms of appearance, the surrounding properties are semi-detached and terraced houses constructed of red brick with large rear gardens and smaller front gardens. There is no one particular house design across the Rookfield Estate and there are a number of different house typologies and patterns.

2.8 The site is subject to the following planning designations:

- Rookfield Conservation Area
- Tree protection orders (TPOs)
- Flood Zone 1 (lowest risk of flooding)
- Article 4 direction Area designation

SECTION 3 | PLANNING HISTORY

a) The Site

- 3.1 There is a limited planning history available for the appeal site with all applications prior to the current appeal scheme related to tree works.
- 3.2 The planning application subject to this appeal (ref: HGY/2023/0733) was submitted in March 2023 for the *“Redevelopment of site including conversion of existing pavilion into 1.no residential dwelling and erection of 8.no residential dwellings, associated landscaping and cycle storage”*. The application was refused by Haringey Council in May 2024, for five reasons of refusal as set out in section 1 of this SOCG.

SECTION 4 | THE APPEAL PROPOSAL

4.1 The appeal relates to the:

“Redevelopment of site including conversion of existing pavilion into 1.no residential dwelling and erection of 8.no residential dwellings, associated landscaping and cycle storage.”

- 4.2 In advance of the planning application submission, a pre-application request was submitted to Haringey Council in April 2021 and the Council issued its formal advice in August 2021 (ref: PRE/2021/0100). In light of the advice received, the scheme proposals were amended from having been designed as 8 detached properties to terraces, to reflect the surrounding area.
- 4.3 The appeal scheme comprises 9no. houses, consisting of 4.no four-bedroom properties and 4.no five-bedroom properties with accommodation at basement, ground floor, first floor and second floor levels. The ninth dwelling will comprise a redevelopment of the existing pavilion building, which will provide a single-storey, one-bedroom dwelling. The pavilion building is proposed to be an affordable housing unit.
- 4.4 The proposed layout and arrangement of the development allows for the front elevation of four properties to face westward onto The Chine and the front elevation of a further four properties to face eastward onto Cascade Avenue. The redeveloped Pavilion will be accessed via the existing Cascade Avenue access point.
- 4.5 Private external amenity space will be provided for each property, with the eight new build dwellings having garden space at both the front and rear. The existing mature trees around the perimeter of the site will be retained as part of the front gardens.
- 4.6 Full details of the appeal scheme are set out in the Design and Access Statement and Plans prepared by Adam Architecture.
- 4.7 The application was submitted on 28 February 2023 and was invalidated on 10 May 2023. Several plans were updated to address validation queries (scale bars and text on inset maps), there were no changes made to the scheme design. The previous versions prior to validation are not relevant to this appeal.
- 4.8 The documents and drawings that were made valid at validation stage were, as follows:
- Planning Application Form and Certificates
 - CIL Form 1
 - Cover Letter (prepared by Firstplan)
 - Planning Statement (prepared by Firstplan)
 - Design and Access Statement (including Crime Prevention Statement) (prepared by Adam Architecture)
 - Heritage, Townscape and Visual Assessment (prepared by City Designer)
 - Heritage Appraisal of the Site (Prepared by Martin O'Rourke)
 - Daylight and Sunlight Assessment (prepared by T16)
 - Stage 4 Basement Impact Assessment (prepared by Southern Testing)
 - BIA Stage 1 Screening and Stage 2 Scoping Report and associated Log documents (prepared by Southern Testing)
 - Arboricultural Report Impact Assessment & Method Statement (prepared by Crown Tree Consultancy)
 - Arboricultural Method Statement and Tree Protection Plan (prepared by Crown Tree Consultancy)

- Tree Schedule (prepared by Crown Tree Consultancy)
- Tree Constraints Plan (Existing Layout) (prepared by Crown Tree Consultancy)
- Tree Drawing Pack - Tree Constraints Plan, Impact Assessment Plan & Tree Protection Plan (prepared by Crown Tree Consultancy)
- Landscaping Plan and Urban Greening Factor (prepared by Richard Miers)
- Landscape Design and Biodiversity Statement (prepared by Richard Miers)
- Transport Statement (prepared by TPP)
- Energy Statement (prepared by Base Energy)
- Sustainability Statement (prepared by Base Energy)
- Preliminary Ecological Assessment (PEA) (prepared by Arbtech)
- Biodiversity Net Gain Assessment and Metric calculation (prepared by Arbtech)
- Jersey Cudweed Mitigation and Enhancement Plan (prepared by Arbtech)
- Surface Water and SuDS Assessment (prepared by Base Energy)
- Statement of Community Involvement (prepared by CCP)
- Loss of Existing Use Assessment (prepared by JLL)
- Marketing Report (Savills)
- Bat Survey Report dated April 2022 (prepared by Herdwick Ecology)
- Drawings, as follows:
 - 6299-PL01A: Location Plan
 - 6299-PL02A: Existing Site Plan
 - 6299-PL03: Proposed Context Site Plan
 - 6299-PL04: Proposed Context Elevations
 - 6299-PL05: Proposed Site Section
 - 6299-PL06: Tree Constraints Overlay
 - 6299-PL07: Existing Pavilion
 - 6299-PL08: Existing Surrounding Elevations 1
 - 6299-PL09: Existing Surrounding Elevations 2
 - 6299-PL10A: Basement Floor Plan – The Chine
 - 6299-PL11A: Ground Floor Plan – The Chine
 - 6299-PL12A: First Floor Plan – The Chine
 - 6299-PL13A: Second Floor Plan – The Chine
 - 6299-PL14A: Roof Plan – The Chine
 - 6299-PL15A: Front and Rear Elevations – The Chine
 - 6299-PL16A: Side 1 and 2 Elevations – The Chine
 - 6299-PL17A: Basement Floor Plan – Cascade Avenue
 - 6299-PL18A: Ground Floor Plan – Cascade Avenue

- 6299-PL19A: First Floor Plan – Cascade Avenue
- 6299-PL20A: Second Floor Plan – Cascade Avenue
- 6299-PL21A: Roof Plan – Cascade Avenue
- 6299-PL22A: Front and Rear Elevations – Cascade Avenue
- 6299-PL23A: Side 1 and 2 Elevations – Cascade Avenue
- 6299-PL24A: Proposed Pavilion
- 6299-PL25: Areas Schedule – The Chine
- 6299-PL26: Areas Schedule – Cascade Avenue
- 6299-PL27: Areas Schedule – The Pavilion
- 6299-PL28A Dimensioned Site Section
- 6299-PL29 Proposed Levels
- 6299-PL30 M&E Approach (submitted 26.06.24)

4.9 Post Validation Documentations submitted to the Council in support of the application were, as follows:

- Draft heads of terms June 2023 (but these are superseded by the appeal version)
- Flood Risk Assessment Rev 0 dated 27 June 2023 (prepared by Base Energy)
- Citydesigner Response to the Heritage Impact Assessment prepared by Revive & Tailor on behalf of London Borough of Haringey dated 18 September 2023
- Surface Water and SuDS Assessment (Rev 2) dated 21 September 2023 (prepared by Base Energy)
- Bat Emergence and Re-entry Surveys dated 28 September 2023 (prepared by Arbtech)
- Energy Statement (Rev 1) dated 20 December 2023 and Energy Calculation GLA Update Excel Spreadsheet (Rev 0) (prepared by Base Energy)
- Sustainability Statement (Rev 1) for Planning dated 21 December 2023 (prepared by Base Energy)
- Energy Statement (Rev 2) dated 5 March 2024 and GLA Update Gas Baseline Calculation Update Excel Spreadsheet (Rev 0) (prepared by Base Energy)
- Sustainability Statement (Rev 2) for Planning dated 5 March 2024 (prepared by Base Energy)
- Ground Movement Assessment (Rev 1) dated March 2024 (prepared by Soils Limited)
- Stage 4 Basement Impact Assessment (Rev 2) dated 8 April 2024 (prepared by Southern Testing Laboratories Limited)

4.10 The application was validated in August 2023 and backdated to 19 May 2023 and a decision to refuse the application was issued on 31 May 2024.

SECTION 5 | RELEVANT POLICY FRAMEWORK

- 5.1 Planning law requires that where regard is to be had to the development plan, for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise¹.
- 5.2 In this case, the Development Plan comprises, Haringey's Strategic Policies (2014, with alterations in 2017), Haringey's Development Management DPD (2017) and The London Plan (2021). Also of material consideration is the National Planning Policy Framework 2024 ('NPPF') and any relevant Supplementary Planning Guidance documents.

a) The London Plan (2021)

- 5.3 The following London Plan policies are considered to be of relevance:

- **Policy GG1** 'Building Strong and Inclusive Communities' - seeks to deliver inclusive growth and outlines a number of integral requirements to deliver strong and inclusive communities, including; proactive stakeholder engagement, enhancing the physical environment through high quality design, ensuring accessibility to services, and creating equal opportunity.
- **Policy GG2** 'Making the Best Use of Land' –seeks to make best use of brownfield land / small sites that are well connected by public transport. The policy encourages decision makers to proactively explore the potential to the potential to intensify the use of land to support additional homes.
- **Policy GG4** 'Delivering the Homes Londoners Need' - promotes the delivery of new homes
- **Policy D3** 'Optimising Site Capacity Through the Design-Led Approach' –includes a list of criteria which supports development that makes the best use of land following a design led approach.
- **Policy D4** 'Delivering Good Design' - where appropriate, visual, environmental and movement modelling / assessments should be undertaken to analyse potential design options for an area, site or development proposal.
- **Policy D5** 'Inclusive Design' - states that development proposals should achieve the highest standards of accessible and inclusive design
- **Policy D6** 'Housing, Quality and Standards'- sets out information including internal space standards.
- **Policy D7** 'Accessible Housing'- requires major schemes to include wheelchair user dwellings and other dwellings to be dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
- **Policy D11** 'Safety, Security and Resilience to Emergency' - seeks to ensure development proposals are resilient against emergencies including fire, flood, weather, terrorism and related hazards.
- **Policy D14** 'Noise' – seeks to ensure noise is reduced, managed and mitigated to improve health and quality of life.
- **Policy H1** 'Increasing Housing Supply' – refers to table 4.1 which sets out ten-year targets for net housing completions that each local planning authority should plan for. The Haringey target is 12,460 new homes.
- **Policy H2** 'Small Sites' - emphasises that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making to increase the contribution of small sites to meeting London's housing needs.

¹ Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act (1990)

- **Policy H10** 'Housing Size Mix' seeks a mix of unit sizes in relation to numbers of bedrooms in accordance with local need.
- **Policy G5** 'Urban Greening' confirms that major development should contribute to the greening of London.
- **Policy G6** 'Biodiversity and Access to Nature' explains that development proposals should manage impacts on biodiversity and aim to secure biodiversity net gain.
- **Policy G7** 'Trees and Woodlands' – seeks to protect existing trees of value (as defined by BS 5837:2012) and encourages opportunities for tree planting.
- **Policy S1** 'Developing London's social infrastructure' – Seeks to protect and encourage social infrastructure within developments.
- **Policy S5** 'Sports and recreation facilities' explains that existing sports and recreational land (including playing fields) and facilities for sports and recreation should be retained unless an assessment has been undertaken which clearly shows the sports and recreational land or facilities to be surplus to requirements.
- **Policy HC1** - sets out that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.
- **Policy SI 5** 'Water Infrastructure' seeks improvements to the water environment and ensuring adequate wastewater infrastructure capacity is provided.
- **Policy SI 7** 'Reducing Waste and Supporting the Circular Economy' promotes the circular economy and seeks for adequate recycling storage to be provided.
- **Policy SI 12** 'Flood Risk Management' states that development proposals should ensure flood risk is minimised and mitigated.
- **Policy SI 13** 'Sustainable drainage' seeks proposals to aim to achieve greenfield run-off rates.
- **Policy T1** 'Strategic Approach to Transport' encourages all developments to make the most effective use of land, reflecting connectivity and accessibility.
- **Policy T2** 'Healthy streets' seeks to reduce the dominance of vehicles on London's Streets.
- **Policy T4** 'Assessing and mitigating transport impacts'
- **Policy T5** 'Cycling' requires the provision of cycle parking in accordance with table 10.2.
- **Policy T6** 'Car Parking'

b) Haringey's Strategic Policies (2014 with alterations in 2017)

- 5.4 The following Haringey Strategic Policies are considered to be of relevance:
- 5.5 **Policy SP1** 'Managing Growth' states that the Council will maximise the supply of additional housing to meet and exceed its minimum strategic housing requirement of 19,802 homes over the plan period. **Policy SP2** 'Housing' sets out that high quality new residential development will be achieved by having regard to housing design standards set out in the London Plan.
- 5.6 **Policy SP4** 'Working Towards a Low Carbon Haringey' sets out that, the Council will promote and require all new developments to take measures to reduce energy use and carbon emissions during design, construction and occupation. **Policy SP6** requires development proposals to make adequate provision for waste and recycling storage and collection.
- 5.7 **Policy SP11** 'Design' states that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. Among other

criteria, development is expected to be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey's sense of place and identity.

- 5.8 In terms of heritage, **Policy SP12** 'Conservation' sets out that development shall ensure the conservation of the historic significance of Haringey's heritage assets, their setting, and the wider historic environment.
- 5.9 **Policy SP13** 'Open Space and Biodiversity' expects new development to protect and improve Haringey's parks and open spaces. Of specific relevant, the policy states that all new development shall "*protect and enhance, and when and where possible, extend the existing boundaries of the borough's Green Belt, designated Metropolitan Open Land, designated Open Spaces, Green Chains, allotments, river corridors and other open spaces from inappropriate development.*"
- 5.10 **Policy SP15** 'Culture and Leisure' - States that the Council will safeguard and foster the Borough's cultural heritage. **Policy SP16** 'Community Facilities' – Seeks to enhance and protect community facilities and services.
- 5.11 The policy goes on to refer to the Open Space and Recreational Standards SPD which we note has been superseded by Development Management DPD in 2017.
- 5.12 Other policies relevant are, as follows:
- Policy SP6 'Waste and recycling'
 - Policy SP7 'Transport'

c) Haringey's Development Management DPD (2017)

- 5.13 **Policy DM1** 'Delivering High Quality Design' stipulates that proposals must relate well to their surroundings and ensure a high standard of privacy and amenity for both the development's users and neighbours; proposals should provide an appropriate amount of privacy to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents.
- 5.14 **Policy DM2** 'Accessible and Safe Environments' sets out the requirements for accessible and safe environments.
- 5.15 **Policy DM4** 'Provision and Design of Waste Management Facilities' requires development proposals to make adequate provision for waste and recycling storage and collection.
- 5.16 **Policy DM7** 'Development on Infill, Backland and Garden Land sites' states that there will be a presumption against the loss of garden land unless it represents comprehensive redevelopment.
- 5.17 **Policy DM9** 'Management of the Historic Environment' explains that development should be sympathetic to the historic environment including conservation areas and should not detract from the character and appearance of a Conservation Area and its setting.
- 5.18 **Policy DM10** 'Housing Supply' seeks to support proposals for new housing.
- 5.19 **Policy DM11** 'Housing Mix' outlines that proposals for new residential development, should provide a mix of housing with regard to individual site circumstances.
- 5.20 **Policy DM12** 'Housing Design and Quality' states that all new housing and residential extensions must be of a high quality, taking account of the privacy and amenity of neighbouring uses and are required to meet or exceed the minimum internal and external space standards of the London Plan and the Mayor's Housing SPG. Ground floor family housing should have access to a balcony and/or terrace.

- 5.21 **Policy DM18** states that basement extensions should not adversely affect the structural stability neighbouring buildings and other infrastructure, including the adjoining highway, having regard to local geological conditions; or adversely impact the amenity of adjoining properties by reason of noise or increased levels of internal or external activity.
- 5.22 **Policy DM19** 'Nature Conservation' states that development sites adjacent to internationally designated sites should protect and enhance their ecological value and **Policy DM20** supports the implementation of the All London Green Grid.
- 5.23 **Policy DM21** 'Sustainable Design, Layout and Construction' requires new development to be sustainable in design, layout and construction.
- 5.24 **Policy DM24** 'Managing and Reducing Flood Risk' seeks to ensure all proposals for new development avoids and reduces flood risk. **Policy DM25** 'Sustainable Drainage System' states all new minor development proposals should aim to achieve a greenfield run-off rate and achieve a 50% reduction on existing run-off rates; when this cannot be achieved, justification must be provided.
- 5.25 **Policy DM26** 'Critical Drainage Areas' states All proposals for new development within a Critical Drainage Area (CDA) will be required to incorporate measures to reduce the overall level of flood risk in the CDA. Policy DM27 seeks to protect and improve the quality of groundwater.
- 5.26 **Policy DM29** seeks to ensure the onsite management of waste water and water supply.
- 5.27 **Policy DM31** 'Sustainable Transport' promotes transport sustainability in all developments. **Policy DM32** 'Parking' sets out that all development should meet the parking standards set out in the London Plan.
- 5.28 **Policy DM49** 'Managing the Provision and Quality of Community Infrastructure' sets out the following principles:

"A The Council will seek to protect existing social and community facilities unless a replacement facility is provided which meets the needs of the community.

B Where a development proposal may result in the loss of a facility, evidence will be required to show that:

a The facility is no longer required in its current use;

b The loss would not result in a shortfall in provision of that use; and

c The existing facility is not viable in its current use and there is no demand for any other suitable community use on the site.

C The evidence should also provide relevant accounts and marketing information demonstrating that the premises has been marketed for use as a community facility for a reasonable length of time (minimum 12 months) and that no suitable user has been/or is likely to be found. "

- 5.29 The policy does on to discuss proposals for consolidation, new and extended facilities and infrastructure requirements for major developments in parts D – H.

d) National Planning Policy Framework (NPPF) (2024)

- 5.30 **Paragraph 8** provides three overarching objectives of the planning system and states that a sufficient number and range of homes should be provided.
- 5.31 **Paragraph 11** states that plans and decisions should apply a presumption in favour of sustainable development and notes that for decision-taking sustainable development means approving development proposals that accord with an up-to date development plan without delay.
- 5.32 **Paragraph 38** sets out that Local Planning Authorities should approach decisions on proposed development in a positive and creative way.
- 5.33 **Paragraphs 96 and 97** seek to promote social interaction, enable a healthy lifestyles particularly where this would address an identified local need. **Paragraph 103** requires existing sports facilities to not be built on unless one of three criteria are met.
- 5.34 **Paragraph 100** seeks to ensure faster delivery of other public service infrastructure.
- 5.35 **Paragraph 123** requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment; ensuring safe and healthy living conditions. **Paragraph 124** states that substantial weight should be given to the value of using suitable brownfield land including the promotion and support of under utilised land especially if this would meet identified needs for housing where land supply is constrained.
- 5.36 **Chapter 12** sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.
- 5.37 **Chapter 16** is concerned with “Conserving and Enhancing the Historic Environment”. It is noted within **Paragraph 207** that when describing the significance of a heritage asset the level of detail should be proportionate to the assets’ importance and no more that is sufficient to understand the potential impact of the proposal on the significance.
- 5.38 **Paragraph 202** sets out that Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations
- 5.39 **Paragraph 207** assets out that applicants are required to describe the significance of any affected heritage asset, including any contribution made by their setting, to a proportionate level of detail. This detail should be sufficient to assess the impact of the proposal taking into account any necessary evidence and expertise.
- 5.40 The LPA should identify and assess the significance of any affected heritage assts and take into account any necessary evidence or expertise. This significance assessment should be taken into account when considering the impact of a proposal on a heritage assts, to avoid or minimise any conflict between the proposal and the heritage assets conservation
- 5.41 **Paragraph 209** states that where there is evidence of deliberate neglect or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 5.42 **Paragraph 210** states that when determining an application affecting a heritage asset, the planning authority should take into consideration the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Additionally, it is also recommended that the positive contribution that a heritage asset makes towards sustainable communities is considered as well as the desirability of new development making a positive contribution to local character and distinctiveness.

- 5.43 **Paragraph 212** states that the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.44 **Paragraph 213** sets out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial harm to a grade II listed building or registered park and garden should be exceptional and substantial harm to scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 5.45 **Paragraph 215** sets out where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

e) Haringey Supplementary Planning Guidance

- 5.46 The Supplementary Planning Documents and Guidance of relevance include the Planning Obligations SPD (2018), the Sustainable Design and Construction SPD (2013) and the Haringey's Open Space and Biodiversity Study (2014).

f) Haringey Five Year Housing Land Supply

- 5.47 Haringey Council currently cannot demonstrate a 5-year housing land supply and can only demonstrate a 3.87 year housing land supply, according to a recent appeal decision dated 10 April 2024 (ref: APP/Y5420/W/23/3321012). The officer's delegated report also confirms that at the time of writing the Council is unable to demonstrate its 5 year supply of housing land.
- 5.48 Following the recent publication of the NPPF in December 2024 Haringey's local housing need has increased by 9% from 2,716 to 2,956.

g) Most Important Policies for the Determination of this Appeal

- 5.49 The Appellant contests that the presumption in favour of sustainable development is engaged, the following policies are therefore considered to be the most important policies for the determination of this appeal.

The London Plan

- Policy D3
- Policy D6
- Policy HC1
- Policy H1
- Policy S1, specifically parts E, F and G
- Policy S5 Part C

Haringey Development Management DPD (2017)

- Policy DM1
- Policy DM9

Haringey Local Plan

- Policy SP1
- Policy SP2
- Policy SP11
- Policy SP16
- Policy DM49

h) Policies the Appeal Proposal conflicts with

5.50 The following policies are with which the appeal proposal is said to conflict with:

The London Plan

- Policy D3
- Policy D6
- Policy HC1
- Policy S1
- Policy S5
- Policy SI2

Haringey Local Plan

- Policy SP4
- Policy SP11
- Policy SP15
- Policy SP16

Haringey Development Management DPD (2017)

- Policy DM1
- Policy DM7
- Policy DM9
- Policy DM21
- Policy DM49

i) Emerging Local Plan

5.51 The Council is in the process of preparing a new local plan which will replace the existing local plan documents adopted in July 2017. This is at a relatively early stage and is currently afforded no weight.

SECTION 6 | AREAS OF AGREEMENT

6.1 The following matters are agreed between the Appellant and Council.

Principle of Development

6.2 The proposed development seeks to create 9 residential dwellings. It is agreed between the Appellant and the Council that the general principle of providing new housing in Haringey is supported by national, regional and local policy.

Provision of Housing

6.3 It is agreed between both parties that at the time of writing the Officer's report the Council was unable to fully evidence a 5-year supply of housing land and that the 'presumption in favour of sustainable development' and paragraph 11(d) of the NPPF was therefore a material consideration.

6.4 The Council and the Appellant agree that the provision of 9 dwellings would contribute to the overall housing target for the Borough as well as the housing delivery target for small sites. It is agreed that the proposed development for 9 dwellings does not meet the 10 dwelling threshold for mandatory affordable housing provision. However, it is acknowledged that the proposal includes a 1 bedroomed shared ownership unit and the shared status of this would be secured via a legal agreement. The Appellant would be happy to enter into a legal agreement to secure the shared status.

Design

6.5 The following matters in relation to design are agreed:

- Provision of 9 energy efficient dwellings with associated amenity space, cycle storage and refuse and recycling storage. This includes a 1 bed shared ownership dwelling.
- Retention of existing trees and additional tree and hedge planting.
- Façade treatment – It is agreed between the Council and the Appellant that there is no in principle objection to the use of the proposed architectural features and materiality.
- It is agreed that the proposals have been designed to meet Nationally Described Minimum Space Standards and the external space provision is acceptable.

Built Heritage

6.6 It is agreed that the site is located within the Rookfield Conservation Area and this is the only heritage asset affected by this development.

Basement Development

6.7 The proposals comprise two rows of 4 terraced dwellings with a single storey basement/ lower ground floor (between 3 and 4 metres below ground level). Haringey's independent Basement Impact Assessment Consultant Campbell Reith undertook a review of the submitted Basement Impact Assessment. The comments received are summarised, as follows:

- It is accepted that the development would not impact on the wider hydrogeology of the area, albeit sump pumping may be required to control perched water ingress.
- No details of the existing drainage scheme has been provided.

- The use of propping to support the walls during construction has not been set out.
- The outline retaining wall and foundation layout has not been provided.
- Construction methods for the basement were not known.
- No Ground Movement Assessment has been submitted to confirm that works can be completed without causing more than Burland Category 1 (very slight) damage to neighbouring properties.
- Further consideration of the impact of the development on slope stability is required.
- It cannot be confirmed that the proposal meet the requirements of LBH guidance on basements for the reasons set out here and in appendix 2 of the Audit Report.

6.8 The Council agreed that the above matters can be resolved through the provision of additional information via a suitable planning condition. Officers were satisfied that the proposed excavation would not cause unacceptable harm to neighbouring properties or the surrounding area.

Daylight and Sunlight

6.9 The conclusion Daylight/ Sunlight report which confirms that the proposal would not give rise to unacceptable daylight or sunlight impacts to neighbouring windows or rear gardens, is agreed by both the Appellant and the Council.

Transport

6.10 It is agreed that Local Highways Authority raised no objection to the application subject to the imposition of reasonable planning conditions and section 106 obligations in relation to a Construction Logistics and Management Plan and Cycle Parking and a £5,000 financial contribution to be secured by legal agreement to monitor the Construction Logistics and Management Plan.

Arboricultural Impacts

6.11 It is agreed that there would be no unacceptable impacts upon trees as per the Arboricultural method statement sets out suitable methods and protection measures to ensure tree health would not be adversely affected by the development.

Ecological Impacts

6.12 It is agreed that subject to securing the recommended mitigation, further protected species survey, mitigation and management plan through conditions, the proposals will not have an unacceptable impact on protected species and or habitats within the site.

6.13 It is agreed that the proposals present opportunities for biodiversity net gain.

Waste and Recycling

6.14 It is agreed that the design of the waste storage and collection arrangement will be secured by condition.

Energy and Sustainability

6.15 The Council and Appellant agree that the proposals would provide 9 energy efficient dwellings. The Appellant would enter into a legal agreement to secure the carbon offset fund to meet policy requirements.

Flood Risk, Drainage and Waste Water

- 6.16 The Council as Lead Local Flood Authority has not objected to the proposed drainage arrangements but did request additional information including, full calculations for the storage requirement with Micro drainage modelling, Thames Water Asset location search and diagrammatic indication of the overland flow routes. This information was not provided at application stage but, the Council acknowledge that this additional information could be dealt with via a planning condition and therefore does not form a reason for refusal. The Appellant agrees that this information can be secured with via a planning condition.

SECTION 7 | AREAS OF DISAGREEMENT

7.1 The issues that remain in dispute between the Appellant and Haringey Borough Council are, as follows:

- **Principle of development and the permanent loss of a community sports facility and open space** – The Appellant's position is that sufficient marketing evidence has been provided to demonstrate that the site had actively been marketed for at least 1 year prior to the submission of the planning application. The Council's position is that the marketing evidence is not sufficient and therefore the application has failed to demonstrate that it is not viable to continue the existing use, an alternative community use nor has the proposals sought to re-provide an equivalent facility in the locality.
- **Continued tennis use** – The evidence provided to demonstrate that the existing site is a surplus requirement or that there is adequate provision within the local area is not agreed between the Appellant and the Council.
- **Impact on conservation area** - The appellant's position is that the existing site does not positively contribute to the character and appearance of the Conservation Area and the proposed development would cause no harm to the heritage asset. Haringey Borough Council's position is that the Appeal site positively contributes to the significance of the Conservation area and that the proposed development would cause less than substantial harm to the significance of the Rookfield Conservation Area, at the high end of this spectrum.
- **Converted pavilion** – The impact associated with the rear windows and the quality of living environment for the future occupant of the building.
- **Impact on neighbouring amenity** – In terms of the proposed development's relationship with the flank windows and rear gardens of no.10 The Chine and no. 37 Cascade Avenue and terrace of Etheldene Avenue properties to the south.
- **The overall planning balance** – In respect of the Council being unable to evidence a five year housing land supply which means for the purposes of paragraph 11d) the Council's development Plan is out of date and whether the tilted balance would be applicable. As per an Annual Monitoring Report to be published imminently and before this planning hearing the Council will be in a position to demonstrate a five-year supply of deliverable housing sites. As such paragraph 11(d) of the NPPF, the tilted planning balance' is not viewed to be engaged here. The Appellant has not had sight of the imminent Annual Monitoring Report and may wish to dispute the housing land supply.
- **Condition of the tennis courts** - The appellant's position is that the tennis courts are unused and in a poor state of repair. The perimeter of the courts is overgrown and much of the hardstanding is covered in moss and unmaintained. The pavilion building is boarded up and the wire fence between the courts is dilapidated. The Council's position is that the site is in fair condition in that the main issue is overgrown vegetation. The pavilion is structurally sound, and watertight. The site shows signs of neglect and a lack of regular maintenance and requires repair.

SECTION 8 | DRAFT HEADS OF TERMS

8.1 Draft Heads of Terms have been submitted with the appeal as follows:

- Shared ownership status of the pavilion dwelling
- Carbon offset contribution of £9,975.00
- £5,000.00 towards the monitoring of the Construction Logistics and Management Plan, submitted prior to the commencement of development

Monitoring Contribution:

- 5% of total value of contributions
- £500.00 per non-financial contribution

SECTION 9 | CORE DOCUMENT LIST

9.1 The following documents are considered relevant:

Ref	Document Description
CD1	UK Acts of Parliament & Statutory Instruments
1.1	Town & Country Planning Act 1990 (as amended)
1.2	Planning & Compulsory Purchase Act 2004
1.3	Listed Buildings and Conservation Areas Act 1990
1.4	Town & Country Planning Use Classes Order 1987 (as amended)
CD2	National Planning Policy Documents
2.1	National Planning Policy Framework (as amended 2024)
2.2	National Planning Policy Guidance (as updated online)
CD3	Adopted Development Plan Documents
3.1	The London Plan (2021)
3.2	Haringey Local Plan Strategic Policies (adopted in 2013, amended with alterations 2017)
3.3	Site Allocations Development Plan Document (2017)
3.4	Haringey's Development Management Development Plan Document (2017)
CD4	LB Haringey Supplementary Planning Guidance
4.1	Urban Character Study: Highgate and Muswell Hill (2015)
4.2	Sustainable Design and Construction (2013)
CD5	LB Haringey Evidence Base
5.1	LB Haringey's Infrastructure Delivery Plan Update (2016)
5.2	LB Haringey's Open Space and Biodiversity Study (2014)
5.3	Strategic Housing Market Assessment (SHMA) (2014)
5.4	Strategic Housing Land Availability Assessment (SHLAA) (2013)
5.5	Affordable Housing Viability Study (2010)
5.6	Housing Needs Assessment (2007)
CD6	GLA Guidance
6.1	Energy Assessment Guidance (2022)
6.2	Social Infrastructure Supplementary Planning Guidance (2015)
CD7	Other Documents
7.1	Refusal decision notice

7.2	Officer delegated report
7.3	Citydesigner Heritage, Townscape and Visual Assessment (HTVA) dated February 2023 (part of The Chine and Cascade Avenue Residents Association Planning Objection)
7.4	Adam Architecture Collins Court, Cascade Ave – Design and Access Statement dated February 2023
7.5	LBH Heritage Impact Assessment by Revive & Tailor dated September 2023
7.6	Heritage Assessment by Built Heritage Consultancy - Objection on behalf of Cascade Avenue Association (CCARA) dated September 2023
7.7	Citydesigner Response to LBH Heritage Impact Assessment by Revive & Tailor dated October 2023
7.8	Historic England 2019 Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1 Historic England 2008 Conservation Principles, Policies and Guidance

SECTION 10 | DECLARATION

10.1 Having regard to the above, the reasons of dispute between the Appellant and the Council is outlined in section 7 forms the basis of the evidence submitted by each party.

Signed on behalf of the Appellant 	Signed on behalf of the Council 
Date: 9 April 2025	Date: 9 April 2025
Position: Director (Firstplan) on behalf of ROK Enterprises Ltd	Position: Team Manager, Development Management, Haringey Council

