

Public Document Pack



PLANNING COMMITTEE

Wednesday, 26th August, 2009 at 7.30 pm
Venue: Conference Room
The Civic Centre, Silver Street,
Enfield, Middlesex, EN1 3XA

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Council website: www.enfield.gov.uk

MEMBERS

Councillors : Alan Barker (Chairman), Don Delman (Vice-Chairman),
Jayne Buckland, Lee Chamberlain, Andreas Constantinides, Annette Dreblow,
Peter Fallart, Jonas Hall, Ahmet Hasan, Chris Joannides, Donald McGowan,
Toby Simon, Dino Lemonides, Kieran McGregor and Anne-Marie Pearce

N.B. Members of the public are advised that the order of business on the agenda may be altered at the discretion of the Committee.

Any member of the public interested in attending the meeting should ensure that they arrive promptly at 7.15pm.

AGENDA – PART 1

1. **WELCOME AND LEGAL STATEMENT**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATION OF INTERESTS** (Pages 1 - 2)

Members of the Planning Committee are invited to identify any personal or prejudicial interests relevant to items on the agenda. Please refer to the guidance note attached to the agenda.

4. **MINUTES OF PLANNING COMMITTEE 29 JULY 2009** (To Follow)

To receive the minutes of the Planning Committee meeting held on Wednesday 29 July 2009.

To Follow.

5. MINUTES OF PLANNING PANEL 23 JULY 2009 (Pages 3 - 8)

To receive the minutes of the Planning Panel meeting held on Thursday 23 July 2009.

6. REPORT OF THE ASSISTANT DIRECTOR, PLANNING AND ENVIRONMENTAL PROTECTION (Pages 9 - 114)

6.1 Applications dealt with under delegated powers.
(A copy is available in the Members' Library.)

6.2 Planning applications and applications to display advertisements.

6.3 Appeal information
Section 1 : New Town Planning Application Appeals
Section 2 : Decisions on Town Planning Application Appeals

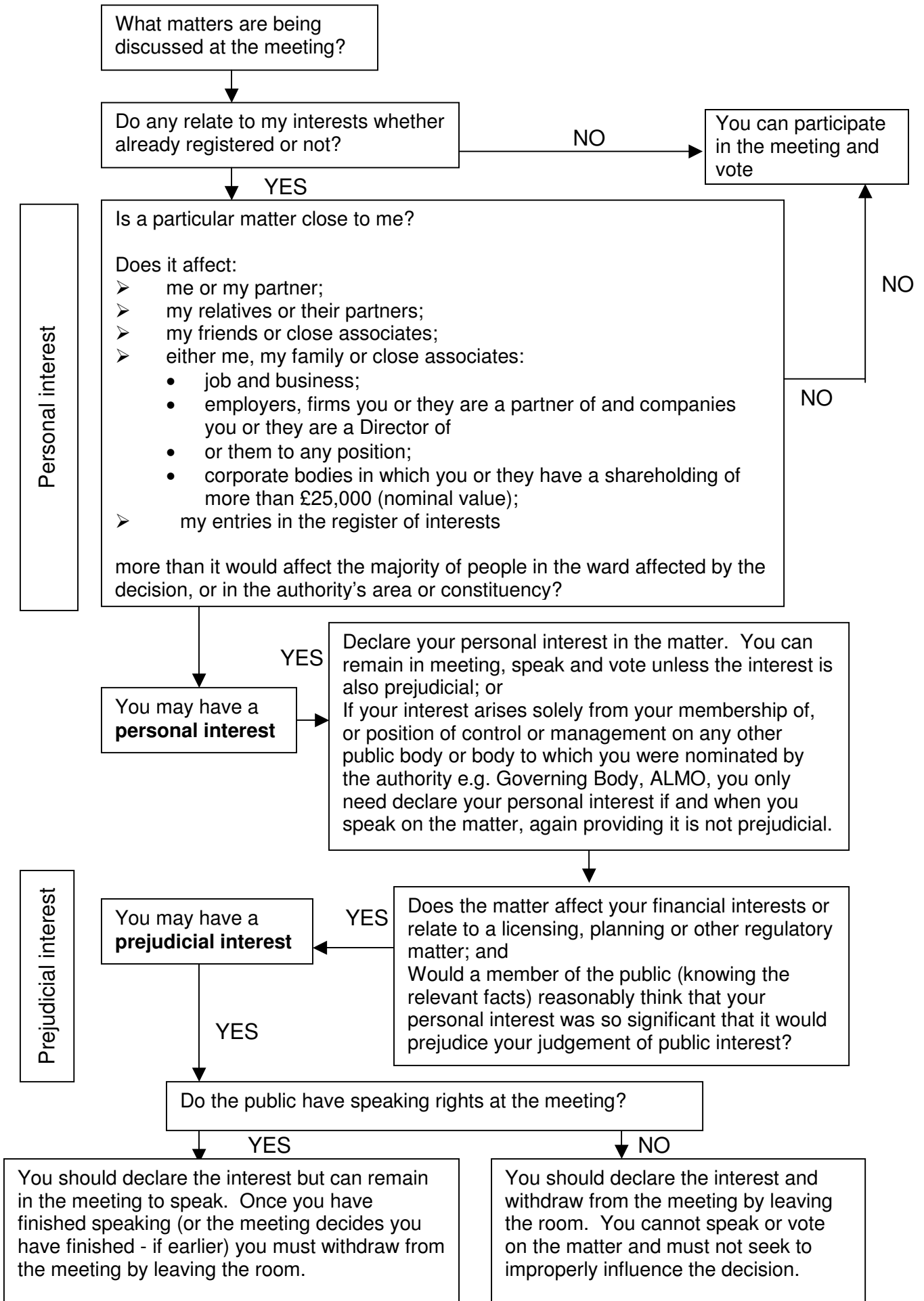
7. PROPOSED LOCAL DEVELOPMENT ORDER AND STREET TRADING
(Pages 115 - 120)

To note the report of the Assistant Director, Planning & Environmental Protection (Report No. 67)

8. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(There is no part 2 agenda)

DECLARING INTERESTS FLOWCHART - QUESTIONS TO ASK YOURSELF



Note: If in any doubt about a potential interest, members are asked to seek advice from Democratic Services in advance of the meeting.

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PLANNING PANEL - 23.7.2009

**MINUTES OF THE MEETING OF THE PLANNING PANEL
HELD ON THURSDAY, 23 JULY 2009**

COUNCILLORS

PRESENT Alan Barker (Chairman), Lee Chamberlain, Peter Fallart, Donald McGowan and Toby Simon

OFFICERS: Steve Jaggard (Traffic and Transportation), Carol Collins (Environmental Health), David Warden (Principal Planning Officer), Aled Richards (Development Services), Nicky Fiedler (Waste Services), Sav Michael (Democratic Services) and Felicity Parker (Democratic Services)

Also Attending: Applicant / Agent Representatives:
David Sargent (LondonWaste Ltd)
Russ Morgan (LondonWaste Ltd)
Kevin Goodwin (LondonWaste Ltd)
Peter Mayer (LondonWaste Ltd)
Stephen Barnett (LondonWaste Ltd)
Deanna Donaldson (LondonWaste Ltd)
Matt McGeehan (LondonWaste Ltd)
Wendy Lord (LondonWaste Ltd)
Roz Ruben (LondonWaste Ltd)

Ward Councillors:
Councillor Kris Brown
Councillor George Savva
Councillor Geoff Robinson
Councillor Andrew Stafford

And approximately 11 members of the public.

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OPENING**

The Chairman welcomed all attendees to the Planning Panel meeting. He explained that the purpose of this meeting was a fact-finding exercise for the Planning Committee, five representatives of which were here tonight. The Panel Members, the applicant and agents, and the officers from the Council's Planning Department introduced themselves.

Apologies for absence were received from Andy Love MP.

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OFFICER'S SUMMARY OF THE PLANNING ISSUES**

David Warden, Principal Planning Officer, clarified that the purpose of a Planning Panel meeting was not to determine the application. A decision on

PLANNING PANEL - 23.7.2009

the application would be made by the full Planning Committee at a later date. This Planning Panel would give local residents and interested parties the opportunity to raise questions directly with the applicant and agents.

The planning proposal was to build a recycling facility which would receive 100,000 tonnes of dry recyclables per annum.

The key issues were outlined as follows:

- Principle of the intensification
- Design and visual impact
- Traffic generation
- Nature conservation

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PRESENTATION BY THE APPLICANT / AGENT

David Sargent – Managing Director, London Waste Ltd – outlined the main details of the proposal, as follows:

1. The proposal was to build a recycling building with facilities to sort 100,000 tonnes per annum of dry recyclables, which would be sorted and segregated into grades for specialist processing. The building would be approximately 80 metres long, 40 metres wide and 20 metres high.
2. The recycling facility would be accessed using existing access off Advent Way from the slip road to the A406 or via the Eley Estate. Trials to run commercial waterways transport were successful, however this was not an option at the present time.
3. Along with the recycling building there would also be a separate office and visitors centre, with parking facilities. The proposed building would be approximately 12 metres wide, 50 metres long and 7.5 metres high. The roof of the office block would be 'green' to encourage wildlife.
4. The visual impact of the buildings on the area had been considered and 'before and after' pictures were displayed.
5. The recycling building would:
 - Be fully enclosed
 - Have the potential for separation machinery
 - Provide enhanced recyclate storage capacity
 - Have sustainable drainage and rainwater systems
 - Integrate sustainable energy systems.

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QUESTIONS BY PANEL MEMBERS

1. Councillor Barker asked:

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- 1.1 Whether the regeneration of sustainable energy would include the installation of solar panels.

Kevin Goodwin advised that it would be unlikely that solar panels would be used to meet the policies set out by the Greater London Authority (GLA) in the Greater London Plan.

- 1.2 How much noise would be generated by the facility, including traffic.

Kevin Goodwin replied that the vehicles would approach the north end of the building and enter through fast operating double doors. All tipping and processing would take place within the building.

There would be 24 HGV lorries entering the site per day – some of which already visited the site. The amount of traffic on the A406 would only increase by 0.04%.

- 1.3 What the predicted life span of the facility would be.

Kevin Goodwin advised that the life span of the facility would be around 50 years.

2. Councillor Simon asked about the economic context to the Council and how the new facility related to the existing bulk waste facility behind the energy centre.

David Sargent advised that the current waste contract with the Council would run until 2014. However London Waste Ltd was a commercial waste management company with a wide range of companies and not exclusive to municipal waste. Waste management systems were changing and were moving away from dumping at landfill sites (for which the Local Authority were charged).

There were no immediate plans to transfer the bulk waste facility into the new building, however this could always be a possibility in the future.

3. Councillor Chamberlain asked:

- 3.1 Whether the size of the 24 vehicles accessing the site be larger than the current vehicles.

Kevin Goodwin replied that the size of the vehicles would be no bigger than those used already.

- 3.2 How it was estimated that 24 vehicles would be accessing the site each day.

Kevin Goodwin informed the group that the estimated 24 vehicles was based on the tonnage each vehicle could hold and the turnaround time of the lorries at the facility.

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- 3.3 How many vehicles could access the building at any one time.

Kevin Goodwin replied that the number of vehicles accessing the building depended on a number of factors – the amount of waste or how quickly the material was processed (i.e. whether there was a manual picking line or a machinery to sort the waste). The waste from previous loads would need to be processed before more lorries could empty their loads.

4. Councillor McGowan enquired about the types of waste which would be recycled at the facility.

David Sargent informed the group that the types of waste recycled at the facility would be dry materials – no food or hazardous materials – only items which would normally be recycled.

5. Councillor McGowan also asked whether this expansion would take the place of the search for another site.

David Sargent replied that this was nothing to do with London Waste Ltd – as the North London Waste Plan, the authority was looking for sites that boroughs might need in the future.

6. Councillor Fallart asked whether there were any plans to use the River Lea for transport in the future.

David Sargent confirmed that it was possible – a company called Smart Barge Ltd currently moved material from site to site – and it would be beneficial. However, this method was expensive and the facility would have to have a viable need to investigate this method further.

7. Councillor Simon asked for the views of the Council officers regarding additional traffic generation which may arise.

Steve Jaggard said he felt that in numerical terms the net additional traffic was not an issue. However there was perhaps a concern over the proportion of heavy traffic accessing the site through Eley Estate.

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QUESTIONS BY WARD COUNCILLORS AND MPS

1. Councillor Brown voiced his concerns over the potential increase in traffic levels on that particular area of the A406. He asked whether this meeting was the only form of consultation to be carried out with regards to the application.

David Warden informed him that this was the only meeting, however there was a statutory consultation period of 21 days.

2. Councillor Stafford asked:

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- 2.1 Whether the 100,000 tonnes of waste was new waste and how much of the waste would come from outside of the borough.

David Sargent informed him that not all of the waste would be new waste and 100,000 tonnes was probably an optimistic figure at present. Some of the waste was already there but it was expected that recycling figures would increase in the future.

The Council would not be using the facility so on 'day 1' all of the waste would be from outside boroughs, with the exception of commercial waste from within the borough.

- 2.2 Why this application was allowed to go ahead when it seemed that other applications within Edmonton could not, due to the Place Shaping plans.

Aled Richards replied that the plans/vision of the Place Shaping strategy were taken into account when considering planning applications and they had not expressed any objections to the application.

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OPEN SESSION - QUESTIONS AND VIEWS FROM THE FLOOR

1. A resident asked where the funding would come from for the facility and referred to a meeting held in 2002 between London Waste Ltd and the GLA.

David Sargent responded that the 2002 meeting did not refer to the same project.

The funding for the project would be raised from corporate sources and internal monies. The North London Waste Authority (50% shareholder) would not be investing any money.

2. A resident raised the issues of potential conflicts of interest in the application process – the Council were effectively being called upon to approve their own application.

David Sargent explained that London Waste Ltd had two shareholders, one of which was the North London Waste Authority – Enfield Council was one of the boroughs who made up the authority, therefore there was only an indirect link with London Waste Ltd.

Aled Richards also explained that any planning application made by the Council would always be determined before the Planning Committee, where members had the authority to refuse the application based on evidence heard. There was no conflict of interest.

3. A resident enquired whether there would be an opportunity to have 'eco-businesses' within the Ecopark.

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David Sargent replied that it was not part of the current proposal to share the site with local 'eco-businesses'.

4. A resident asked how the sorting of waste would be monitored to ensure efficiency.

David Sargent said that the sorting would be of a high standard and the facility would work to standards formed by the ECA.

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CLOSE OF MEETING

The Chairman thanked everyone for their comments and questions: these would be fed back into the application process. It was likely that the application would be determined at the Planning Committee meeting scheduled for 26 August 2009, 7.30 pm at Enfield Civic Centre.

MUNICIPAL YEAR 2009/2010 - REPORT NO 66

COMMITTEE:
PLANNING COMMITTEE
26.08.2009

AGENDA - PART 1	ITEM 6
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SUBJECT -

MISCELLANEOUS MATTERS

REPORT OF:
Assistant Director, Planning
and Environmental Protection

Contact Officer:
David Snell Tel: 020 8379 3838
Andy Higham Tel: 020 8379 3848

6.1 APPLICATIONS DEALT WITH UNDER DELEGATED POWERS INF

6.1.1 In accordance with delegated powers, 216 applications were determined between 17/07/2009 and 13/08/2009, of which 174 were granted and 42 refused.

6.1.2 A Schedule of Decisions is available in the Members' Library.

Background Papers

To be found on files indicated in Schedule.

6.2 PLANNING APPLICATIONS AND APPLICATIONS TO DISPLAY ADVERTISEMENTS DEC

On the Schedules attached to this report I set out my recommendations in respect of planning applications and applications to display advertisements. I also set out in respect of each application a summary of any representations received and any later observations will be reported verbally at your meeting.

Background Papers

- (1) Section 70 of the Town and Country Planning Act 1990 states that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 54A of that Act, as inserted by the Planning and Compensation Act 1991, states that where in making any determination under the Planning Acts, regard is to be had to the development, the determination shall be made in accordance with the plan unless the material considerations indicate otherwise. The development plan for the London Borough of Enfield is the Unitary Development Plan (UDP).
- (2) Other background papers are those contained within the file, the reference number of which is given in the heading to each application.

6.3 APPEAL INFORMATION

INF

The Schedule attached to the report lists information on town planning application appeals received between 15/07/2009 and 07/08/2009 and also contains information on decisions taken during this period.

LIST OF APPLICATIONS
TO BE DETERMINED
BY THE PLANNING COMMITTEE
ON: 26th August 2009

APPLICATION: LBE/09/0020 RECOMMENDATION: Granted Subject to
Conditions

WARD: Southgate Green

Location: 139 and 130, WATERFALL ROAD, LONDON, N14 7JN

PAGE No:

APPLICATION: LBE/09/0022 RECOMMENDATION: Granted Subject to
Conditions

WARD: Jubilee

Location: TURIN GROVE SCHOOL, 34, TURIN ROAD, LONDON, N9 8DQ

PAGE No:

APPLICATION: LBE/09/0023 RECOMMENDATION: Granted Subject to
Conditions

WARD: Southgate Green

Location: 68, 128 and 137, WATERFALL ROAD, LONDON, N14 7LB

PAGE No:

APPLICATION: LBE/09/0024 RECOMMENDATION: Granted Subject to
Conditions

WARD: Winchmore Hill

Location: Barrowell Green Recycling Centre, Barrowell Green, London, N21

PAGE No:

APPLICATION: TP/08/1404 RECOMMENDATION: Granted

WARD: Bush Hill Park

Location: THE OAK, 144, FIRS LANE, LONDON, N21 2PJ

PAGE No:

APPLICATION: TP/09/0667 RECOMMENDATION: Granted with conditions
subject to GOL

WARD: Palmers Green

Location: 34, New River Crescent, And Land At Rear Of, 2-32, New River Crescent,
London, N13 5RF

PAGE No:

APPLICATION: TP/09/0671 RECOMMENDATION: Granted Subject to
Conditions

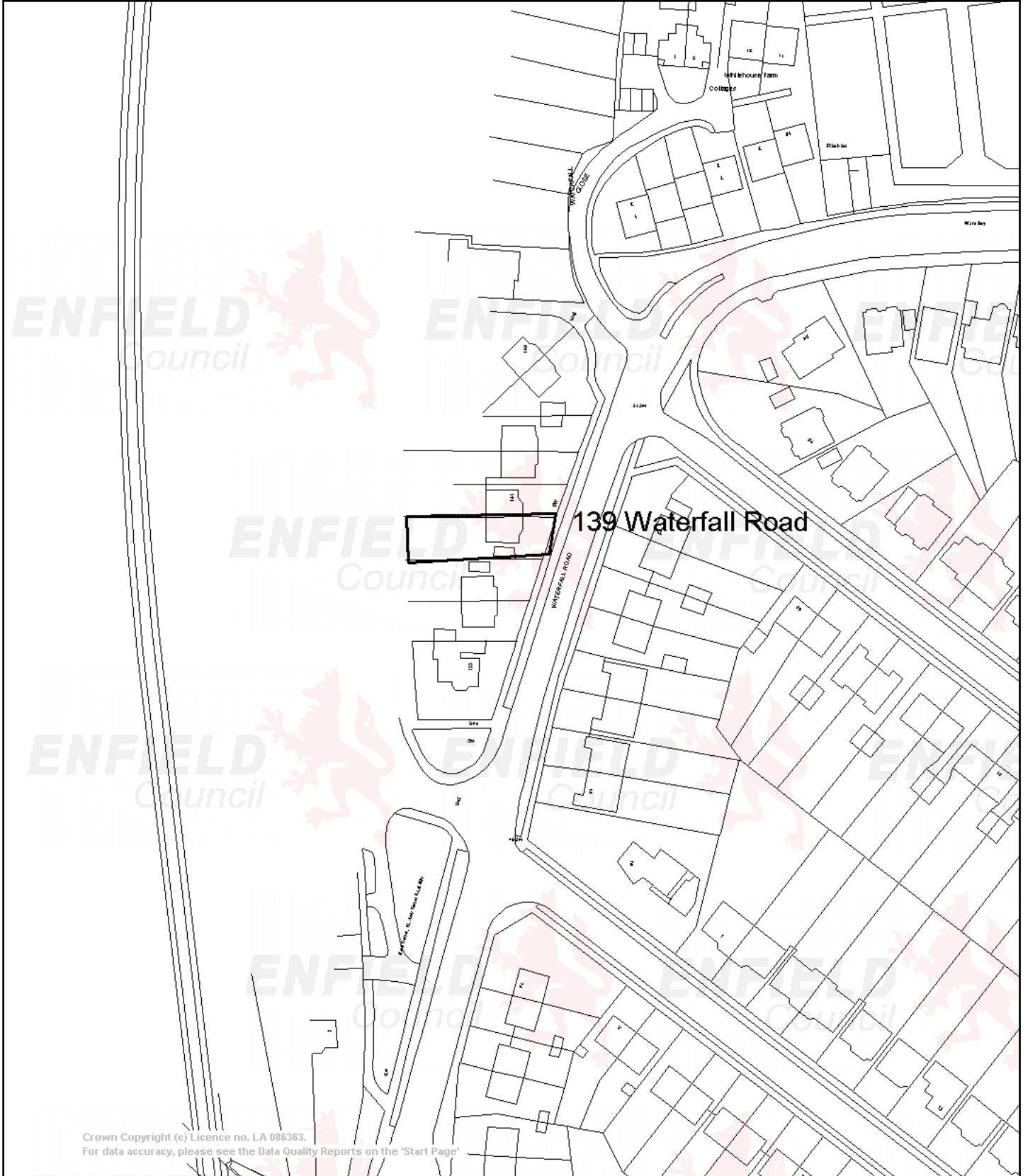
WARD: Southgate Green
Location: 44-48, AMBERLEY ROAD, LONDON, N13 4BJ
PAGE No:

APPLICATION: TP/09/0758 RECOMMENDATION: Refusal
WARD: Grange
Location: 25, OLD PARK RIDINGS, LONDON, N21 2EX
PAGE No:

APPLICATION: TP/09/0946 RECOMMENDATION: Granted Subject to
Conditions
WARD: Ponders End
Location: ALMA PRIMARY SCHOOL, ALMA ROAD, ENFIELD, MIDDLESEX, EN3
4UQ
PAGE No:

APPLICATION: TP/09/0978 RECOMMENDATION: Granted Subject to
Conditions
WARD: Upper Edmonton
Location: ST JOHN AND ST JAMES C OF E PRIMARY SCHOOL, GROVE STREET,
LONDON, N18 2TL
PAGE No:

LBE/09/0020

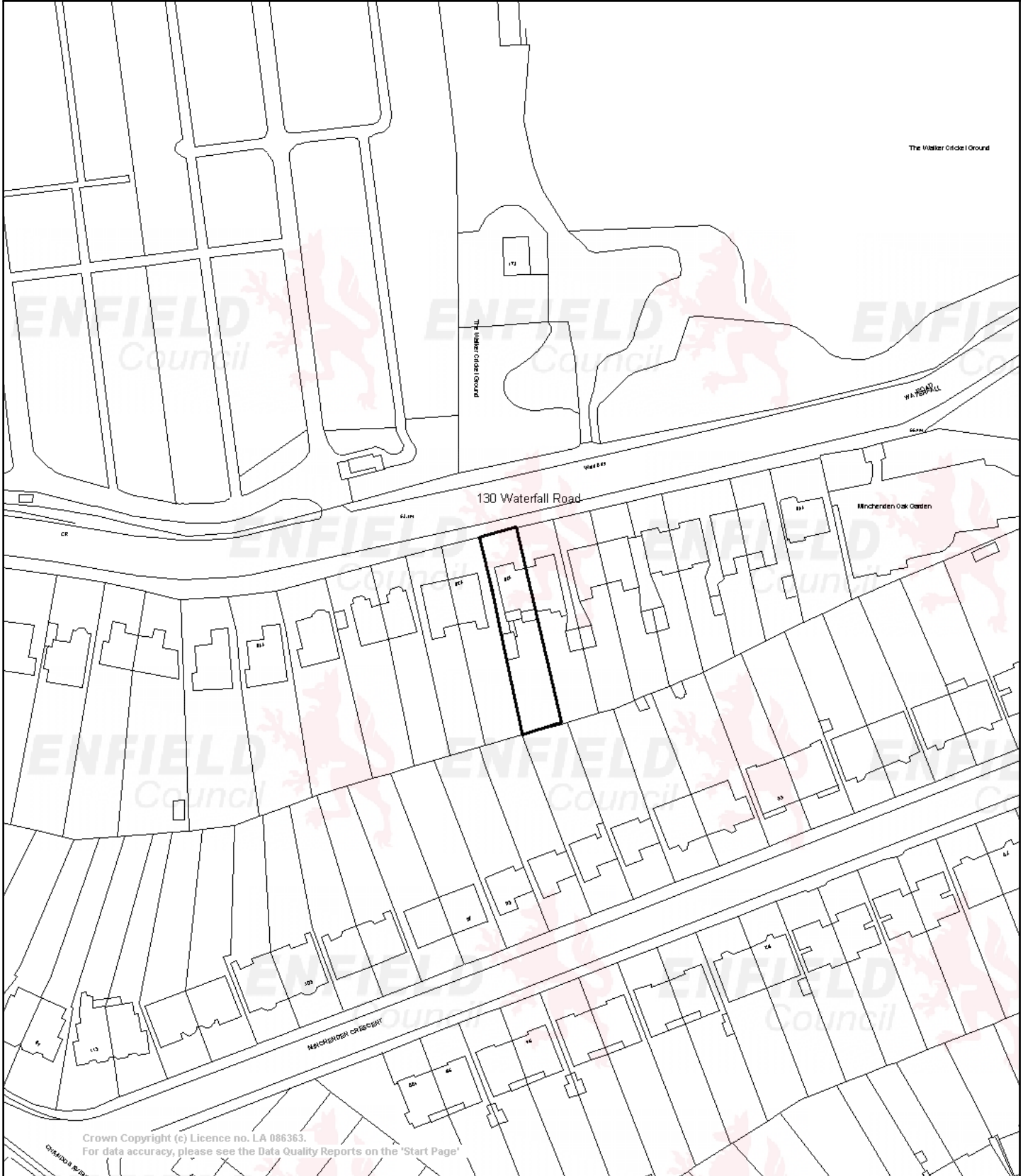


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Scale 1/1250 Date 13/8/2009

Centre = 529233 E 193290 N

LBE/09/0020



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Scale 1/1250 Date 13/8/2009

Centre = 529506 E 193361 N

Application Number: LBE/09/0020
Date of Registration: 15th May 2009

Ward: Southgate Green

Contact: Robert Lancaster 4019

Location: 139 and 130, WATERFALL ROAD, LONDON, N14 7JN

Proposal: Widening of vehicular access to both properties.

Applicant Name & Address:

Mr Hussain Rab, Highway Services - LBE
ENFIELD COUNCIL DEPOT
7, MELLING DRIVE
ENFIELD
EN1 4BS

Agent Name & Address:

Recommendation: In accordance with Regulation 3 of the Town and Country Planning (General) Regulations 1992, planning permission be deemed to be **GRANTED** subject to the following condition:

1. C51A Time Limited Permission

Site and Surroundings

Waterfall Road is an adopted highway linking Southgate Green to Arnos Grove and New Southgate. The properties fronting the road on its southern side are semi-detached residential dwellings with existing vehicular crossovers. Nearby are the Walker Cricket Ground and Old Southgate Cemetery both of which lies within the Southgate Green Conservation Area, the boundary of which runs along the northern side of Waterfall Road.

Proposal

Permission is sought for the widening of vehicle crossings at Nos. 130 and 139, Waterfall Road.

At No.130, the proposal involves widening the crossover by 1.2m to create a 6m shared crossover used by both No.128 & 130.

At No.139, the proposal involves an increase of 1m in width of the existing crossover giving a total crossing width of 4m.

Relevant History

Planning permission was granted in February 2009 for the widening of existing crossovers at Nos 104,106,134 and 144, Waterfall Road (ref: LBE/08/2223) and at Nos. 124 & 132 Waterfall Road (ref: LBE/09/0010).

Consultations

Public

Consultation letters were sent to 4 neighbouring properties. No objections have been received.

External: None

Internal: None

Relevant Policies

London Plan

4B.8 Respect local context and character

Unitary Development Plan Policies

- (I)GD1 Regard to surroundings
- (I)GD2 Development to improve the environment
- (II)GD3 Aesthetic and functional design
- (II)GD8 Access and Servicing
- (II)T13 Creation or improvement of an access onto the public highway
- (II)T17 Give high priority to the needs of pedestrians.
- (II)C30 Development adjacent to Conservation Areas

Other Material Considerations

Revised Technical Standards for Footway Crossovers

Analysis

Impact on the Character and Appearance of the Surrounding Area

The widening of the two existing crossovers will form part of a comprehensive programme of street works being implemented by the Council's Highway Services which incorporate the works previously approved under ref: LBE/08/2223 and LBE/09/0010. The resultant appearance of the enlarged crossovers will be consistent with these approved works and thus fully integrated into the street scene. It is also noted that the widening of the existing crossovers does not involve any loss of existing street trees.

Impact on Highway Safety

The widening of the existing crossovers enables cars to better access the existing forecourt that is used to provide off street parking. No objections are raised in terms of highway safety.

Sustainable Design and Construction

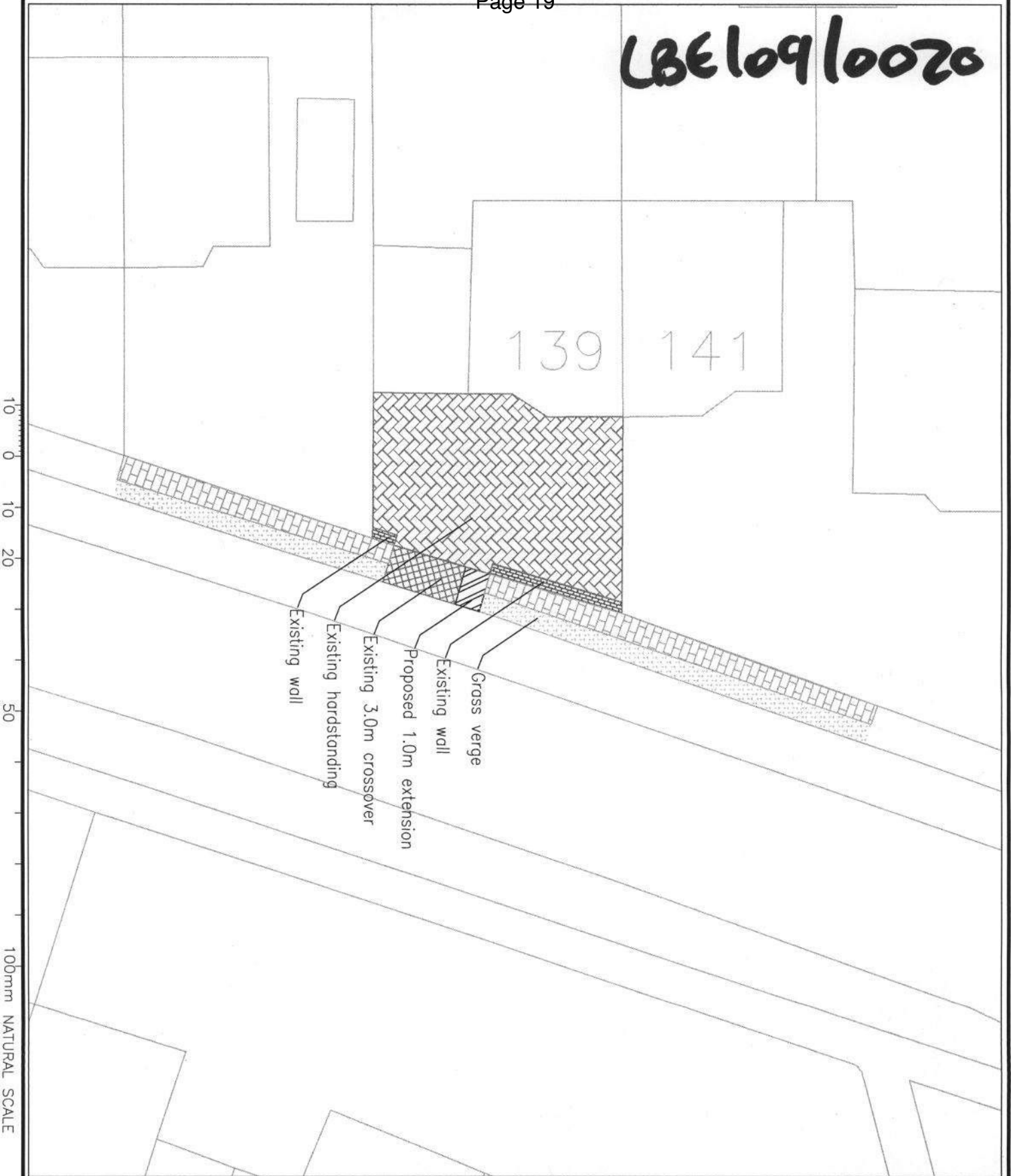
Whilst improvements to drainage through the use of porous materials and soakaways can often be sought in cases involving new vehicle access and off street parking, both forecourts are already hard surfaced and no alterations are proposed. No improvements can be secured in this instance.

Conclusion

In the light of the above it is recommended that consent be approved for the following reason:

The proposed widening of the vehicle crossings will not give rise to conditions prejudicial to the free flow and safety of traffic on the adjoining highway and will not detract from the character or appearance of the street scene or from the residential amenities of the neighbouring occupiers having regard to Policies (I)GD1, (I)GD2, (II)GD3, (II)GD6 and (II)T13 of the Unitary Development Plan and Policy 4B.8 of the London Plan.

LBE10910020



NOTES

Rev	Revision details	Date

STATUS
PLANNING PERMISSION

CLIENT
LONDON BOROUGH OF ENFIELD

JOB TITLE
139 WATERFALL ROAD, N14

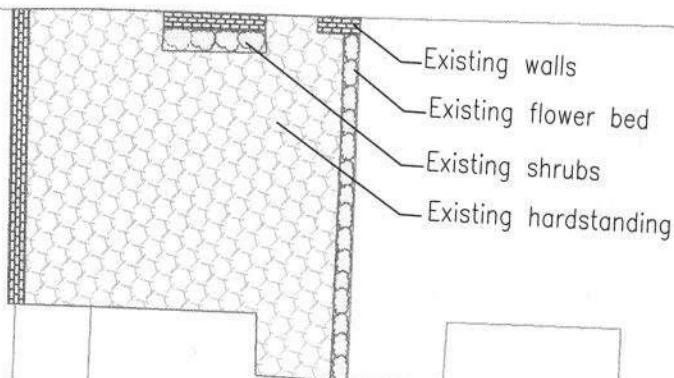
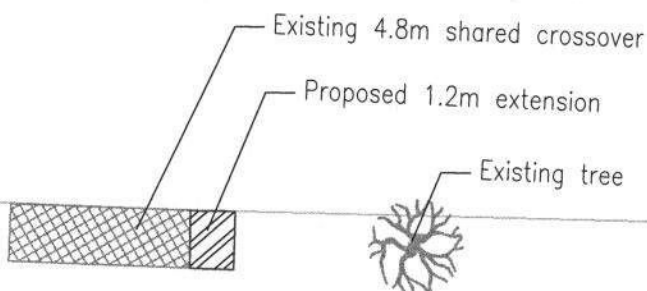
DRAWING TITLE
EXTENSION TO VEHICLE CROSSOVER



London Borough of Enfield
Council Offices
7 Watling Drive, EN1 4BS
Tel: 020 8261 2000
E: enfield@enfield.gov.uk

DESIGNED:-	RM	DATE:-	MAY 2009
CHECKED:-	RM	CHECKED:-	
SCALE:-	1:1	PLOT SCALE:-	
PLOT SCALE:-	1:1	DRAWING NO.:	2007/025/012

LBE10910020



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CLIENT:-
LONDON BOROUGH OF ENFIELD

STATUS:-
PLANNING PERMISSION

JOB TITLE:-
130 WATERFALL ROAD, N14

DRAWING TITLE:-
EXTENSION TO VEHICLE CROSSOVER



London Borough of Enfield
Clerkenwell Depot,
7 Melling Drive, Enfield
EN1 4SB

Tel: 020 8379 3460 Fax: 020 8379 3494
E Mail: highway.services@enfield.gov.uk

DESIGNED:-
RM

DRAWN:-
RM

DATE:-
MAY 09

SCALE:-
1:200

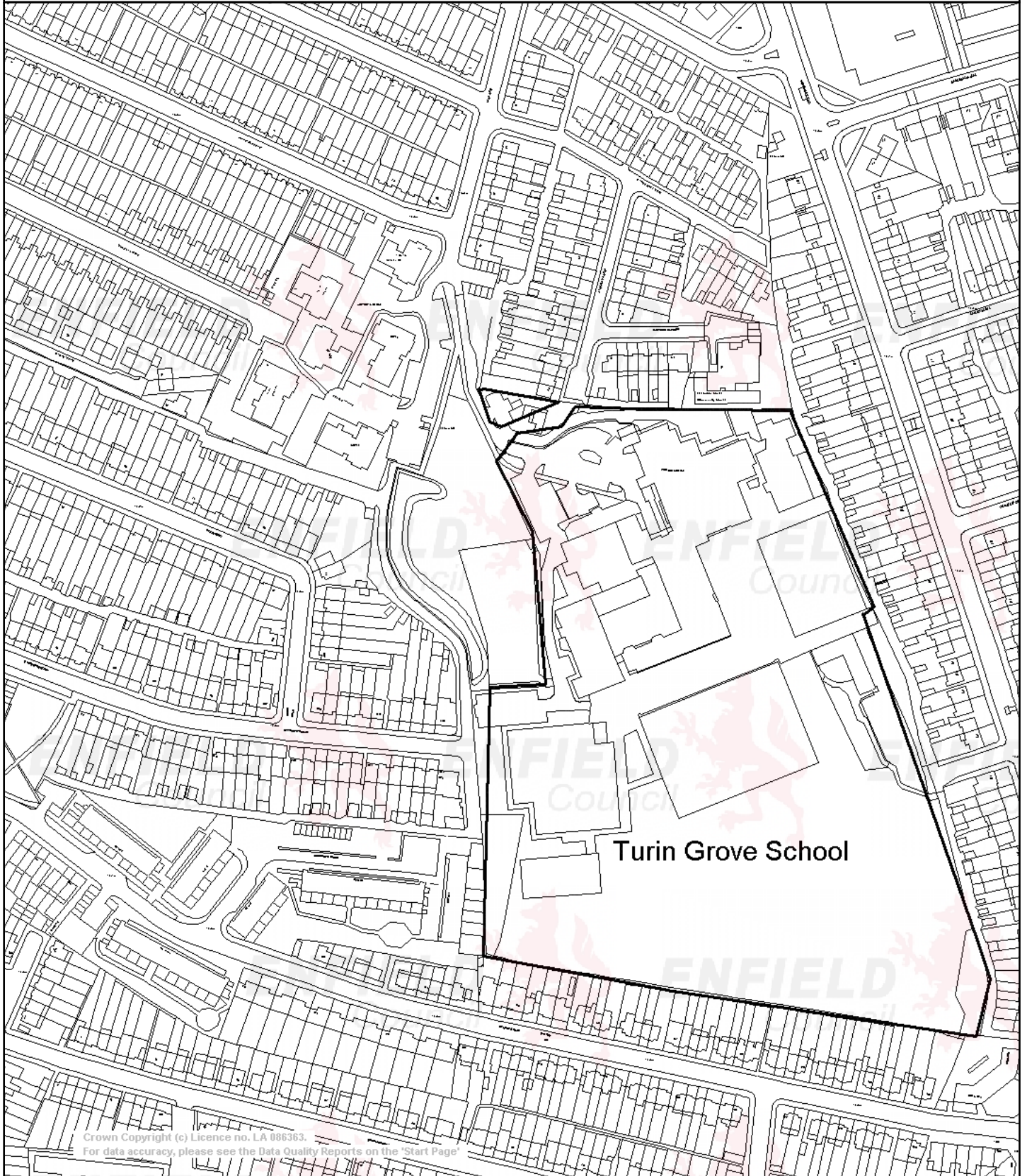
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Drawing No. 2007/025/014

10 0 10 20 50 100mm NATURAL SCALE

LBE/09/0022



Turin Grove School

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Scale 1/2500 Date 14/8/2009

Centre = 535252 E 194546 N

Application Number: LBE/09/0022
Date of Registration: 20th July 2009

Ward: Jubilee

Contact: Rob Singleton 3837

Location: TURIN GROVE SCHOOL, 34, TURIN ROAD, LONDON, N9 8DQ

Proposal: Installation of 3m high powder coated weld mesh fencing to part of east boundary with two 4m wide access gates and 3m high weld mesh fence with pedestrian gates to area south west of sports hall.

Applicant Name & Address:

Peter Dyster, Edu.& Leisure, London Borough of Enfield
P.O.Box 51, Civic Centre
Silver Street
Enfield
EN1 3XB

Agent Name & Address:

Mr Roy Mackie, Architectural Services
CIVIC CENTRE
SILVER STREET
ENFIELD
MIDDLESEX
EN1 3XA

Recommendation: In accordance with Regulation 3 of the Town and Country Planning (General) Regulations 1992, planning permission be deemed to be **GRANTED** subject to the following conditions:

1. C51A Time Limited Permission

Site and Surroundings

Turin Grove School is surrounded by residential development on all sides with Nightingale Road to the east, St Mary's Road to the south and St Joseph's Road and Elmsworth Close to the west. Turin Road is to the north.

The main existing vehicle and pedestrian access to the main school building is from Turin Road, although the Delta City Learning Centre is independently accessed via a former emergency access off Nightingale Road.

Proposal

Permission is sought for the installation of replacement 3m high weldmesh security fencing to part of the eastern boundary with two 4m wide access gates. To the south-west of the site abutting the sports hall additional 3m high weldmesh security fencing will also be installed with associated pedestrian access gates. The security fences and access gates will have a green powder coated finish.

Relevant Planning History

The subject site has extensive planning history, however, the most relevant to this application are:

LBE/02/0010 – Erection of single storey detached building for use as City Learning Centre, access road and parking was granted in March 2003

LBE/07/0018 – Replace existing west boundary fence with 3m high weldmesh security fence, construction of 8 new parking spaces together with associated works and new 3m high weld mesh security fence with two pedestrian access gates alongside the existing paved area was granted in February 2008

Consultations

Public

Consultation letters were sent to 126 adjoining properties. In addition notice was also displayed at the site. No objections have been received

Internal: None.

External: None.

Relevant Policies

London Plan

3A.14	Addressing the needs of London's diverse population
3A.21	Education Facilities
4B.5	Creating an inclusive environment
4B.7	Respect local context and communities

Unitary Development Plan

(I)GD1	Regard to surroundings
(I)GD2	Development to improve the environment
(II)GD3	Aesthetic and functional design
(II)GD6	Traffic generation
(II)GD8	Access & servicing
(II)T13	Access onto existing highways
(II)T16	Pedestrian and disabled access
(II)CS1	To facilitate through the planning process the work of various community services
(II)CS2	To ensure development for community services complies with the Council's environmental policies

Other Material Considerations

PPS1: Delivering Sustainable Communities

Analysis

Background

Approval for the erection of 3m high weldmesh security fence was conferred to the Delta City Learning Centre under ref: LBE/07/0018. The proposed development does not differ in terms of the size and design of enclosure and thus a principle for this form of fencing has been established.

The application is resultant from a recent spate of thefts from the premises and an identified need to replace and upgrade the fencing enclosing the site.

Impact on Character and Appearance of Surrounding Area

Weld mesh fencing of the colour and style proposed, although 3m in height, has been accepted at other school locations and indeed as a suitable means of enclosure for the Delta City Learning Centre that forms part of the site.

Given the location of the proposed fencing to the rear of properties on Nightingale Road to the east and Elmsworth Close and St Mary's Road to the south-west, the proposed fencing will not be visible from main carriageways abutting the site or the existing street scene. It will therefore have minimal effect on the character and appearance of the surrounding area.

To the east of the site, in light of the separation of the proposed fencing from the rear boundaries of the adjacent residential properties of no less than 19.4m, the principle for an enclosure of this type established under ref: LBE/07/0018, the visual permeability and sympathetic colouring of the fencing, it is considered that it would not appear unduly solid or obtrusive when viewed from this aspect. In addition, the permeability of the fencing would maintain the 'green' outlook and the contribution of the open playing field to the character and appearance of the surrounding area.

To the south-west, the relationship of the proposed development to the surrounding area is notably different with the fencing sited within 6m of the nearest property lining St Joseph's Road and built to the rear boundary of No.133 St Mary's Road. However, in both instances the impact of the built form would be limited to an oblique view of the fencing and the overall mitigation afforded by the permeability of the enclosure and sympathetic colouring of the weldmesh would ensure that its impact is negligible.

Moreover, there are a number of trees located along each of the boundaries with a particular concentration of vegetation to the south-western boundary. The presence of these trees will continue to contribute to the visual amenity of the site as well as providing a natural screen to the fencing thus softening its overall impact.

Residential Amenity

A number of the surrounding residential dwellings back onto the school site. Whilst it is acknowledged that the erection of the fence of the height proposed will be an additional feature in the rear aspect of all properties over the playing field, it is considered that this distance taking into account the design and appearance, is sufficient to mitigate against any undue impact or loss of outlook arising from its presence.

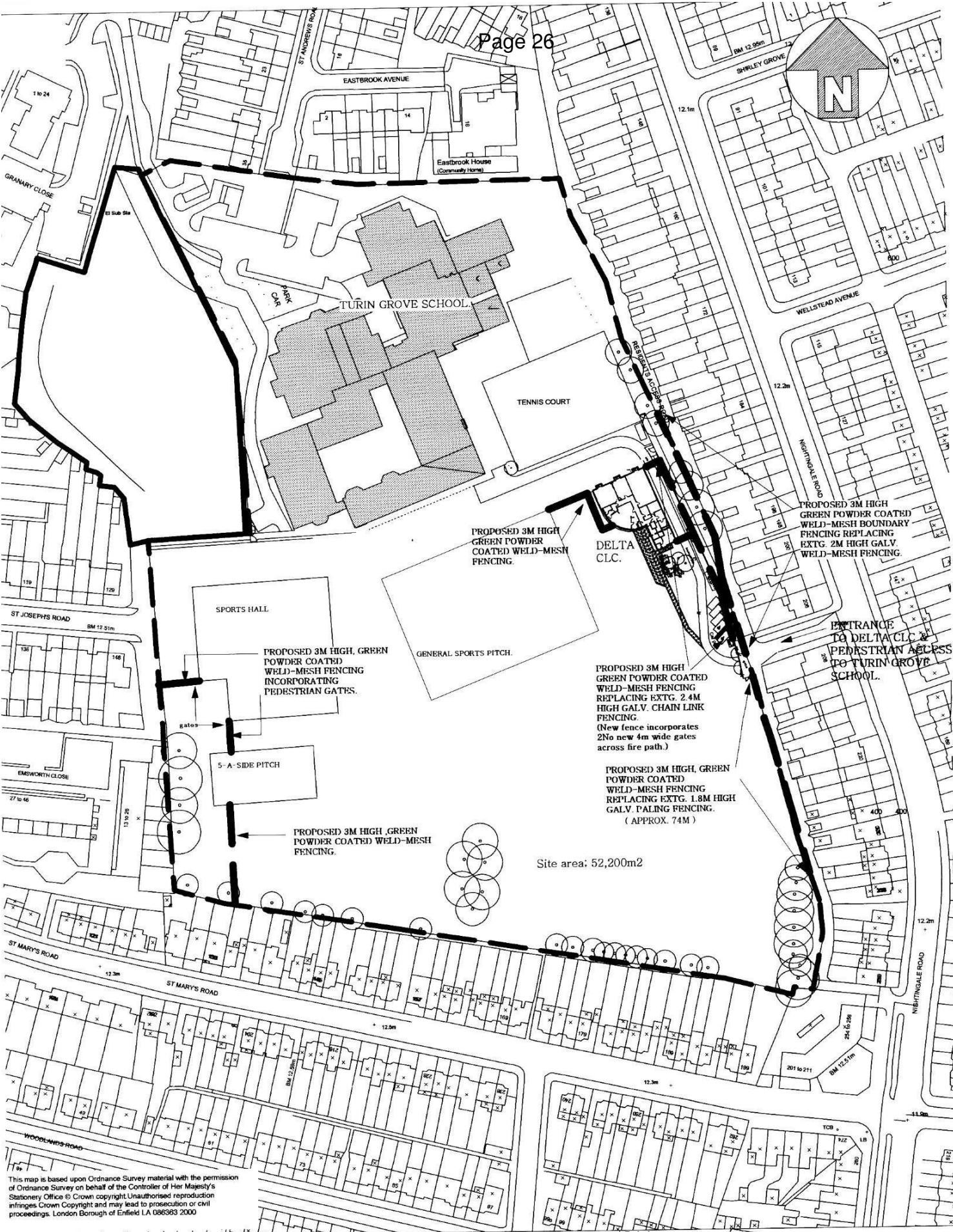
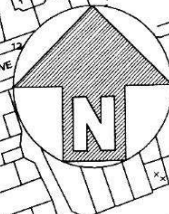
Highway Safety

Neither the siting or design of the fencing raises issues regarding sightlines at the primary access road servicing the site nor in general, issues of highway safety relating to the use of the associated car park.

Conclusion

In light of the above, it is recommended that planning permission be GRANTED for the following reasons:

- 1 The proposed security fences and pedestrian access gates, due to their size, siting and open design, does not detract from the character and appearance of the surrounding area having regard to Policies (I)GD1 and (II)GD3 of the Unitary Development Plan.
- 2 The proposed security fences and pedestrian access gates, due to their siting and open design, does not give rise to conditions prejudicial to the amenities enjoyed by neighbouring residential properties having regard to Policies (I)GD1 and (II) GD3 of the Unitary Development Plan.
- 3 The proposed security fences and pedestrian access gates, due to their siting and open design, does not give rise to conditions prejudicial to highway safety having regard to Policies (II)GD6 and (II)GD8 of the Unitary Development Plan.



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Architect: S.O.
RNM
Scale: 1:1250
Date: 1/7/09
Drawn: RNM
Revision:

Project: Turin Grove School & Delta CLC: External Works.

Drawing Title: Site Plan.

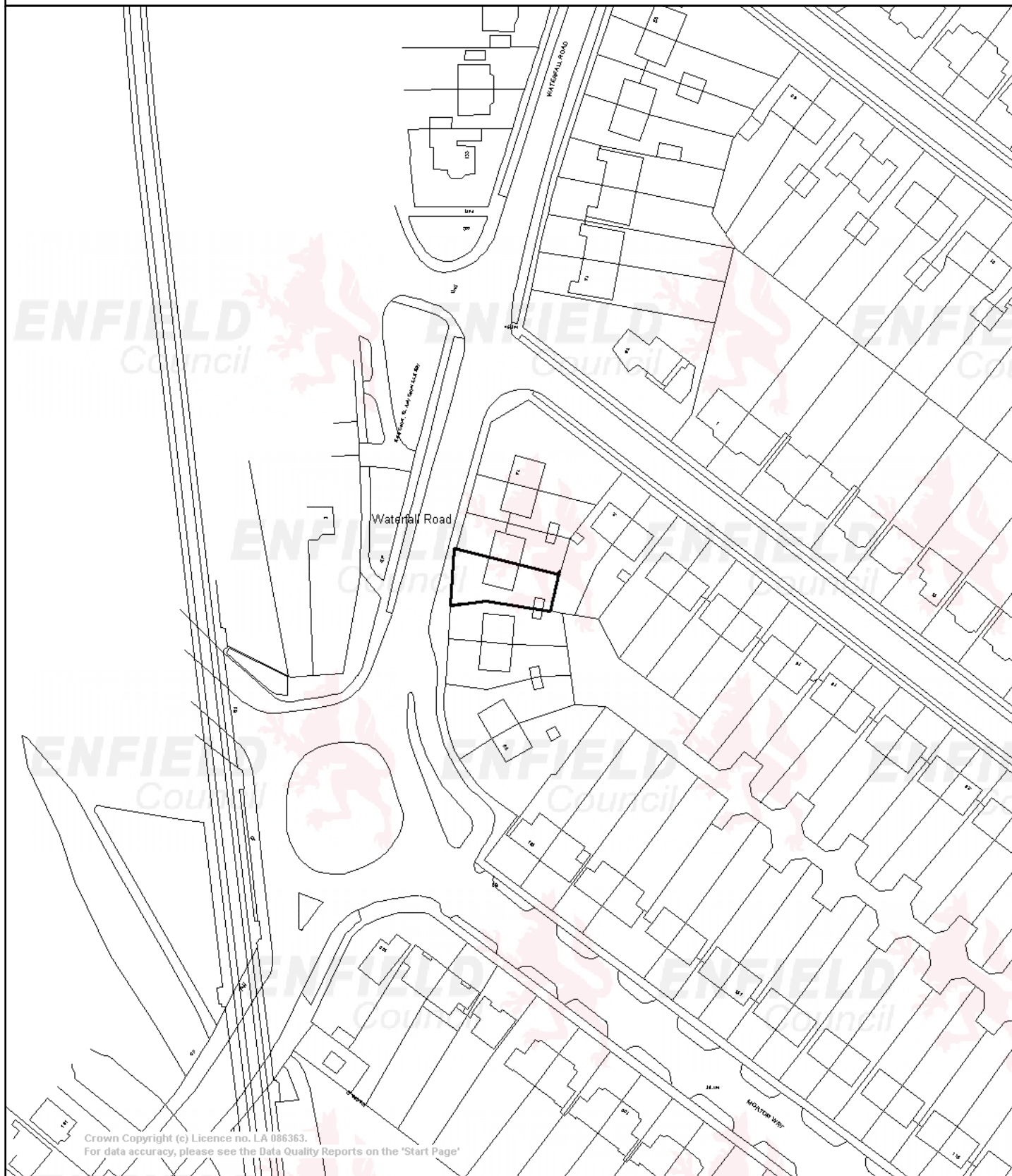
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DEVELOPMENT SERVICES

186109/0022

LBE/09/0023



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Scale 1/1250 Date 13/8/2009

Centre = 529234 E 193169 N

LBE/09/0023



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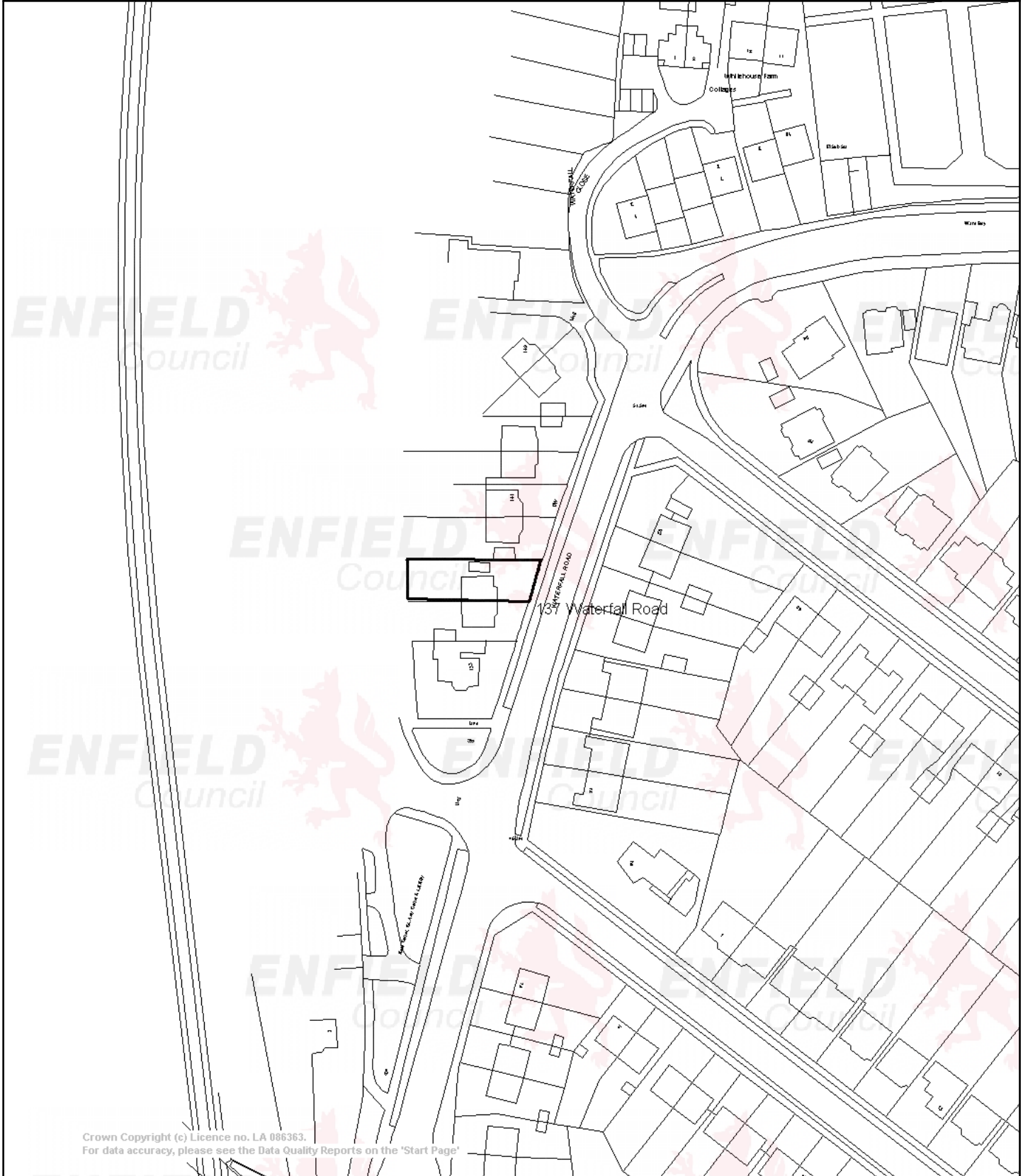


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Scale 1/1250 Date 13/8/2009

Centre = 529233 E 193290 N

Application Number: LBE/09/0023
Date of Registration: 7th July 2009

Ward: Southgate Green

Contact: Kate Perry 3846

Location: 68, 128 and 137, WATERFALL ROAD, LONDON, N14 7LB

Proposal: Extension to existing vehicular crossover at 128 and 137 Waterfall Road and new vehicular access to no. 68 Waterfall Road.

Applicant Name & Address:

Mr Hussain Rab, LBE- Highway Services
ENFIELD COUNCIL DEPOT
7, MELLING DRIVE
ENFIELD
EN1 4BS

Agent Name & Address:

RECOMMENDATION: In accordance with Regulation 3 of the Town and Country Planning (General) Regulations 1992, planning permission be deemed to be **GRANTED** subject to the following conditions:

1. C57 Sustainability
2. C51A Time Limited Permission

Site and Surroundings

Waterfall Road is an adopted highway linking Southgate Green to Arnos Grove and New Southgate. The properties fronting the road on its southern side are semi-detached residential dwellings with existing vehicular crossovers. Nearby are the Walker Cricket Ground and Old Southgate Cemetery both of which lies within the Southgate Green Conservation Area, the boundary of which runs along the northern side of Waterfall Road.

Proposal

Permission is sought for the widening of vehicle crossings at Nos. 128 and 137, Waterfall Road together with a new vehicular crossover at No. 68 waterfall Road.

At No.128, the proposal involves widening the existing crossover by 1.5m to create a 6.3 m shared crossover used by both Nos.128 & 130. An existing tree will be removed and replaced as part of the wider programme of works.

At No.137, the proposal involves an increase of 1.5m in width of the existing crossover giving a total crossing width of 4.5m.

At No.68, the proposed vehicular crossover would be 4.8 metres wide

Relevant History

Planning permission was granted in February 2009 for the widening of existing crossovers at Nos 104,106,134 and 144, Waterfall Road (ref: LBE/08/2223) and at Nos. 124 & 132 Waterfall Road (ref: LBE/09/0010).

Consultations

Public

Consultation letters were sent to 4 neighbouring properties. No objections have been received.

External: None

Internal: None

Relevant Policies

London Plan

4B.8 Respect local context and character

Unitary Development Plan Policies

(I)GD1	Regard to surroundings
(I)GD2	Development to improve the environment
(II)GD3	Aesthetic and functional design
(II)GD8	Access and Servicing
(II)T13	Creation or improvement of an access onto the public highway
(II)T17	Give high priority to the needs of pedestrians.
(II)C30	Development adjacent to Conservation Areas

Other Material Considerations

Revised Technical Standards for Footway Crossovers

Analysis

Impact on the Character and Appearance of the Surrounding Area

The widening of the two existing crossovers and the introduction of an additional crossover will form part of a comprehensive programme of street works being implemented by the Council's Highway Services which incorporate works previously approved under ref: LBE/08/2223 and LBE/09/0010. The resultant appearance of the enlarged crossovers and additional crossover will be consistent with these approved works and thus, will be fully integrated into the street scene.

Loss of Street Tree

The proposed widening of the crossover at No 128 involves the loss of an existing street tree. The Council's arboriculturalist has advised that the tree (along with others on Waterfall Road) has outgrown its location. As part of the wider programme of works being implemented therefore, it is proposed to replace this street tree and overall, there will be an increase from 6 to 10 trees along this section of Waterfall Road.

On this basis, it is considered the proposed works would not affect the character or appearance of the street scene or the setting of the adjacent Conservation Area.

Impact on Highway Safety

The widening of the existing crossovers and the formation of the additional crossover enables cars to better access the existing forecourts that are used to provide off street parking. No objections are therefore raised in terms of highway safety.

Sustainable Design and Construction

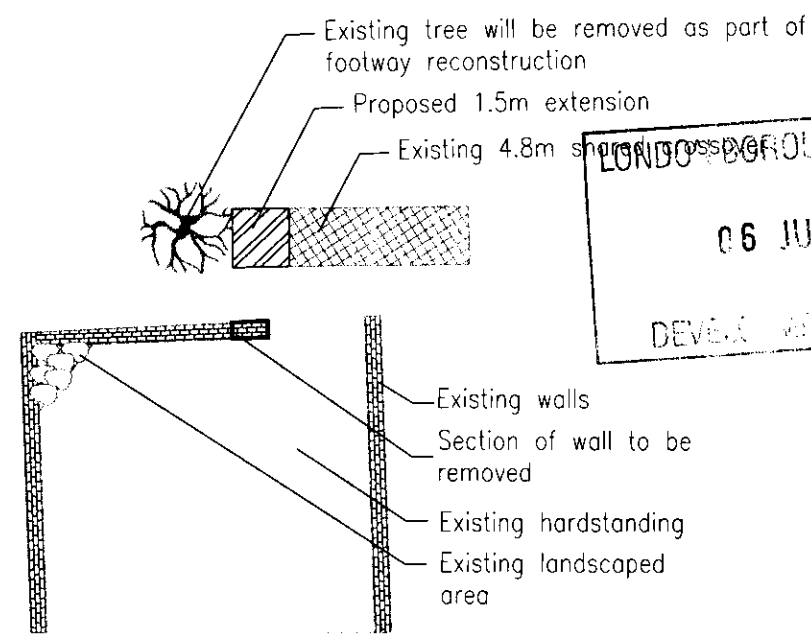
Whilst improvements to drainage through the use of porous materials and soakaways can often be sought in cases involving new vehicle access and off street parking, both proposals for the enlargement of the existing crossovers involve existing forecourts and are already hard surfaced. As no alterations are proposed to the forecourts, no improvements can be secured in this instance.

However, with regard to No 68 Waterfall Road, the existing grassed surface is being replaced by a shingle surface which is porous. This facilitates sustainable drainage and is therefore acceptable

Conclusion

In the light of the above it is recommended that consent be approved for the following reason:

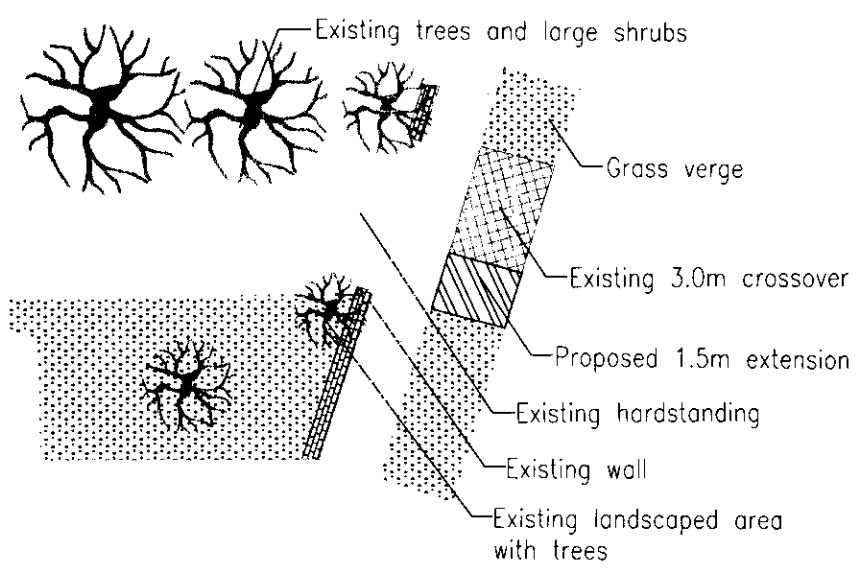
The proposed widening of the vehicle crossings and the creation of the new crossover will not give rise to conditions prejudicial to the free flow and safety of traffic on the adjoining highway and will not detract from the character or appearance of the street scene or from the residential amenities of the neighbouring occupiers having regard to Policies (I)GD1, (I)GD2, (II)GD3, (II)GD6 and (II)T13 of the Unitary Development Plan and Policy 4B.8 of the London Plan.



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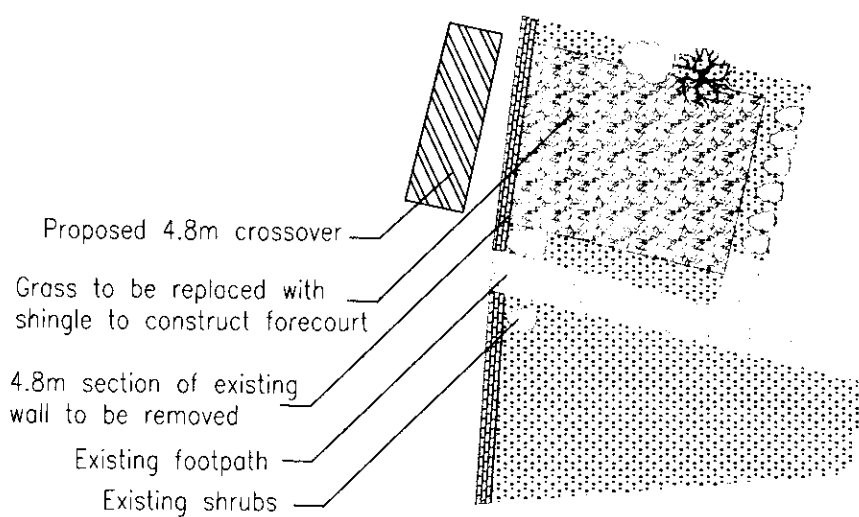
CLIENT:- LONDON BOROUGH OF ENFIELD		STATUS:- PLANNING APPLICATION			 London Borough of Enfield Catterick Road, 7 Audley Square, Enfield EN1 4DB Tel: 020 8276 2400 Fax: 020 8276 2444 E-Mail: highway.services@enfield.gov.uk	
JOB TITLE:- 128 WATERFALL ROAD, N14		DRAWING TITLE:- EXTENSION TO VEHICLE CROSSOVER				
DESIGNED:- RM	DRAWN:- RM	DATE:- JUNE 09	SCALE:- 1:200	PLOT SCALE:- 1:1	CHECKED:-	Drawing No. 2007/025/016



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CLIENT:- LONDON BOROUGH OF ENFIELD			STATUS:- PLANNING APPLICATION			<p>London Borough of Enfield Customer Direct 7 Basing Circle, EN20 2JG EN41 4BS</p> <p>Tel: 020 8279 3400 Fax: 020 8279 3404 E-Mail: enquiries@enfield.gov.uk</p>
JOB TITLE:- 137 WATERFALL ROAD, N14			DRAWING TITLE:- EXTENSION TO VEHICLE CROSSOVER			
DESIGNED:- RM	DRAWN:- RM	DATE:- JUNE 09	SCALE:- 1:200	PLOT SCALE:- 1:1	CHECKED:-	Drawing No. 2007/025/017

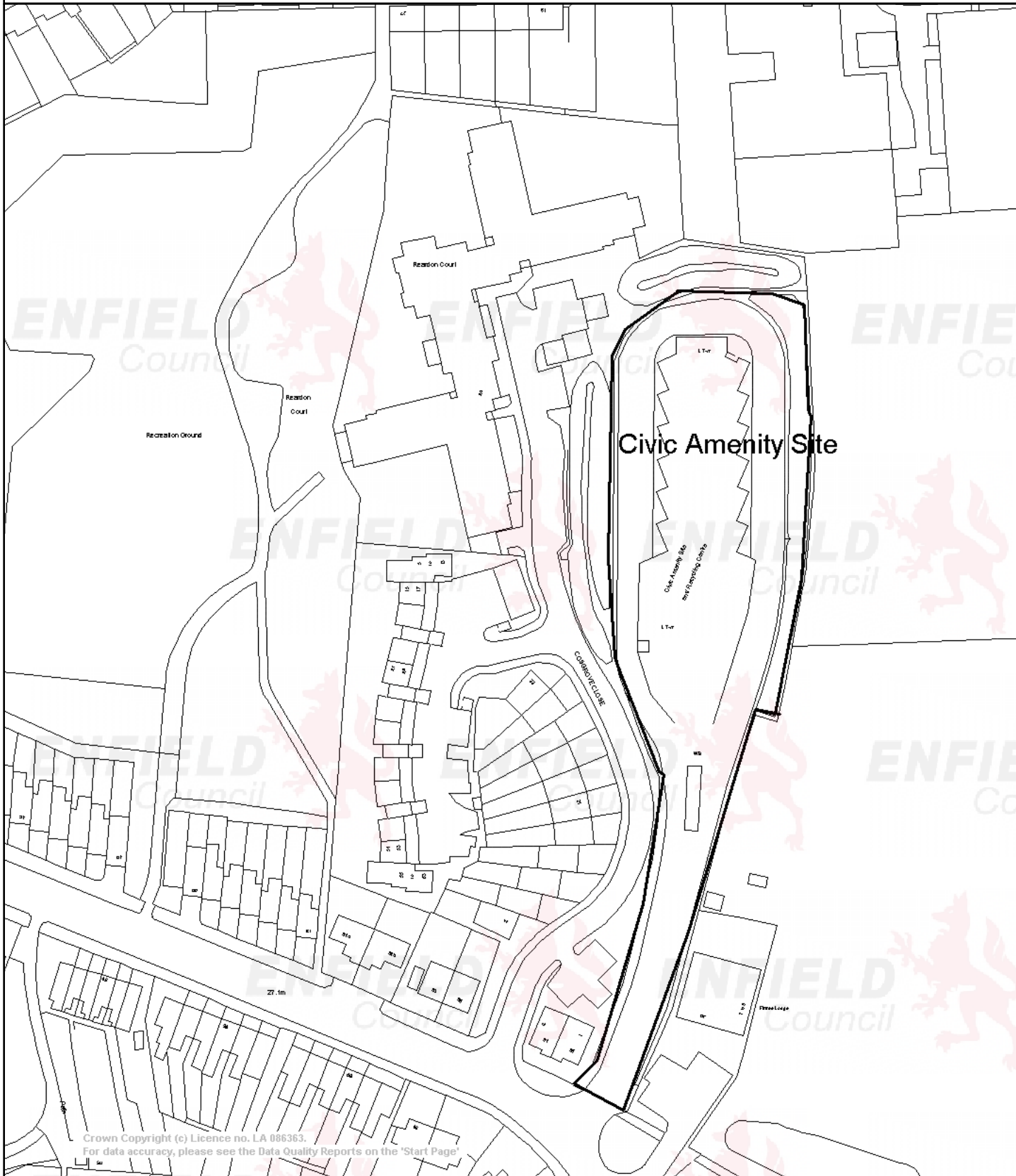


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JOB TITLE:- 68 WATERFALL ROAD, N14		DRAWING TITLE:- PROPOSED VEHICLE CROSSOVER					
DESIGNED:- RM	DRAWN:- RM	DATE:- JULY 09	SCALE:- 1:200	PLOT SCALE:- 1:1	CHECKED:-	Drawing No.	2007/025/018

LBE/09/0024



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Scale 1/1250 Date 13/8/2009

Centre = 532031 E 193717 N

Application Number: LBE/09/0024

Ward: Winchmore Hill

Date of Registration: 8th July 2009

Contact: David Warden 3931

Location: Barrowell Green Recycling Centre, Barrowell Green, London, N21

Proposal: Extension of opening hours from 07.45 hrs to 19.45 hrs on Tuesdays and Fridays.

Applicant Name & Address:

Nicky Fielder, Waste Management
Civic Centre
Silver Street
Enfield
EN1

Agent Name & Address:

Recommendation: That in accordance with Regulation 3 of the Town and Country Planning (General Regulations) 1992 consent is deemed to be **GRANTED** subject to the following conditions:

1. Prior to the commencement of development, details of a management plan aimed at minimising noise and disturbance at the site, including a review of working practices and details of activities which shall be restricted from taking place in the evenings, shall be submitted to and approved by the Local Planning Authority. The management plan shall operate throughout the duration of this permission.

Reason: To ensure the use of the site does not prejudice the amenities of occupiers of nearby dwellings

2. The premises shall only be open for working between the hours of 08:00 - 16:15 Monday, Wednesday, Thursday, Saturday and Sunday and 08:00 - 19:45 Tuesday and Friday.

Reason: To safeguard the amenities of the occupiers of nearby residential properties.

3. This permission is granted for a limited period expiring on 30th November 2010 when the extended opening hours to 19:45 on Tuesdays and Friday hereby permitted shall be discontinued and/ opening hours shall revert to 16:15.

Reason: to enable the Local Planning Authority to monitor the effects of the increased opening hours having regard to the effects on the amenities of neighbouring and nearby residential properties, as well as the impact on the local road network.

Site and Surroundings

The existing recycling centre is located on the north side of Barrowell Green. The surrounding area is primarily residential, with properties along the western boundary and along Barrowell Green itself. Winchmore School and Barrowell Green playing fields are situated along the eastern boundary. Access is from Barrowell Green.

The site is currently opens from 07:15 to 16:15 Tuesdays to Fridays, 08:00 to 16:15 on Saturday and Sundays and is closed on Mondays.

Proposal

Permission is sought for an extension of opening hours on Tuesdays and Fridays only from the current closing time of 16:15 to the proposed time of 19.45 hrs. Permission is initially sought for a period of 12 months.

Relevant Planning Decisions

LBE/04/0016 Extension of operating hours to 19:45 on Tuesdays and Fridays, granted in August 2004 for a temporary period of 12 months.

Consultation

Public

Consultation letters were issued to 56 neighbouring properties. In addition, a site notice has been displayed at the site. In response, two letters of objection have been received raising all or some of the following points:

- Adjacent residential dwellings are directly affected by noise
- Noise levels are constantly high throughout opening hours, resulting in sleep deprivation
- Extended hours would further impede on the limited quiet time that the site is closed
- 19:45 is well outside normal working hours
- Unfair infliction on surrounding residents
- Site is surrounded by residential properties
- Dust and poor air quality
- Vibrations from HGV movements
- Impact on nearby nursing home
- Impact on playing fields and schools
- Previous objections to the operation of the site were replied to
- Relocation of the site away from the residential area is sought
- Opening before 9:30 am is unnecessary
- Health hazards from rats, foxes, snakes and other pests

External None

Internal None

Relevant Policies

London Plan (2008)

3B.1	Developing London's economy
3C.23	Parking Strategy
4A.19	Improving air quality
4A.20	Reducing noise and enhancing soundscapes
4A.21	Waste strategic policy and targets
4A.22	Spatial policies for waste management
4A.23	Criteria for the selection of sites for waste management and disposal
Annex 4	Parking standards

Unitary Development Plan

(I)GD1	Regard to Surroundings / Integrated into Local Community
(I)GD2	Quality of Life and Visual Amenity
(II)GD3	Character / Design
(II)GD6	Traffic Generation
(II)GD8	Site Access and Servicing
(I)EN6	Minimise the environmental impact of all developments
(II)EN29	To ensure the recycling of as much waste material as possible.
(II)EN30	Land, air, noise and water pollution
(I)E1	Enfield as a Location for Business
(I)E2	Enhance, bring into use and retain employment uses
(I)E4	Most efficient use of employment land
(II)E2	Concentrate B1 – B8 uses within Primary Industrial Areas
(II)E15	Noise generated by industrial and warehousing development

Local Development Framework - Core Strategy Preferred Options

The Planning and Compulsory Purchase Act 2004 requires the Council to replace the UDP with a Local Development Framework (LDF). The LDF Core Strategy will set out the spatial vision and strategic objectives for the Borough. The Core Strategy is at an early stage in its adoption process. As this continues the weight given to it will grow and the relevant objectives are reported to demonstrate the degree to which the proposals are consistent with the emerging policy direction.

- SO3 Protect and enhance Enfield's environmental quality;
- SO5 Waste minimisation. recycling, management and treatment
- SO21 Sustainable Transport

Other Material Considerations

PPS1	Delivering Sustainable Communities
PPG4	Industrial, commercial development and small firms
PPS10	Sustainable Waste Management
PPG13	Transport
PPS23	Pollution control
PPG24	Noise
PPS25	Flood Risk

AnalysisBackground

There is no planning history in respect of the initial use of the site for waste purposes. However, there has been a waste use at the site since at least the 1940-50's, which is confirmed by a 1946 aerial photograph. The land was transferred to the Council from the Greater London Council in the 1980's. The facility in its current form appears on the 1991 aerial photograph, but was not present in 1981 edition. Various permissions were granted between 1983 and 1987 for the adjoining housing.

Whilst there are no conditions restricting hours at the site currently, planning permission has been sought to ensure transparency. The application presents an opportunity to formally control the hours at the site.

The proposed extended hours would increase the availability of recycling facilities to the public, which is supported by both UDP and London Plan policies. In addition, permission was previously granted for a temporary period in 2004, although it was never implemented. As such, subject to the detailed consideration of the impacts on residential amenity and highway safety below, the principle of development is considered acceptable.

Residential amenity

The proposal involves a three and a half hour increase in opening time from 16:15 to 19:45 on Tuesdays and Fridays. Residents concerns regarding the potential for increased noise and disturbance are noted especially as there will be more residents at home during this time. However, this impact must also be weighed against the benefits to the environment of such a facility which the Council is required to provide. Moreover, its increased use is supported by local, regional and national policy.

It must also be recognised that there is a longstanding waste use at the site and there is no readily available alternative location. Planning permission was previously granted for a temporary period in 2004.

It is considered that some of the concerns could be addressed through the implementation of a Management Plan that sought, wherever possible, to restrict noisier activities to the existing operating hours. Moreover, to mitigate the impact of the increased hours, such a Management Plan could cover activities throughout the operating hours and take opportunities to minimise disturbance. It is noted that residents have raised particular concerns about early morning operations. As such, a condition is proposed requiring a review of working practices and to identify activities that would be restricted from taking place in the evenings.

Having regard to all of the above matters, including the above mitigation measures, it is considered, on balance, that the increase in noise and disturbance during the extended hours would not be sufficient to warrant refusal in this instance. However, it will be necessary to restrict the permission to a temporary period. It is considered that a 1 year period would be appropriate, although there will be the need to discharge the above management plan condition before the extension of hours. As such, a total of 15 months is proposed.

Highway safety

The proposal would increase the movements taking place during the afternoon peak hours on Tuesdays and Fridays. However, the increased hours would also be likely to spread out some of the traffic movements over a larger number of hours. This has the potential to reduce traffic queuing to enter the site.

Overall, having regard to the above factors, it is not considered that the limited increase during peak hours would warrant refusal of this application. Moreover, the time limited permission will provide an opportunity to monitor the impact on surrounding highways. As such, this element of the proposal is considered acceptable.

Conclusion

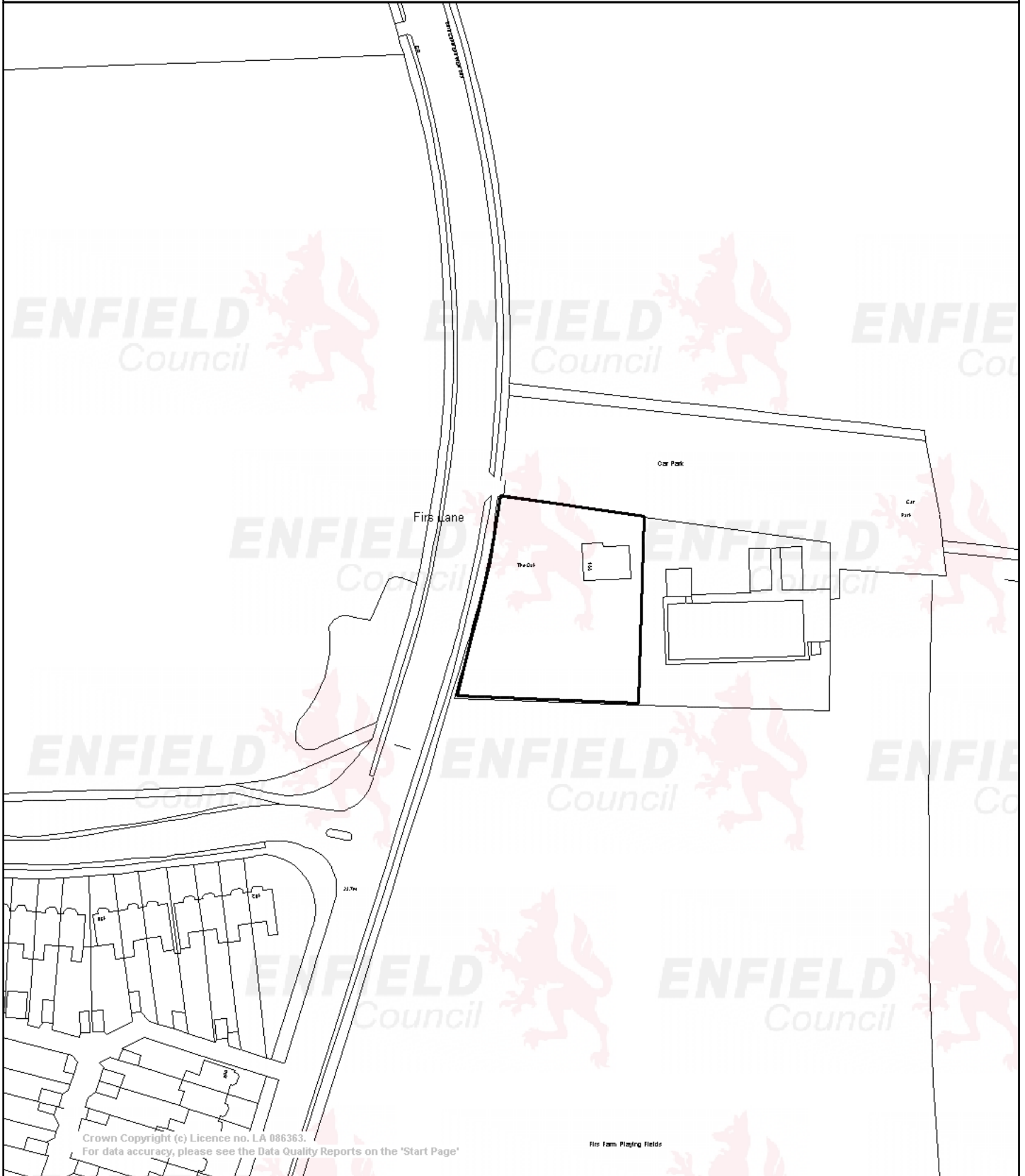
In the light of the above assessment, it is considered that the proposed be approved for the following reasons:

The proposed extension of hours would improve the availability of recycling facilities, having regard to policy (II)EN29 of the Unitary Development Plan, as well as policies 4A.21, 4A.22 and 4A.23 of the London Plan (2008) and the objectives of PPS1, PPG4 and PPS10.

The proposed extension of hours would not detract from the character or visual amenities of the surrounding area or unduly affect the amenities, in particular in respect of noise and disturbance or odour, of adjoining or nearby residential properties having regard to Policies (I)GD1, (I)GD2, (II)GD3, (I)EN6, (II)EN30 and (II)E15 of the Unitary Development Plan, as well as policies 4A.19 and 4A.20 of the London Plan (2008) and the objectives of PPS1, PPS3, PPG4, PPS10 and PPG24.

The proposed extension of hours, including the retention of existing parking and servicing facilities would not give rise to unacceptable on street parking, congestion or highway safety issues, having regard to Policies (II)GD6 and (II)GD8 as well as Policy 3C.23 of the London Plan and PPG13.

TP/08/1404



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Scale 1/1250 Date 13/8/2009

Centre = 532410 E 193589 N

Application Number: TP/08/1404 **Ward:** Bush Hill Park
Date of Registration: 15th July 2008

Contact: Robert Lancaster 4019

Location: THE OAK, 144, FIRS LANE, LONDON, N21 2PJ

Proposal: Demolition of existing building and erection of a detached single storey building comprising care home for 4 residents with learning and physical disabilities, with ancillary carer and office facilities.

Applicant Name & Address:

Woodgrove Care
Trinominis House
125-129, High Street
Edgware
Middlesex
HA8 7DB

Agent Name & Address:

Mr Val Flemming, Harrison Architects
36, Nightingale Lane
Hornsey
London
N8 7QU

Recommendation: That the Planning Committee resolve to **GRANT** planning permission and subject to the application being referred to the Government Office for London as a departure from the adopted Unitary development Plan and the Office raising no objection; the Head of Development Services be authorised to grant planning permission subject to the following conditions

1. C05 Details of Development - Landscaping
2. C07 Details of Materials
3. C09 Details of Hard Surfacing
4. C10 Details of Levels
5. C19 Details of Refuse Storage
6. C22 Details of Const. Vehicle Wheel Cleaning
7. C11 Details of Enclosure
8. C18 Details of Tree Protection
9. C46 No Subdivision
10. C48 Restricted Use

11. C57 Sustainability

12. C51A Time Limited Permission

Site and Surroundings

The site is located on the eastern side of Firs Lane and bounded on all sides (with the exception of the road frontage) by Firs Farm Playing Fields. The playing fields and the site itself are designated Metropolitan Open Land (MOL) with the site containing significant landscaping on all sides

Presently, there is a detached single storey dwelling situated in the north-east corner of the site, last occupied around 2004 for residential purposes. The property is currently vacant and is now a focus for anti social behavior. To the east of the site there is a large structure ancillary to the playing fields. Immediately to the north is a car park available for users of Firs Farm Playing Fields.

Vehicular access to the site is directly off Firs Lane. There is a secondary access from the adjacent car park to the north.

Proposal

Permission is sought for the demolition of the existing residential building and the erection of a detached single storey building for use as a care home for residents with learning and physical disabilities. The proposed building would also contain ancillary carer and office facilities in addition to the facilities for the residents.

The proposed structure would be sited to the rear of the site with parking to the front, accessed from the existing entrance off Firs Lane. The existing soft landscaping to all sides of the site would be retained and enhanced.

Relevant Planning Decisions

TP/01/1165 – an outline application for the erection of four detached houses and garages was refused in April 2002. The reason for refusal was as follows:

The proposed development of four detached houses and garages represents inappropriate development for a site within a designated area of Metropolitan Open Land and in the absence of any acknowledged 'very special circumstances', the proposal would detract from the character and physical structure of the Metropolitan Open Land in this location and the appearance of the site within the street scene and surrounding area to the detriment of the wider environment in terms of quality of life and visual amenity. This would be contrary to Policies II(O1), II(O2), II(O5), 1(GD1), 1(GD2), II(GD3) of LB of Enfield Unitary Development Plan.

TP/05/2144 – an application for the erection of a two-storey building to provide 8 training apartments was withdrawn without a decision in February 2006.

Consultations

Public:

Consultation letters were sent to 6 neighbouring properties. In addition, notice was published in the local press and displayed at the site. No replies were received.

Internal

Adult and Social Care raise no objection.

Transportation raises no objection.

External:

Enfield Primary Care Trust Health raises no objection to the proposal.

Thames Water raises no objection to the proposal.

The Mayor of London is not required to be notified notwithstanding the status of the application as a departure, because the proposal does not involve the construction of a building with a floorspace of more than 1,000 sq.m

Any other comments will be reported at the meeting

Relevant Policy

London Plan

3D.10	Metropolitan Open Land
3A.3	Maximising the Potential of Sites
3A.13	Special Needs and Specialist Housing
3A.18	Enhancement of Social Infrastructure and Community Facilities
3C.23	Parking Strategy
3D.14	Biodiversity and Nature Conservation
3D15	Trees and Woodland
4A.1	Tackling Climate Change
4A.3	Sustainable Design and Construction
4A.14	Sustainable Drainage
4B.8	Respect Local Context and Communities

Unitary Development Plan

(II)01	- resist development in Metropolitan Open Land except in very special circumstances
(II)O2	- increase recreational use and public access and seek environmental improvements having regard to nature conservation within Metropolitan Open Land
(II)C38	- resist development entailing loss of trees of acknowledged public amenity value
(II)GD1	- development appropriately located
(II)GD3	- high standard of design reflecting best aspects of areas character
(II)GD5	- requirement for landscaping and planting scheme in all development proposals
(II)GD6	- traffic likely to be generated
(II)GD8	- site access and servicing
(II)GD10	- integration of development into the economic, social and economic framework of the locality
(II)GD11	- access for people with disabilities
(I)H1	- Strategic housing Need
(I)H2	- Resist loss to existing housing stock

- (II)H4 - Special needs housing requirements
- (I)H1 - Housing stock
- (II)H6 - Balance of housing stock
- (II)H8 - Residential amenity
- (II)H9 - Amenity space
- (II)H18 - Special needs housing
- (II)H22 - Identify housing requirements for persons with special needs
- (II)T16 - adequate access for pedestrians and people with disabilities in all development
- (II)T32 - parking facilities to take into account the need of people with disabilities
- (II)CS1 - facilitate the work of community services especially in regard to land requirements to ensure a full range of services and facilities may be provided
- (II)CS2 - to ensure design and siting of buildings of service providers accords with Council's environmental policies
- (II)CS2 - those services that are responsibility of the Council are provided at optimum locations
- (II)EN22 - encourage energy conservation technology in all development
- (II)EN30 - regard to land, air, noise and water pollution when considering all development

Other Material Considerations

- PPS1: Delivering Sustainable Communities
- PPG2: Green Belts
- PPS3: Housing
- PPG17: Planning for Open Space, Sport and Recreation (2002)

Local Development Framework

The Planning and Compulsory Purchase Act 2004 requires the Council to replace the UDP with a Local Development Framework (LDF). The LDF Core Strategy will set out the spatial vision and strategic objectives for the Borough. The Core Strategy is at an early stage in its adoption process. As this continues the weight given to it will grow and the relevant objectives are reported to demonstrate the degree to which the proposals are consistent with the emerging policy direction.

- SO3 Protect and enhance Enfield's environmental quality
- SO9 New social facilities
- SO10 Address social deprivation, child poverty and inequalities in health and educational attainment
- SO16 Preserve the local distinctiveness
- SO17 Safeguard established communities and the quality of the local environment

Analysis

Metropolitan Open Land

There are strict controls relating to development in Metropolitan Open Land with the fundamental aim being to prevent urban sprawl by keeping land permanently open: the most important characteristics being their openness and permanence. Within an established built up area such as Enfield, open space represents a finite resource. Care must therefore be taken when considering options for its future use. Consequently, there exists a strong presumption against allowing development in such locations.

Policy (II))01 seeks to resist within Metropolitan Open Land except in very special circumstances, proposals for the construction of new buildings, extensions to existing buildings or for change of use of land and existing buildings, for purposes not normally considered appropriate in Metropolitan Open Land. Policy (II)02 goes on to state that certain general uses together with associated buildings will be accepted as being appropriate in Metropolitan Open Land provided that the proposals or ancillary buildings do not damage the open nature or character of Metropolitan Open Land. Residential Care use is therefore considered to represent an appropriate form of development subject to the open nature and character of the Metropolitan Open Land being preserved and that very special circumstances exist. This approach is not inconsistent with Policy 3D.10 of the London Plan which seeks to protect MOL from inappropriate development and in so doing:

- a) protect open space to provide a clear break in the urban fabric and contributing to the green character of London;
- b) protect open space which serve the needs of Londoners outside their local area;
- c) protect open space which contains a feature or landscape of national or regional significance

Further guidance in the London Plan states that appropriate development should minimize any adverse impact on the open character of the MOL through sensitive design and siting, and be limited to small scale structures to support outdoor open space uses.

Inappropriate Development

Policy (II)O2 of the adopted Unitary Development Plan (which is a saved policy), includes educational and institutional uses as being appropriate in MOL. It is considered that the proposed care home would constitute a small institutional facility. However, there is a clear link in policy between MOL and Green Belt and it is to be afforded the same level of protection as set out in PPG2 Green Belt.

PPG2 advises that the construction of new buildings is to be considered inappropriate unless it is for the following purpose:

- a) agriculture and forestry;
- b) essential facilities for outdoor sports and recreation;
- c) limited extension, alteration or replacement of existing dwellings;
- d) limited infilling in existing villages;
- e) limited infilling or redevelopment of major existing or developed sites identified in the adopted plan.

Criterion [c] would be most applicable in this instance although it is caveated by guidance which states that the development should not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate. In addition, the replacement of existing dwellings need not be inappropriate provided the new dwelling is not materially larger than the dwelling it replaces.

However, PPG2 does not include educational and institutional uses within the classification of new development which would be appropriate in Green Belt locations. Consequently, the proposal must be considered as inappropriate development and very special circumstances need to exist before it can be supported.

Very Special Circumstances

It is clear that very special circumstances are therefore needed to justify setting aside the general presumption against development taking place on Metropolitan Open Land.

Guidance on what constitutes “very special circumstances” is contained in PPG2 wherein it states “*very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations*”. In this instance, four factors exist that contribute to the establishment of very special circumstances:

- i) the continued vacancy of this residential property and the under utilisation of this previously developed land;
- ii) the established need for additional residential care facilities of this nature in the Borough;
- iii) the retention of the site’s contribution to the open nature and character of the MOL;
- iv) the design of the proposed development not detract form the appearance of the site where visible and its contribution to the more open are of MOL surrounding the application site

i) the continued vacancy of this residential property and the under utilisation of this previously developed land

Whilst the application site is covered by a wider MOL designation, it does constitute previously developed land due to its present residential use. Also, the site itself does not perform as open space serving the needs of the local and wider London community nor does it contain a feature of landscape of national or regional significance. However, the site does have significant tree coverage especially around the site periphery and as a result, contributes to the green character of London: another objective of the MOL designation.

Mindful of this latter objective and with regard to the criteria contained in PPG2, it is recognized that the gross internal area of the proposed building involves an increase of 165 sq.m to 280sq.m. This could be argued to represent more than a limited enlargement of over the existing building (gross internal area of 115 sq.m). However, the proposed building is centrally positioned within the site and thus, maintains the effective tree screen around the boundary. Moreover, its predominant single storey form and proposed design, would sit comfortably within this landscaped setting. As a result, given the fact that this is previously developed land where some of form of more intensive albeit limited residential development could be reasonably expected and the fact that outwardly, the contribution of the site to the wider and more open MOL would not be prejudiced.

ii) the established need for additional residential care facilities of this nature in the Borough;

The Council’s Department of Adult and Social Care support the proposed development citing a clear and real need for a facility of this type that fulfils a specialist need in a modern single level form that is not currently available elsewhere in the Borough. It is considered the development would contribute to the range of community facilities available within the Borough to serve the community in keeping with the objectives of Policy (II)CS1 so that the full range of facilities and services may be provided appropriate to the needs of the Borough.

iii) The retention of the site’s contribution to the open nature and character of the MOL;

As has been already been established, the site constitutes previously developed land and has significant tree coverage especially around the periphery of the site. Nevertheless, it is recognized that the resultant building would have a greater footprint and thus, potentially a greater presence in the surrounding MOL than the existing building.

It is considered that the considerable landscaping surrounding the edge of the site would mitigate the visual impact of the scheme and minimize the visual presence and impact of the scheme. As a result, there would be only limited close range views or filtered views through the tree screen. Furthermore, the scheme retains trees along the eastern boundary thus maintaining the screening of the larger neighboring structure to the east of the application site.

The screen of existing trees surrounding the site is to be retained, as is significant the Oak tree within the site. It is considered that the proposed siting of the development would not prejudice their long-term health or survival

As a result it is considered that the any harm that will arise to the open character and nature of the Metropolitan Open Land will be minimal and outweighed by the benefits associated with the proposed residential care facilities. It is also proposed that to secure additional planting around the site.

iv) the design of the proposed development not detract form the appearance of the site where visible and its contribution to the more open are of MOL surrounding the application site.

The single-storey building, would be situated to the rear of the site, some 23m from the front boundary with Firs Lane and 175m from the closest properties located on the opposite side of that lane.

The proposed building comprises of three principal elements integrated with pitched roofs. The building is 5.8m in height. The northern flank wall has a gable end. The southern flank wall has considerable glazing with solar panels on the pitched roof. The development would retain a 5m gap to the southern boundary and 12m from the northern boundary.

The proposed dwelling is considered to respect the constraints of the site, set back from the road with good spacing between the flank walls and site boundary resulting in a development that does not unduly impact on the open character of the Metropolitan Open Land.

The appearance of the building is considered to have a limited impact on the character of the area and street scene due to its interesting and sympathetic design, limited height (5.8m) and significant landscaping surrounding the edge of the site and is considered to represent an improvement over the existing structure at the site.

Due to the height and siting of the proposed development, along with the visual screen provided by the landscaping surrounding the site, it is considered not to be detrimental to the residential amenities of neighbouring residents in terms of any adverse effect on, outlook, light, privacy or general residential amenities enjoyed by neighbouring properties

Conclusion regarding the case for "Very Special Circumstances"

Very special circumstances to justify inappropriate development will not exist unless the harm by reason of the developments inappropriateness (and any other harm) is clearly outweighed by other considerations.

The UDP supports the principle that special consideration that can be given to development proposals for education and institutional uses within MOL. However, due to PPG2 and the London Plan, the proposed development is still considered to represent inappropriate development needing "very special circumstances" to be demonstrated. In this case it is considered that the following are factors which support this case:

- i) the continued vacancy of this residential property and the under utilisation of this previously developed land;
- ii) the established need for additional residential care facilities of this nature which are not available elsewhere in the Borough;
- iii) the retention of the site's open nature and character, along with screening of the larger structure to the east of the application site;
- iv) the design and minimal impact of the proposed development on the MOL

Although the proposed building is larger than that existing, within the context of this site, it is considered the development would have minimal impact on the natural and open setting of the Metropolitan Open Land. Furthermore, it is considered that any harm that may be caused is outweighed by its benefits associated with the use of the proposed development. As a result, in this case "very special circumstances" are considered to exist.

Integration with Surrounding Area

Notwithstanding the MOL designation of the surrounding area, it is considered the proposed residential care home would be an appropriate use within the wider residential context and would not affect the residential character or amenities of the locality.

Sustainable Design and Construction

The proposal incorporates a number of measures including a solar water heating system and solar roof panels sited on the south facing roof, the inclusion of a 'sedum' roof which is an insulant and the use of timber framed double glazed windows. In addition, the building is of timber construction and clad with timber boarding. The hard-surfacing parking area will be a constructed using a permeable material.

In the light of these measures, the proposal scores 78% against the Council's own sustainability assessment. It is considered that the proposal is in accordance with the objectives of Policy 4B.6 'Sustainable Design and Construction' of the London Plan.

Access and Traffic Generation

Vehicular access to the site would be from an existing entrance onto Firs Lane adjacent to the access to the adjacent car parking area and to the north of the junction of Firs Lane and Barrowell Green. Notwithstanding the proximity of these points, the level of traffic associated with the development is considered not to be significant and there would be no highway safety concerns.

Parking and Servicing

Parking provision for the proposed development would be 4 spaces. This level of provision is considered adequate for the type and intensity of proposed use and the number of staff attending the site.

The proposal would involve an increase in the area set aside for parking and servicing. Visually, this is acceptable as the parking area would be screened from the adjoining MOL and street scene by the retained and enhanced boundary landscaping. It is considered therefore that this would have minimal presence in terms of safeguarding the character and appearance of the Metropolitan Open Land. Nevertheless, a condition is recommended to ensure an appropriate surface and construction is employed to maximize sustainable surface water run off.

Conclusion

In conclusion, it is considered that “very special circumstances” exist to support a departure from normally applied policy in MOL regarding development with particular weight given to the proposed benefits associated with the use of this previously developed site.

Moreover, it is considered that the proposed building due to its size, bulk, siting and height would not have an undue detrimental impact on the character of the Metropolitan Open Land nor would it prejudice the residential amenities of neighbouring occupiers.

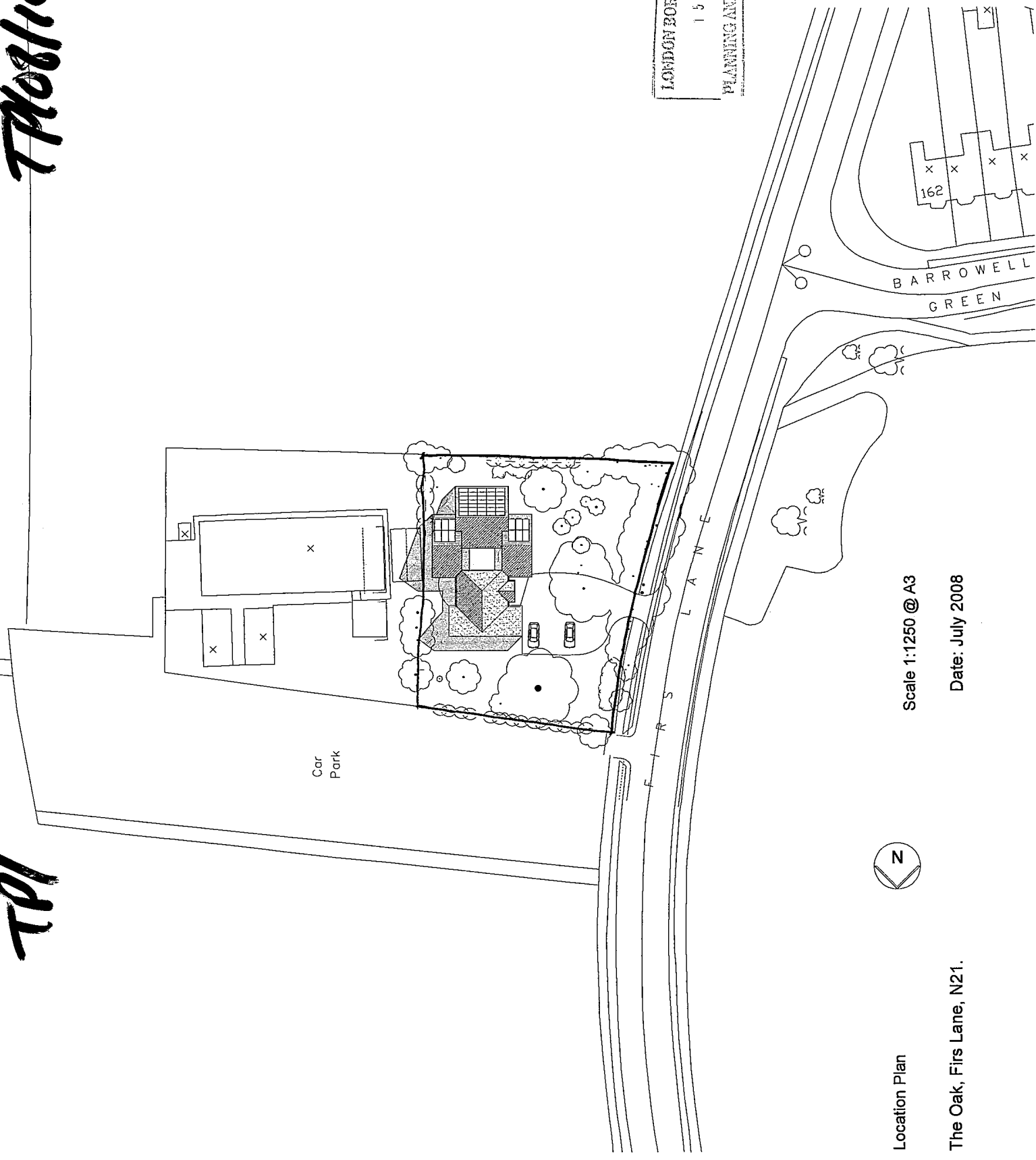
In the light of the above, it is recommended that the proposal is accepted for the following reasons:

1. The proposed development, due to the i) the continued vacancy of this residential property and the under utilisation of this previously developed land; ii) the established need for additional residential care facilities of this nature in the Borough; iii) the retention of the site's contribution to the open nature and character of the MOL; iv) the design of the proposed development not detract from the appearance of the site where visible and its contribution to the more open are of MOL surrounding the application site; it is considered that very special circumstances exist in this case to warrant departure from Development Plan Policy in order to allow development in Metropolitan Open Land having regard to Policies (II)O1, (II)O2, (II)GD3 (II)CS1 and (II)CS2 of the Unitary Development Plan and Policies 3d.10, 3A.13, 4A.3 and 4B.8 of the London Plan.
2. The proposed development does not result in conditions which would affect the residential amenities of nearby and neighbouring residential properties nor the wider residential character of the surrounding area having regard to Policies (I)GD1, (I)GD2 ,(II)GD1 and (II)GD3 of the Unitary Development Plan and Policy 4.b.8 of the London Plan.
3. The proposed development die to the access and parking proposed does not give rise to conditions prejudicial to the free flow and safety of vehicles using the adjoining highway having regard to Policies (II)GD8 and (II)GD8 of the Unitary Development Plan and Policies 3C.23 of the London Plan
4. The sustainability measures identified in the sustainability assessment form submitted on 15.07.2008 are considered to be sufficient to meet the requirements of Interim Policy SDC1 of the UDP, therefore achieving a suitable level of sustainable design and construction.

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LONDON BOROUGH OF ENFIELD
15 JUL 2008
PLANNING AND TRANSPORTATION

TPI

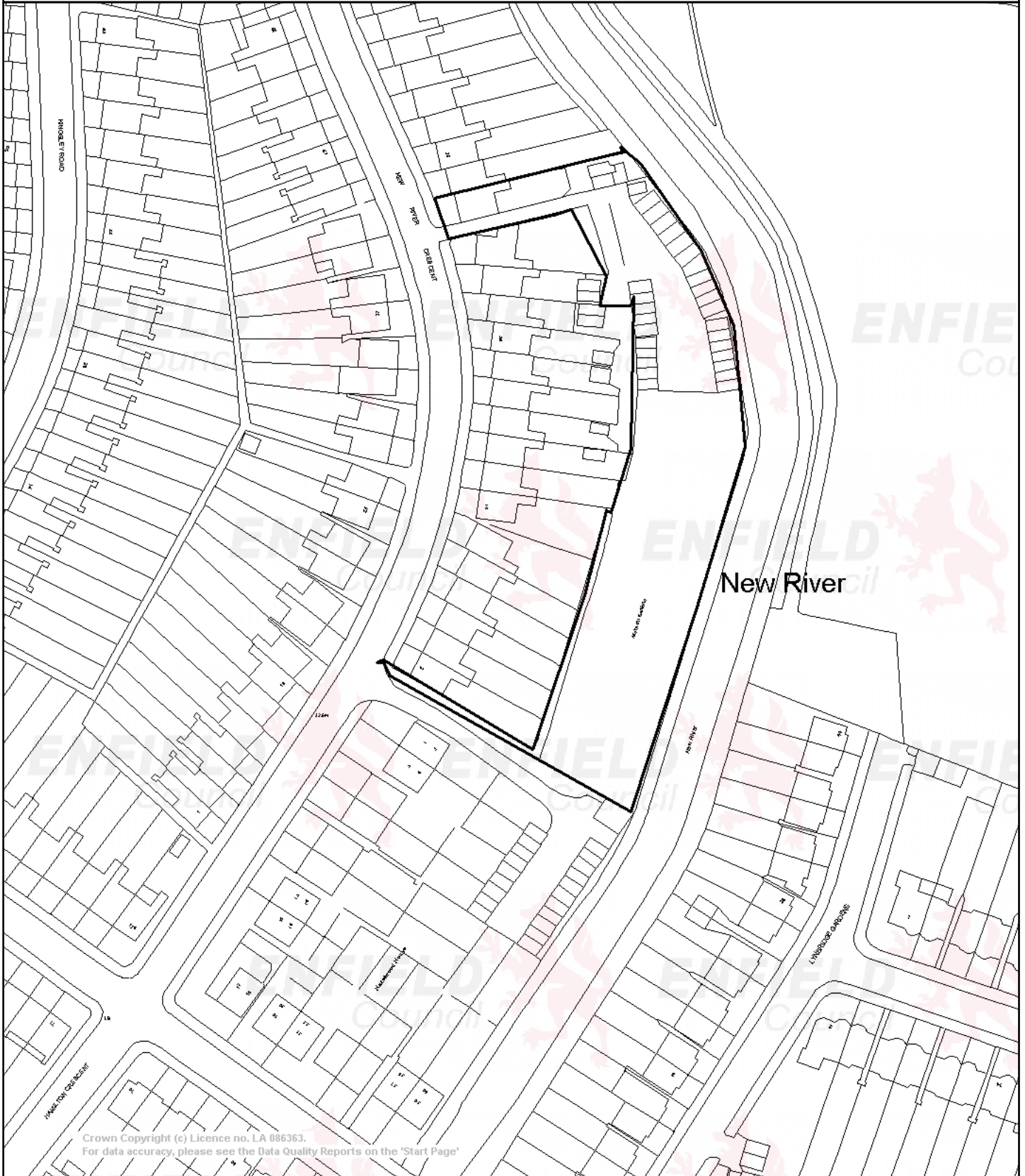


Scale 1:1250 @ A3
Date: July 2008



Location Plan
The Oak, Firs Lane, N21.

TP/09/0667



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Scale 1/1250 Date 15/7/2009

Centre = 531630 E 192788 N

Application Number: TP/09/0667 **Ward:** Palmers Green

Date of Registration: 18th May 2009

Contact: David Warden 3931

Location: 34, New River Crescent, And Land At Rear Of, 2-32, New River Crescent, London, N13 5RF

Proposal: Demolition of No. 34 New River Crescent and construction of an access road to facilitate the erection of a total of 36 residential units (incorporating 9 affordable units), comprising 33 units within two 3-storey blocks (6 x 1-bed, 10 x 2-bed, 13 x 3-bed, 4 x 4-bed), with accommodation in roof space, rear dormer windows, roof terraces and balconies to front and rear, together with conversion of detached garage block into 3 x 2-bed units, and provision of associated open and covered car parking bays.

Applicant Name & Address:

New Riverside
OFFICE
885, GREEN LANES
LONDON
N21 2QS

Agent Name & Address:

Stephens Design Associates
The Old Post Office Stores
Cottered
Nr Buntingford
Herts
SG9 9QL

Note to Members

At the July Planning Committee meeting, determination of this application was deferred to enable further advice from officers to be prepared in respect of certain issues: namely; overdevelopment of the site, amenity space provision and procedural matters. The further advises is set out below followed by the previous report for your reference.

Overdevelopment

Density

Concerns have been raised regarding the classification of the application within the PTAL 2-3 urban bracket of the London Plan.

The site lies within PTAL 1. However, the northwest boundary of the site is located only 10 metres outside of PTAL 2 and within 500 metres of Palmers Green District Centre. The relevant policy of the London Plan is entitled 'Maximising the potential of sites' and, in accordance with guidance within PPS3 on the most efficient use of land, the site has been considered within the higher PTAL 2-3 bracket.

The London Plan (2008) defines 'urban' as:

areas with predominantly dense development such as for example terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes [emphasis added]

'Suburban' is defined as:

areas with predominantly lower density development such as for example detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys [emphasis added]

It should be noted that there are few, if any, detached properties within the immediate surroundings. There are also a greater number of terraced dwellings and flats rather than semi-detached properties. Having regard to these definitions, it is considered the site lies within an 'urban' area; albeit it is closer to 'suburban' than 'central' (the most intensive category).

The above classification reflects that adopted during the assessment of Scheme C, which was refused by the Planning Committee in March 2008. Consequently, it was not a matter of dispute before the Inspector at the subsequent appeal nor was it questioned as part of the Inspectors own assessment during the appeal.

Notwithstanding any discussions that may have taken place at the Planning Committee meeting in July 2008, and giving checked the minutes of this meeting, Scheme B was not refused on the grounds of overdevelopment. The sole reason for refusal related to the visual impact of the proposal.

Whilst each application must be judged on its own merits, regard must be had to previous relevant decisions and appeal decisions. The current application provides for a less dense proposal than Scheme C and it is considered there has been no material change in circumstances that would support the introduction of a reason for refusal on the grounds of overdevelopment.

Scale and Bulk

The primary consideration for this application is whether the application has made sufficient changes to address the Inspectors previous concerns. Excluding overlooking, which is addressed in the conclusion below, these concerns involved the increase in height of the connecting and end blocks by 2.9 metres. The Inspector concluded these elements would appear unduly dominating and intrusive, as well as having an unacceptable impact on the outlook of adjoining occupiers.

In summary, the proposal has been reduced such that compared with approved Scheme B it now involves only a 400mm increase in height of at the eaves and 900 mm increase in height of the ridges of the connecting and end blocks. These eaves and ridges will be over some 27 and 29.5 metres from the nearest dwelling, respectively, and over 9 and 11.5 metres from the end of the nearest garden, respectively.

Having regard to these factors, it is considered that this revised scheme would no longer result in a dominant or intrusive impact on the character of the area, nor would it unduly affect the outlook of adjoining occupiers.

Amenity Space

Concerns were raised regarding the use of the Net Internal Area of the building for the assessment of the amount of amenity space required. However, this figure constitutes the combined Gross Internal Area of each of the flatted units themselves and in terms of continuity, reflects the method of assessment within previous schemes.

Concerns were also raised that the New River acts as a barrier, restricting access to Hazelwood Sports Ground. However, taking the pedestrian footbridge over the New River located to the north of the site, the site is only 150 metres walking distance to the children's play area in the northwest corner of the recreation ground.

Overall, the current proposal results in proportionately the same amount of amenity space as Scheme C, where the Inspector did not dismiss the appeal on these and there has been no material change in circumstances that would warrant a different approach to this proposal. Without a material change in circumstances, no robust grounds are felt to exist to warrant refusal of this application.

Procedural matters

In respect of density and amenity space provision, Members have been advised that to refuse this current application on either ground would be difficult to justify and unlikely to be supported on appeal.

In particular, Circular 03/2009 deals with costs at appeals

Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

While planning authorities are expected to consider the views of local residents when determining a planning application, the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence. Planning authorities should therefore make their own objective appraisal and ensure that valid planning reasons are stated and substantial evidence provided

It is recognised that the Committee should not be unduly cautious when making decisions due to the risk of costs at appeal. However, the sums involved can be substantial and act as a drain on public funds. Members need to acknowledge that it may be inappropriate to pursue a course of action that had little or no prospect of success.

Other matters

Since the last meeting one further objection has been received stating concerns that reflect those detailed in the main report.

A signed unilateral undertaking has now been received that adequately secures the education contribution and the affordable housing provision.

Conclusion

In summary, the current scheme:

- 1) is **less dense than Scheme C**, where no objection was raised to density;
- 2) provides for **proportionately the same amount of amenity space** as Scheme C, where the Inspector did not dismiss the appeal on these grounds;
- 3) provides for **proportionately more parking** than both Scheme B and Scheme C, neither of which were refused due to the amount of parking;
- 4) **removes the overlooking concerns** of the Inspector in the Scheme C appeal;
- 5) the scheme provides a **housing mix that almost precisely mirrors** that sought in the Housing Needs Assessment.
- 6) one of the **additional units is within the garage block reflecting Scheme C, the other is an additional affordable unit**
- 7) involves **only a 400 mm increase in height of at the eaves**, which are themselves **located over 27 metres from the nearest dwelling** and over 9 metres from the end of the nearest garden
- 8) involves **only a 900 mm increase in the height of the ridges**, which are themselves **located over 29.5 metres from the nearest dwelling** and over 11.5 metres from the end of the nearest garden

It is considered the matter upon which the authority must take a balanced view relates to the scale and bulk of the proposed building; as stated above, to seek to refuse the application on the other grounds discussed would be unreasonable.

Having regard to all relevant factors, it is considered that the proposed increase in height of the connecting blocks would not warrant the refusal of planning permission. Accordingly, the recommendation remains that permission be granted.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. No development shall take place until full details of the existing and proposed ground levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian accesses, junctions and circulation areas, street and other forms of external lighting (including mitigation for the New River), and surfacing materials/markings have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details.

Reason: To ensure that they are constructed to satisfactory standard, in the interests of safety, access needs of the proposed use, visual amenity and amenities of the adjoining occupiers.

2. The development hereby approved shall not commence until a mechanism to secure the provision of no waiting restrictions at the site access has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the free flow of traffic and highway safety.

3. The parking areas shown on approved plan 05/557/31C received by the Local Planning Authority on 8th May 2009 shall be provided prior to the occupation of the dwelling to which they relate and shall be only be used for the parking of private motor vehicles and shall not be used for any other purpose.

Reason: To ensure that the development complies with Unitary Development Plan Policies and to prevent the introduction of activity which would be detrimental to amenity.

4. That development shall not commence on site until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall contain: a photographic condition survey of the roads and footways leading to the site, details of construction access and vehicle routing to the site, arrangements for vehicle servicing and turning areas, arrangements for the parking of contractors vehicles, arrangements for wheel cleaning, arrangements for the storage of materials, hours of work. The development shall then be undertaken in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the implementation of the development does not lead to damage to the existing roads, prejudice highway safety or the free-flow of traffic on New River Crescent, and to minimise disruption to neighbouring properties.

5. The development hereby approved shall not be occupied until the measures set out in the Marishal Thompson & Co Ecological Assessment dated 30th June 2006 have been completed.

Reason: To minimise the impact of the proposal on the natural environment and maximise the potential for ecological diversity.

6. The development shall not commence until details of trees, shrubs and grass to be planted on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to enhance the natural environment in accordance with the objectives of PPS9. The planting scheme shall be carried out in accordance with the approved details in the first planting season after completion or occupation of the development whichever is the sooner. Any planting which dies, becomes severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details.

Reason: To provide a satisfactory appearance and ensure that the development does not prejudice highway safety.

7. The development hereby approved shall not commence until a bat survey has been undertaken, in accordance with the most recent guidance published by Natural England, and any necessary mitigation measures completed in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proposal does adversely affect a protected species.

8. No development shall take place until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage (SuDS) scheme, in accordance with the principles of sustainable drainage systems set out in national planning policy guidance and statements, and the results of that assessment have been provided to the local planning authority. The assessment shall take into account the design storm period and intensity; methods to delay and control the surface water discharged from the site; and measures to prevent pollution of the receiving groundwater and/or surface waters.

Reason: To ensure that the proposal would not result in an unacceptable risk of flooding from surface water run-off or create an unacceptable risk of flooding elsewhere.

9. Surface water drainage works shall be carried out in accordance with details that have been submitted to, and approved in writing by, the local planning authority before the

development commences. Those details shall include a programme for implementing the works. Where, in the light of the assessment required by the above condition, the local planning authority conclude that a SuDS scheme should be implemented, details of the works shall specify:

- i) a management and maintenance plan, for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime; and
- ii) the responsibilities of each party for implementation of the SuDS scheme, together with a timetable for that implementation.

Reason: To ensure implementation and adequate maintenance to ensure that the proposal would not result in an unacceptable risk of flooding from surface water run-off or create an unacceptable risk of flooding elsewhere.

10. C07 Details of Materials

11. C19 Details of Refuse Storage & Recycling Facilities

12. C59 Cycle parking spaces

13. C51A Time Limited Permission

Site and Surroundings

The site is located to the rear of no's 2 to 32 New River Crescent and includes no. 34 New River Crescent. The northern part of the site has 28 garages whilst the southern part of the site is vacant. The southern was previously used as allotments gardens but became overgrown since the cessation of the use. This part of the site was subject to enforcement action regarding rodents, rubbish and its unkempt nature and as a result, the site has now been cleared.

Immediately to the west of the site is the New River, which lies adjacent to the Hazelwood Sports Grounds. On all other sides, including the southwest, the site is surrounded by 2 storey semi-detached and terraced houses.

Proposal

Permission is sought for the redevelopment of the site for residential use. The proposal includes the demolition of the end-of-terrace house at no. 34 New River Crescent to provide a widened access to the site off New River Crescent.

The application includes 36 units comprising 6 x 1 bed, 10 x 2 bed, 13 x 3 bed and 4 x 4 bed flats in two part 2 storey and part 3 storey blocks with dormer windows to the eastern elevation providing accommodation in the roof and 3 x 2 bed residential dwellings in the converted garages retained on the northern part of the site. All other garages on the site will be demolished.

The plans show a total of 45 car parking spaces, including 6 'unallocated' spaces. Cycle storage for 44 cycles is provided within the ground floor area of the connecting blocks linking the three storey elements, at the end of some of the undercroft parking spaces, under the stairs to the former garage blocks and within storage areas adjacent to the speed humps near Blocks C and D.

Relevant Planning Decisions

TP/08/0115 Demolition of No. 34 New River Crescent and construction of an access road to facilitate the erection of a total of 39 residential units (8 x 1-bed, 14 x 2-bed, 11 x 3-bed, 3 x 4-bed) in two 3 storey blocks, incorporating accommodation in roof space with rear dormer windows, roof terraces and balconies to front and rear, together with conversion of detached garage block into 3 x 2-bed units, and provision of associated open and covered car parking bays, refused in March 2008 for the following reason:

1. The proposed development due to its size and massing would result in the introduction of an overly dominant and visually intrusive form of development detrimental to the character and appearance of the surrounding area and the visual amenities enjoyed by neighbouring properties, as well as providing the perception of overdevelopment of the site, contrary to Policies (I)GD1, (I)GD2, (II)GD3, (II)H9, (I)EN3, (II)EN9, (II)EN11, and (II)O10 of the Unitary Development Plan and Policy 4B.8 of the London Plan as well as the objectives of PPS1 and PPS3.

An appeal was dismissed in November 2008. The Inspector considered the increased height and massing of the connecting blocks would appear unduly dominating and obtrusive, which in turn would also adversely affect the outlook of residents in New River Crescent. In addition, the Inspector considered the additional overlooking from the Velux style rooflights and replacement of only bedroom windows with some living room and kitchen windows to the second floor level of the western elevation. (Scheme C)

TP/06/2450 Demolition of building at 34 New River Crescent and erection of 32 residential units (comprising 4 x 1 bed, 22 x 2 bed and 6 x 3 bed) in 2 pairs of part 2, part 3 storey blocks with accommodation in roof space and rear inverted dormer terraces, roof terraces, together with conversion and extension of existing single storey building into 2 one bed studio flats and access to New River Crescent and associated car parking (revised scheme), refused February 2007, allowed on appeal October 2007. (Scheme B)

TP/06/1439 Demolition of building at 34 New River Crescent and erection of 32 residential units (comprising 30 x 2 bed and 2 x 3 bed) in 2 pairs of 4 storey blocks with balconies to the east elevation, together with part demolition and conversion of existing single storey building into 2 one bed studio flats and access to New River Crescent and associated car parking, refused October 2006, dismissed on appeal October 2007. (Scheme A)

Consultation

Public

Consultation letters issued to 371 neighbouring properties and a total of 249 responses received objecting to the application. These comprise 222 standard letters and 27 individual letters and raise some or all of the following points:

Character and appearance issues:

- Scheme B should be considered to be the absolute limit for development
- Increase in the number of residents from 134 to 161 (20%)
- Overdevelopment of this backland site
- Density at 88 units per hectare exceeds PTAL 0-1 in the London Plan
- Significant reduction in amenity space, but increase in family accommodation outside of any guidelines
- Height and scale of the connecting blocks to the same height as the eaves of the main blocks, resulting in a loss of visual relief

- Out of keeping with the surrounding houses
- Increased size and scale of the retained and altered garage block
- Too many units, too many storeys
- Demolition of no. 34 compromises the integrity of the terrace
- Lack of sensitivity to the original form of the estate
- Impact on the character of the area

Impact on neighbouring property and future residents issues

- Overlooking of dwellings and the park
- Increase in windows to the eastern elevation
- Loss of outlook
- Reduction in visual relief

Noise and disturbance

- Lack of amenity space
- Low quality accommodation proposed providing for related social issues
- Loss of light
- Increased pollution
- Reduction in standards of accommodation for future occupiers
- Closer to Lynbridge Gardens than previous scheme
- Stress to residents from repeat applications

Highway issues:

- Increased traffic due to a 20% increase in residents
- Impact on parents and children using Hazelwood School
- Lack of parking
- Parking below UDP standards
- Impact on road safety, in particular from additional parked cars
- Worsening of the effective single lane created by parked cars to New River Crescent, compounded by the curve in the road
- Congestion in the wider area
- Impact on emergency access
- Impact from other nearby developments
- Road is a cut through
- Impact during construction
- Part of the access is not within the ownership of the applicant

Sustainability and environmental issues:

- Greenfield site
- Loss of natural habitat
- Impact on a protected species
- Light pollution
- Impact on surrounding trees
- Site is part of the natural flood plain
- Natural springs have previously appeared
- Loss of allotment land

Other matters:

- Lack of capacity at local schools and healthcare facilities
- Increased pressure on local infrastructure will be detrimental to existing and new residents

- Lack of sewer capacity
- Precedent
- Lack of need for additional housing, particularly in the current climate
- Change in mix of the units
- Reduction in the number of smaller more affordable units
- Potential for increased crime and anti-social behaviour
- Loss of a single family dwelling
- Lack of street lighting
- Potential for increased risk of flooding
- Inaccurate representation of the site levels
- Inconsistent site area between Scheme's B and Scheme D, the description of external amenity rather than total amenity and the extent of reduction in property price in the sales values
- Misleading that it represents only minor alterations
- Impact of the housing market is not sufficient basis for further development
- Impact on surrounding properties prices
- Repeated applications aim to 'wear down' residents
- Scheme B should never have been granted permission

A letter of objection from Friends of Hazelwood Rec has also been received stating the following concerns:

- Principle of development
- Development would be an eyesore for park users, in contrast to the existing gardens of two storey houses that border the site
- Loss of secluded quiet nature of Hazelwood Rec, one of few available open and sporting areas
- Overlooking
- Over dominant
- Scale, particularly adjacent to the New River corridor will increase the detrimental environmental impact
- Loss of habitat
- Impact on future plans to open up the rec to part of the New River

External

Thames Water has no objections to the application, subject to directives regarding surface water drainage and protection of the New River.

Natural England has no objection subject to conditions regarding a lighting strategy, measures to enhance the natural environment and a bat survey of no. 34 New River Crescent.

London Fire & Emergency Planning Authority (LFEPA) is satisfied with the proposals.

Any other responses will be reported at the meeting.

Internal

Director of Education comments the potential average annual pupil product taken to the nearest whole numbers is the same as for the previous application: an average of 4 primary aged pupils and 1 secondary aged pupil a year. As there is inadequate spare capacity in local schools. A financial contribution of £72,222 has been secured.

Housing Strategy states that a residual value of more than £1 million is generated when using the Established Use Value of £500k as in scheme B, which already includes an element of affordable housing. In this Scheme, Housing Strategy note that the a higher Established Use Value has

been assumed of £1,772,000, thereby reducing the contribution to affordable housing. This potentially affects the benefits to the provision of affordable housing.

The Place Shaping Team have no comments to make.

Any response from the Enabling Team, the Head of Economic Development or Cleansing will be reported at the meeting.

Relevant Policies

London Plan (2008)

3A.1	Increasing Supply of Housing
3A.2	Borough Housing Targets
3A.3	Maximising the potential of sites
3A.5	Housing choice
3A.6	Quality of new housing provision
3A.8	Definition of affordable housing
3A.9	Affordable housing targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.11	Affordable housing thresholds
3A.17	Addressing the needs of London's diverse population
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.14	Biodiversity and Nature Conservation
4A.3	Sustainable Design and Construction
4A.7	Renewable Energy
4A.14	Sustainable drainage
4B.2	Architectural design
4B.8	Respect the context of local communities
Annex 4	Parking standards.

Unitary Development Plan

(I)GD1	Regard to Surroundings / Integrated into Local Community
(I)GD2	Quality of Life and Visual Amenity
(II)GD3	Character / Design
(II)GD6	Traffic Generation
(II)GD8	Site Access and Servicing
(II)H6	Range of size and Tenure
(II)H8	Privacy and Overlooking
(II)H9	Amenity Space
(II)T13	Creation or improvement of accesses
(I)EN3	Nature conservation
(II)EN9	Development in sites of nature conservation importance
(II)EN11	Wildlife Corridors
(II)O6-O9	Green Chain Corridors
(II)O10	Regard to the contribution of open land.

Local Development Framework - Core Strategy Preferred Options

The Planning and Compulsory Purchase Act 2004 requires the Council to replace the UDP with a Local Development Framework (LDF). The LDF Core Strategy will set out the spatial vision and strategic objectives for the Borough. The Core Strategy is at an early stage in its adoption process. As this continues the weight given to it will grow and the relevant objectives are reported to demonstrate the degree to which the proposals are consistent with the emerging policy direction.

- SO1 Sustainability and Climate Change
- SO2 Biodiversity
- SO3 Protect and enhance Enfield's environmental quality;
- SO6 High quality, sustainably constructed, new homes to meet the aspirations of local people
- SO8 Affordable Housing, Family Homes and Social Mix
- SO11 Safer and stronger communities
- SO16 Preserve the local distinctiveness
- SO17 Safeguard established communities and the quality of the local environment
- SO21 Sustainable Transport

Other Material Considerations

- PPS1 Delivering Sustainable Communities
- PPS3 Housing
- PPG13 Transport

Analysis

Principle

The principles associated with the residential development of this site including form, appearance and relationship to neighbouring properties together with vehicular access onto New River Crescent, has been established by previous planning decisions. In particular, the planning permission granted under ref: TP/06/2450 (Scheme B), which was allowed on appeal, accepted 34 units.

In addition, although a further application for 39 units was refused (ref. TP/08/0115 – 'Scheme C'), and an appeal against this decision dismissed, the Inspector concluded that 1) the increased height and massing of the connecting and link blocks along with the creation of a would result in an unduly dominating and intrusive development; 2) this same increase would result in a loss of visual relief creating a more dominating and imposing development detrimental to the amenities of neighbouring residents, primarily in New River Crescent; and 3) the introduction of more actively used rooms in the upper floors of the west elevation and the overall increase of windows at a higher level would create additional overlooking resulting in an unacceptable loss of privacy. There was no mention of any objection to the density and number of residential units proposed.

These previous planning applications and appeal decisions are key material considerations in determining acceptability and in particular, weight must be focused on whether the concerns of the Inspector in assessing 'Scheme C', have now been addressed.

The main considerations of this application will be whether the increased number of units, revised mix and alterations to the scheme would result in an unacceptable impact on the character and appearance of the area, neighbours amenities or highway safety when compared with both the approved 'Scheme B', the Inspectors findings in relation to 'Scheme C' and the appropriate policies.

Character and Appearance of the area

Density

The site lies within 500 metres of Palmers Green district centre within an area characterised by a mixture of terraced and semi-detached houses but few high density developments. For the purposes of the London Plan (2008) density matrix, it is considered the site lies within an urban area; albeit it is closer to suburban than central. Whilst the site is located within PTAL 1 its proximity to Palmers Green district centre and associated public transport indicates it should be considered within the higher PTAL 2-3 bracket. The density matrix suggests a density of 200 to 450 habitable rooms per hectare. Given the predominance of units with more than 3.8 habitable rooms within the vicinity of the site the matrix suggests a unit range of 45 to 120 units per hectare, which is the least dense option within PTAL 2-3 Urban. Taking into account the above, particularly the distance from Palmers Green district centre, as well as the sites location within Green Chain Corridor, Wildlife Corridor and Site of Nature Conservation Importance on the UDP proposals map, and the New River being a Site of Metropolitan Importance for Nature Conservation, it is considered that an acceptable density could be towards the middle of the 200 to 450 hrph range: around 325 hrph.

The application proposes 36 units (6 x 1-bed, 13 x 2-bed, 13 x 3-bed, 4 x 4-bed). This results in 124 habitable rooms giving a residential density of 302 hrph or 88 u/h. The proposed density therefore lies below the desired mid point of the range identified above. However, it is an increase from the 257 hrph or 83 u/h in the approved 'Scheme B', although here the Inspector acknowledged the density to be at the lower end of the density range for flats in this area set out in the London Plan. . Furthermore, though 'Scheme C' sought permission for 39 units with a density of 317 hrph or 95 u/h, it was not refused due to a conflict with these density standards or on grounds of overdevelopment.

The question of whether the proposed scheme represents an appropriate form of development and not an overdevelopment of the site, however, must involve more than a numerical assessment. It must take into account the relationship of the development to its surroundings and the streetscene, as well as its impact on residential amenity to establish acceptability.

'Scheme C' sought to provide an additional storey of accommodation in the connecting link and end blocks. This entailed an increase in ridge and eaves height of 2.9 metres creating a three storey façade and a continuous eaves line. The application was refused due to the resultant visual impact and the perception that it resulted in overdevelopment of the site'. The Inspector concluded that these elements appeared unduly dominating and intrusive, but made no specific reference to overdevelopment of the site when dismissing the appeal.

The current proposal also seeks to increase the height of the connecting link and end blocks. However, the extent of the increases are far more limited with the ridge height increasing by only 0.9 metres and the eaves height by only 0.4 metres. This retains a separation from the main ridge and eaves of 3 and 2.5 metres, respectively, and, in particular, two storey façades to the link and end blocks. The design elements will be discussed in more details below. However, it is considered that notwithstanding the increases in height, the link and end blocks will remain subordinate to the main buildings and retain the 'outbuilding' like appearance an important characteristic present in 'Scheme B' but lacking in 'Scheme C'.

The additional unit within the garage block will also add to the overall quantum development. However, this is considered to be acceptable and has not been highlighted as an issue by the previous Inspector

Overall, the numerical assessment provides that the proposed density is acceptable and although there is an increase in height in the connecting links and end blocks, this is sufficiently limited to address the visual impact which was of concern in Scheme C.

Amenity Space

The scheme proposes approximately 1,418 square metres of amenity space, of which approximately 260 square metres is in the form of balconies and terraces. The GIA of the units is approximately 2,733 square metres and therefore, the amenity space required is 1,975 square metres. The proposal achieves only 52% of the overall GIA. In addition, 18% of the total amenity space is provided as balconies and terraces against a maximum UDP standard of 15%. Compared with previous proposals, the approved appeal 'Scheme B' and dismissed appeal 'Scheme C' included amenity space at levels of 66% and 52% of the GIA with 24% and 26% of the amenity space provided in the form of balconies and terraces, respectively.

In addition, the Inspector for 'Scheme B' considered that a level below the UDP standard was acceptable, placing weight on the level of space around the buildings rather than a numerical standard. Weight was also given to the proportion of one bedroom units, the open setting to the east of the site and guidance within both the London Plan and PPS3 regarding more efficient use of land.

In respect of 'Scheme C', the Inspector discussed the proposed increase in size of the buildings without any equivalent increase in surrounding space that provided their visual setting. However, he concluded that matters relating to height and massing were more relevant in reaching an assessment on the relative merits of the scheme in visual terms. In addition, he noted that the Council did not allege the amount or type of amenity space would be insufficient for recreational purposes and concluded that the matters of height

This current scheme proposes a similar level of external amenity space as 'Scheme B' and 'Scheme C'. However, it involves reduced terraces, in favour of internal accommodation. The proportion of amenity space provided as balconies and terraces is much closer to the adopted standard than within either of the previous schemes. However, this is due to the reduction in the terraced areas; rather than any increase in external amenity space. The size of the terraces and their consequent potential for noise and disturbance was the subject of objection from local residents; the benefits of their reduction are discussed in more detail later. The scheme also involves a larger proportion of family sized units in relation to 'Scheme B'. However, this was also the case with 'Scheme C'.

Overall, whilst the current scheme proposes a material reduction in the proportionate amount of amenity space and includes more family sized units in relation to 'Scheme B', the space around the buildings remains largely unchanged and the site remains adjacent to a large recreation ground. Furthermore, the proportion of amenity space is comparable with that found acceptable in 'Scheme C'. Having regard to the requirements of the London Plan and PPS3 regarding the efficient use of land, the proposed level of amenity space is considered acceptable and remains consistent with the principles previously established.

Design and Appearance

The overall architectural design of the scheme reflects that previously approved and is considered acceptable. The changes to the scheme by comparison with approved 'Scheme B' largely relate to the increase in height of the linking and end blocks and reduction in terraced areas in favour of internal accommodation, as well as the retention of further garage units to provide an additional unit.

First taking the garage conversion, the proposal seeks to retain a further 6.2 metres of the garage block and also includes an amended roof structure that is approximately 0.5 metres higher. The resulting building is 6.8 metres high and 18.2 metres wide, as was the case with 'Scheme C'. Whilst this will further increase the height of the existing garage buildings, as well as reading as a larger mass, it is not considered that this will unduly impact on the character and appearance of the surrounding area. Furthermore, as stated above, the Inspector did not include this element of the scheme as a matter of concern between the parties at the appeal. The alteration to this element is, therefore, considered acceptable.

As discussed above, the ridge and eaves heights of the link and end blocks have increased in height by 0.9 and 0.4 metres, respectively, when compared with approved 'Scheme B', reducing the separation from the main ridge and eaves from 3.9 to 3 metres and 2.9 to 2.5 metres, respectively. In 'Scheme B' the Inspector's decision gave considerable weight to the form and horizontality of the approved scheme stating "the roofs...would be pitched, and this would give something of a linear form to the development notwithstanding their truncated ridges". It went on to state that "the connecting blocks would give a further horizontal theme to the buildings and they would generally appear as outbuildings in relation to the main blocks. The size and magnitude of the individual blocks would be comparable with that of other pairs of dwellings in the area" concluding that this would not be out of keeping. In 'Scheme C' the connecting blocks were increased by 2.9 metres leaving only 1 metre of separation from the main ridge and in the respective appeal the Inspector considered that "the raised height of the connecting links would erode the gaps between the upper floors of the main blocks...they would significantly alter the 'size and magnitude' of the individual blocks which would no longer be comparable to other pairs of dwellings in the area" before concluding that "the increased height and massing of the secondary elements would result in an unacceptable increase in the overall bulk of the development at its higher levels". In respect of the current proposal, the degree of the increase in ridge and, in particular, eaves height is considerably more limited than in 'Scheme C'. There is not a continuous eaves line and the link and end blocks provide for a subordinate appearance stepping down from a three to a two storey façade. Having particular regard to the limited extent of the increase above approved 'Scheme B' and the retention of a two storey façade to the connecting blocks, it is considered that the proposal would not result in an increased height and massing that would be dominating or intrusive as was the case with 'Scheme C'. As such, having regard to all of the above matters, it is considered this element of the proposal is acceptable.

As with 'Scheme C', Block C and the north east corner of block D have been re-sited approximately 1 and 0.5 metres closer to the New River, respectively; it is understood this is due to a boundary dispute at the rear of no. 16 New River Crescent. However, it is not considered this materially alters their relationship with the New River such that it forms an unacceptable element of the proposal.

Housing Mix and Affordable Housing Provision

The approved 'Scheme B' included 18% 1 bed, 65% 2 bed and 18% 3 bed units. The dismissed appeal 'Scheme C' was amended during the course of the application to more closely align with the current housing needs assessment, which focuses on the need for larger family sized accommodation. This provides for a preferred mix of 13% 1 bed, 37% 2 bed, 36% 3 bed and 14% 4 bed units.

The current application proposes a mix of 17% 1 bed, 36% 2 bed, 36% 3 bed and 11% 4 bed units, which almost mirrors that set out within the housing needs assessment. This offers a significant improvement over the approved appeal 'Scheme B'. If considered on the basis of habitable rooms, 59% of the overall scheme now comprises 3 and 4 bed units, with 70% of the affordable habitable rooms comprising 3 and 4 bed units.

Notwithstanding the acceptability of the massing discussed above, this improvement of housing mix and provision of 3 and 4 bed affordable units must also weigh in favour of this scheme.

The scheme includes 9 affordable units, comprising 3 x 1 bed intermediate units and 1 x 2 bed, 4 x 3 bed and 1 x 4 bed social rented units. This forms 25% of the overall scheme on a unit basis or 23% on a habitable rooms basis, which approximately accords with the approved appeal 'Scheme B'. The mix of these units has, however, significantly improved to more 3 and 4 bedroom units.

The current application was accompanied by a Three Dragon Toolkit Appraisal which seek to establish the level of affordable housing that can be viably provided on the site having regard to the relevant costs involved. Based on current prices the appraisals provided for the approved 'Scheme B' and the current proposal show a loss £131,000 and additional profit of £54,000 against site acquisition costs. In addition, the requisite education contribution has been increased by approximately £25,000, which would make these values approximately minus £156,000 and £29,000, respectively.

Housing Strategy considers that the existing use value should not include the additional value of the land created by the approval of 'Scheme B'. The applicant contends that this is the proper approach having regard to the guidance notes. Housing Strategy's concern is that when compared with what they consider should be the existing use value (EUV) there is a surplus of approximately some £1,000,000 within the appraisal available for contribution towards affordable housing. However, this surplus would only be present if the land were to be available for development at a price that excluded any 'hope value', or indeed now development value created by the extant permission of 'Scheme B'. In this instance, the developer has provided details of the site acquisition costs and these show that a limited additional profit that would be unlikely to justify additional affordable housing provision.

Housing Strategy has suggested that the developer be required to reduce the rate at which they are selling the units to the Registered Social Landlord (RSL) to reduce the reliance on Housing Corporation grant funding. However, the previously accepted Unilateral Undertakings sought only to secure the provision of affordable housing and not the price at which units could be sold to an RSL.

Moreover, the current application seeks to provide an additional 2 units and a revised mixed. Of the 2 additional units provided one is an additional affordable unit and whilst overall the units provided are larger this is also the case with the 9 affordable units provided. Overall, the scheme provides a comparable respective amount of affordable housing to that agreed in 'Scheme B' and 'Scheme C' and as there has been no material change in policy it would be difficult to justify additional provision without clear evidence that there was a true surplus available within the relevant development appraisal. In this instance, it is considered, on balance, that an acceptable level of affordable housing is proposed.

Having regard to all of the above matters, the proposed mix and affordable housing provision is, therefore, considered acceptable.

Impact on Neighbouring Properties

Outlook and Privacy

In 'Scheme C' the Inspector considered that the increased height and bulk of the secondary elements would effectively remove the visual relief provided by these previously subordinate elements. He concluded this would result in a more dominating and imposing development that would impinge upon the outlook of the properties fronting New River Crescent and to a more

limited extent the nearest properties in Lynebridge Gardens. The current scheme also seeks to increase the height of these secondary elements. However, as discussed above, the increase is far more limited. In particular, the increase is largely involves the increase of a roof that slopes away from the properties within New River Crescent and is located on the opposite site of the building to the properties in Lynebridge Gardens. Where 'Scheme C' provided for an entirely three storey façade, the secondary elements within the current proposal would be retained at two storey. It is considered this would largely retain the visual relief that was found to be necessary by both Inspectors. Having regard to the above matters, it is considered that the proposed increases to the secondary elements would be sufficiently limited that they would not impinge upon the outlook of the existing residents.

In relation to privacy, the 'Scheme C' Inspector considered the addition of velux style rooflights and more actively used rooms to the second floor facing west towards the properties fronting New River Crescent to resulting in an unacceptable loss of privacy. The current scheme does not propose velux style rooflights to western elevation and returns the second floor plan to provide only bedrooms with west facing windows. As such, it is considered these elements of the proposal reflect 'Scheme B', and would not result in material increase in overlooking.

The scheme includes minor changes to the fenestration at first floor level of the link blocks on both the east and west elevations, as well as some alterations to the configuration of the windows at third floor level to the north and south ends of each block. However, these largely serve bedrooms and, moreover, it is not considered these changes would result in a material increase in overlooking from the development. Four velux style rooflights to each block are now proposed to the east elevation. However, the views from these rooflights would be comparable with, if not more limited than, those available from the inset balconies that reflect those previously approved with 'Scheme B' and their limited number, as well as the separation distances and angles involved, would serve to prevent an unacceptable loss of privacy or the perception of being overlooked.

The proposed balconies and roof terraces, albeit reduced in size, reflect the positions approved within 'Scheme B'. They will largely overlook the recreation ground, which is a matter supported by the principles of Secure By Design. The potential for overlooking from these balconies to the rear of Lynbridge Gardens was a matter that the Inspector noted with slight concern but ultimately found to be acceptable. Whilst the current buildings have been re-sited approximately 1 metre closer to Lynbridge Gardens, a separation distance of approximately 23.5 metres to the end of the garden to no. 40 Lynbridge Gardens and 39 metres to the rear of the property itself are retained and it is not considered this would result in a material increase in overlooking. However, notwithstanding the above, the developer has agreed to provide a 1.8 metre high screen to the southernmost block that will ensure any views from this terrace will be to the south. Having regard to the Inspectors decision in relation to 'Scheme B', it is considered any views in the direction of the rear of Lynbridge Gardens from the remaining terraces, would be sufficiently distant and/or oblique to prevent an unacceptable level of overlooking.

There have been some minor changes to the remaining balconies. However, it is not considered these alterations would have any materially greater impact on the surrounding properties.

The accuracy of the submitted ground levels has also been raised as a concern. However, these reflect those submitted and agreed at both appeals and appear to reflect those present when visiting the site.

Overall, having regard to all of the above matters and findings Inspectors findings, it is considered that the current proposal would not result in an unacceptable loss of outlook or privacy to the surrounding residents.

General noise and disturbance

The impact on no. 36 New River Crescent in respect of noise and disturbance from the proposed access was considered acceptable in the approved scheme. It is not considered that the extra 2 units with a revised overall mix would result in additional traffic movements that would materially increase this level of noise and disturbance. In addition, the current application includes speed reducing features within the access that will move vehicles away from the side of no. 36 New River Crescent and thus reduce the level of noise from vehicles transmitted to this property. Moreover, the current layout reflects that of 'Scheme C', where this element was found to be acceptable.

As detailed above, the scheme involves reduced elevated terraces. Notwithstanding the acceptability of these areas within both 'Scheme B' and 'Scheme C', their reduction in size will serve to limit the potential for noise and disturbance that would be detrimental to the amenities of nearby residents. Moreover, these areas will be infilled with accommodation that would act as a significant barrier to the passage of sound further reducing the potential for disturbance.

Whilst the 2 additional units and revised mix would result in a greater intensity of use, it is considered that the increased activity on the site, given the residential nature of the proposal, would not unduly detract from the residential amenities of neighbouring occupiers. Furthermore 'Scheme C' involved a greater number of units and habitable rooms where these matters were found to be acceptable.

Parking and Access

The current proposal includes a total of 45 car parking spaces, 6 of which are 'unallocated' along the access way and 4 of which are disabled spaces, along with 44 cycle spaces. The previously approved scheme included 42 spaces for 34 units, resulting in a ratio of 1.2 spaces per dwelling. In the current scheme, the ratio increases to 1.3 spaces per unit, this is an improvement upon both the approved 'Scheme B' and dismissed appeal 'Scheme C'.

Transportation have though raised concerns regarding the excessive reversing distance for fire appliances and refuse freighters although this has not changed from the previous schemes and it must be noted that the London Fire and Emergency Planning Authority do not object to the proposals. Further matters have been raised regarding the nature of the access construction, access junction detail and surfacing of the southern footpath. However, these matters can be adequately addressed by the proposed details conditions.

The proposal includes an additional 2 units over the approved scheme with a revised mix of units as discussed above. However, it is considered that this limited increase in traffic movements could be accommodated on New River Crescent and adjoining highways and would not result in an unacceptable risk to highway safety.

Overall, it is considered that, subject to standard conditions, the proposed access and parking arrangements are acceptable.

Sustainable Design and Construction

The proposal incorporates green roofs on the flat tops of the 3-storey blocks and permeable and green paving for areas of hard surfacing. The proposal scored 75% in the sustainability assessment. It is considered that the proposal is in accordance with the objectives of policy 4A.3 'Sustainable Design and Construction' of the London Plan.

Legal Agreements

A unilateral undertaking, that reflects the previously agreed wording, is currently being completed and an update will be provided at the meeting. This includes the requisite contribution for education and secures the affordable housing discussed above.

Other matters

An Archaeological Desk-Based Assessment accompanied the application, along with a letter from English Heritage confirming that the assessment has demonstrated that it is unlikely that archaeological remains will be disturbed during construction of the development. As such, a condition relating to archaeology will no longer be necessary.

Concerns have been raised regarding the impact of the proposals on the environment, disruption during construction process, the impact on house prices, the lack of need for new housing and that the developer is seeking to 'wear residents down' with repeat applications. Taking each in turn, it is not considered that this proposal will result in materially greater impacts on the environment than the approved scheme and reasonable disruption during the construction process as well as any impact on house prices are not material planning considerations. It is not considered that the provision of 2 additional units along with a revised mix would give rise to detailed considerations of the level of housing required within the Borough, which tends to be material only with larger schemes. Whilst this current application is the forth in a sequence extending over the last 3 years, each application has been for a revised scheme responding to issues in the light of an accepted principle of development and each must be assessed on its own merits.

Conclusion

In the light of the above assessment, having particular regard to the previous Inspectors decisions and the improvements to the provision of family sized accommodation, it is considered that the proposed be approved for the following reasons:

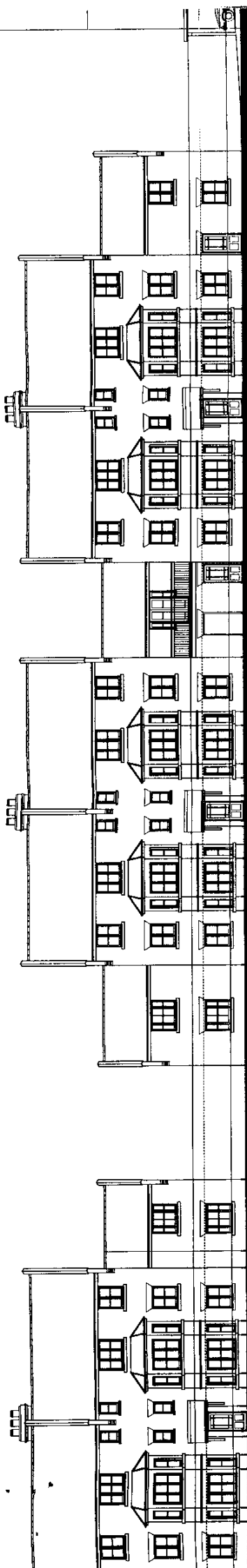
The proposed erection of 36 residential units including 9 affordable units would contribute to increasing the range of the Borough's housing stock, as well as providing suitable affordable housing, having regard to policies (I)GD1, (I)GD2 and (II)H6 of the Unitary Development Plan, policies 3A.1, 3A.2, 3A.5, 3A.6, 3A.8, 3A.9, 3A.10 and 3A.11 of the London Plan (2008), the objectives of PPS1 and PPS3 and appeal decisions APP/Q5300/A/07/2048256/NWF and APP/Q5300/A/08/2076421/NWF.

The proposed erection of 36 residential units would not detract from the character and appearance or the visual amenities of the surrounding area having regard to Policies (I)GD1, (I)GD2, (II)GD3, (I)EN3, (II)EN9, (II)EN11, (II)O6, (II)O7, (II)O8, (II)O9 and (II)O10 of the Unitary Development Plan, as well as the objectives of PPS1 and PPS3 and appeal decisions APP/Q5300/A/07/2048256/NWF and APP/Q5300/A/08/2076421/NWF.

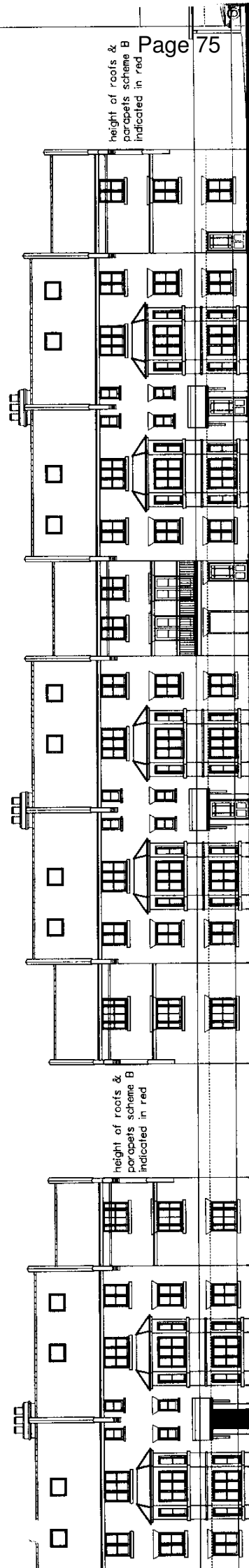
The proposed erection of 36 residential units would not unduly affect the amenities of adjoining or nearby residential properties having regard to Policies (I)GD1 and (I)GD2 of the Unitary Development Plan, as well as the objectives of PPS1 and PPS3 and appeal decision APP/Q5300/A/07/2048256/NWF and APP/Q5300/A/08/2076421/NWF.

The proposed erection of 36 residential units would not unduly prejudice through overlooking or loss of privacy, the amenities enjoyed by neighbouring properties, having regard to Policy (II)H8 of the Unitary Development Plan, as well as the objectives of PPS1 and PPS3 and appeal decisions APP/Q5300/A/07/2048256/NWF and APP/Q5300/A/08/2076421/NWF.

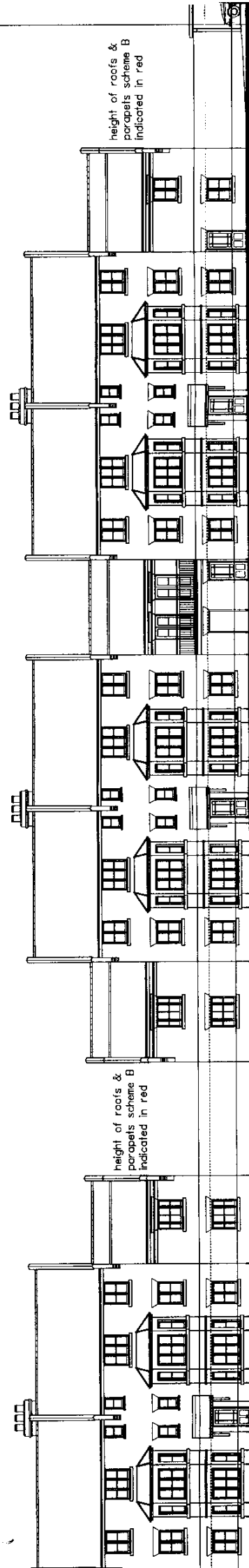
The proposed erection of 36 residential units including the provision of 45 parking spaces and 44 secure cycle spaces and resulting in the loss of existing garage facilities would not give rise to unacceptable on street parking, congestion or highway safety issues, having regard to Policies (II)GD6, (II)GD8 and (II)T13 as well as Policy 3C.23 of the London Plan, the objectives of PPG13 and appeal decisions APP/Q5300/A/07/2048256/NWF and APP/Q5300/A/08/2076421/NWF.



West Elevations Scheme B (approved scheme)



West Elevations Scheme C (refused scheme)



West Elevations Scheme D (current scheme)

height of roofs & parapets scheme B indicated in red

height of roofs & parapets scheme B indicated in red

height of roofs & parapets scheme B indicated in red

height of roofs & parapets scheme B indicated in red

TP/09/0671



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Scale 1/1250 Date 12/8/2009

Centre = 530667 E 193718 N

Application Number: TP/09/0671 **Ward:** Southgate Green
Date of Registration: 18th May 2009

Contact: Richard Laws 3605

Location: 44-48, AMBERLEY ROAD, LONDON, N13 4BJ

Proposal: Part two storey, part three storey rear extension to provide nine extra bedrooms and new dining room to existing residential care home and a rear conservatory.

Applicant Name & Address:

Mr Haresh Dhunoo
44-48, AMBERLEY HOUSE
44-48, AMBERLEY ROAD
LONDON
N13 4BJ

Agent Name & Address:

Mr Mike Forrester, Forrester Associates
Spadesbourne House
184, Worcester Road
Broomsgrove
Worcs
B61 7AZ

Recommendation : That planning permission be **GRANTED** subject to the following conditions:

1. C08 Materials to Match
2. C10 Details of Levels
3. C11 Details of Enclosure
4. C12 Details of Parking/Turning Facilities
5. C17 Details of Landscaping
6. C19 Details of Refuse Storage & Recycling Facilities
7. C25 No additional Fenestration
8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 2005, or any amending Order, the premises and extensions shall only be used as a elderly persons nursing home and shall not be used for any purpose within Use Class C2, or for any other purpose.

Reason To ensure the use of the premises does not prejudice amenities of the occupiers of nearby residential properties or give rise to conditions prejudicial to the free flow and safety of traffic using adjoining highways.

9. That details of noise insulation to windows in the north elevation of the proposed development shall be submitted to and approved in writing by the local Planning authority

before the extensions are occupied.

Reason: To avoid nuisance to the occupants of the development hereby approved.

10. C51A Time Limited Permission

Site and Surroundings

The application site comprises three properties: Nos 44 to 48 Amberley Road which are currently in use as an elderly persons residential care home. The care home currently provides accommodation for 16 residents with 21 staff that are split on a 3-shift rotation system.

Situated on the corner of the junction of Amberley Road and Bourne Hill, the frontage is paved and provides for a number of car parking spaces accessed from Amberley Road. There is also vehicular access into the site off Bourne Hill. There is a belt of conifer trees on the boundary of the site that front on to Bourne Hill, which screens the rear garden of the site from this view.

Proposal

Permission is sought for a part three storey, part two-storey addition to the existing nursing home, which would extend along the Bourne Hill frontage. The extensions are cut into the ground to provide a semi- basement level and reduce the overall height. In addition, a rear conservatory is proposed, measuring 5.2 metres in depth.

At present, the care home contains 15 residents' bedrooms (as well as a staff bedroom), together with dining room, sitting room, conservatory, kitchen, laundry and office to cater for 16 residents. Although the extension contains 14 beds, due to internal rearrangement involving the original property, there would only be a maximum of 25 bedrooms and a total of 25 residents.

Four parking spaces are indicated on the Amberley Road frontage; in addition 3 spaces are shown accessed off Bourne Hill via an existing crossover. There would also be an increase in staff from 21 to 30 split on a rotation shift system.

Relevant Planning History

TP/87/0793 – Change of use of 44 Amberley from house to nursing home for the elderly in connection with the existing use at 46-48, erection of single storey extension at rear of 46- 48 was granted in October 1987

TP/00/0312-Part two storey, part three storey rear extension to provide 9 extra spaces and new dining room to existing residential care home was granted July 2000

TP/00/0312/ REN1- Renewal of unimplemented permission (part two storey, part three storey rear extension to provide nine extra bed spaces and new dining room to residential care was granted April 2004. Although unimplemented, this permission remains valid until 29th April 2010

Consultations

Public

Consultation letters were sent to 30 neighbouring properties. In response, 6 letters of objection have been received raising all or some of the following points:

- Previous application for 9 extra bed spaces, not 9 extra rooms

- Likely extra traffic caused by extension e.g. visitors, staff, medical services etc
- Noise and disturbance/ health and safety concerns
- Already too many conversions within Amberley Road, which exceed the limit
- Site close to junction, car parking proposed increase dangers particularly spaces in Bourne Hill,
- Further detract from residential character of street scene
- Increase in bedrooms from 15- 24 results in an over intensive use
- Street scene suffer if more residents forced to convert their front gardens
- Already very busy road and any increase in traffic only increase these dangers
- Increased congestion and traffic, further impact on parking issues
- Very large extension/ oversized development extension virtually consume all the garden of 48 Amberley Road
- Building effect trees on site, loss of well established trees
- 3-storey element out of character with neighbouring properties
- Proximity and height of development result in loss of light
- Current application greater scale than previous application granted
- Issues of privacy/ overlooking and security
- Impact on residential character of Amberley Road

In addition, a letter of objection has been received from the Fox Lane Residents Association raising the following points:

- Already too many conversions in street
- Result in over intensive use of site leading to increase in activity, general noise and
- Detract from residential character and amenities of the area
- Increase in traffic using Amberley Road itself, and particularly the increased use of car parking spaces off Bourne hill detrimental to pedestrian and highway safety
- Contrary to UDP Polices

External: None

Internal: None

Relevant polices

London Plan

- 4B.8 Respect Local context and communities
- 4B.1 Design Principles for a compact city
- 3C.23 Parking strategy

Unitary Development Plan

- (I) GD1 Developments have appropriate regard to surroundings
- (I) GD2 Improve environment
- (II) GD3 Character/ Design
- (II) H8 Privacy
- (II) H13 Extensions on return frontage
- (II) H12 Residential extensions
- (II) GD6 Traffic generation
- (II) GD8 Servicing
- (I) CS1 To seek to have regards to requirement of community services
- (II) CS2 To liaise with service authorities

Local Development Framework- Core Strategy Preferred Options

The Planning and Compulsory Purchase Act 2004 requires the Council to replace the UDP with a Local Development Framework (LDF). The LDF core Strategy will set out the spatial vision and strategic objectives for the Borough. The Core Strategy is at an early stage in its adoption process. As this continues the weight given will grow and the relevant objectives are reported to demonstrate the degree to which the proposals are consistent with the emerging policy direction.

SO7	Distinctive and balanced communities
SO11	Safer and Stronger communities
SO16	Preserve local Distinctiveness
SO17	Safeguard communities and the quality of the local environment

Other Material Considerations

PPS1	Delivering Sustainable Development
PPG13	Transport

Analysis:

Background

Planning permission has been granted for the part two storey / part three storey rear extension currently proposed. Previously, the development provided nine additional bed spaces as well as a new dining room (ref: TP/00/0312/REN1) to create a total of 25 bedrooms accommodating 25 residents. However, although unimplemented, this permission is still valid until 29th April 2010 and could still be implemented. The permission is therefore a material planning consideration.

It must be noted that the size, height and footprint of the extensions in this current application (with the exception of an additional new conservatory) remains as previously approved. There are though some minor alterations regarding the fenestration and internal layout.

As a consequence of these decisions, the principle of the proposed development is established. Concerns raised by residents and the Winchmore Hill Residents Association must therefore be assessed against this background.

Design and Appearance of Extension

The proposed part two storey, part three-storey extension now proposed remains similar in appearance to that previously accepted. There are differences in the fenestration and the position of the lift shaft. However, these are of a minor nature and do not affect the acceptability of the proposed scheme. No objection is therefore raised.

No objections are raised regarding the proposed conservatory in terms of its design or appearance.

Impact on residential amenities of surrounding properties

Given the scale of the extensions previously approved, it is considered the current proposal would not have any materially different impact on the residential amenities of surrounding properties fronting Bourne Hill or No. 42 Amberley Road in terms of loss of privacy or residential amenity. In particular, it should be noted that a distance of approximately 10.8m would be retained from the nearest bedroom windows of the extension to the rear garden of 42 Amberley Road, which is the same distance as previously approved. No objection can therefore be raised.

The proposed 5.2 metres deep by 6 metre wide conservatory, would be sited 7 metres from the boundary with 42 Amberley Road and as a result, would have no adverse impact on residential amenity through a loss of light or outlook.

Traffic/ parking

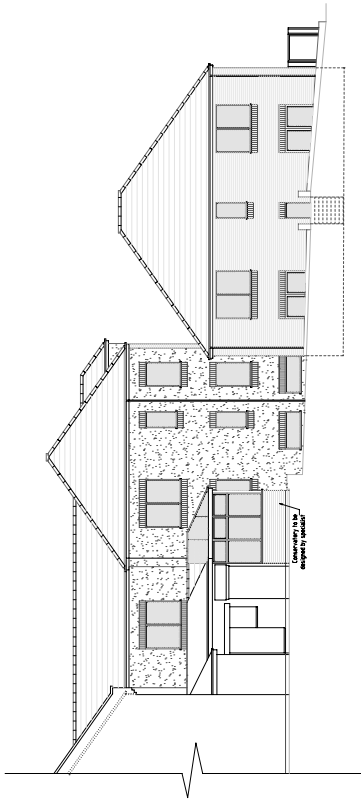
A total of 7 spaces are proposed: 4 accessible from Amberley Road and 3 accessible from Bourne Hill via an existing crossover. This parking layout remains the same as previously approved under TP/00/0321/REN1 and in the absence of any material change in circumstances pertaining to the highway or traffic generation, it is considered that the traffic implications arising from this proposal would be no different to that previously accepted notwithstanding the traffic and parking issues raised by residents.

Conclusion

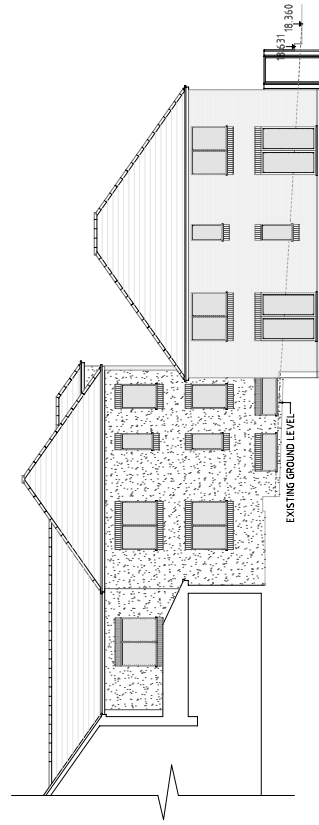
In light of the above assessment, and having regard to the previous planning permission, it is considered that the proposal be approved for the following reasons.

- 1 The proposed part two storey, part three storey extension and rear conservatory to the existing residential care home due to its size, siting, design and external appearance would not adversely impact on the residential amenities of surrounding properties having regard to Policies (I) GD1, (I) GD2, (II) H8 and (II) H12 of the Unitary Development Plan.
- 2 The proposed part two storey, part three storey extension and rear conservatory to the existing residential care home due to their design and appearance would not detract from the character and appearance of the surrounding locality having regard to Policies (I) GD1, (I) GD2 and (II) GD3 of the Unitary Development Plan as well as having regard to London Plan Policy 4B.8.
- 3 The proposed extensions to the existing care home provides an acceptable level of off site parking provision and would not adversely impact on highway safety having regard to Policies (II) GD6 of the Unitary Development Plan and London Plan Policy 3C.23

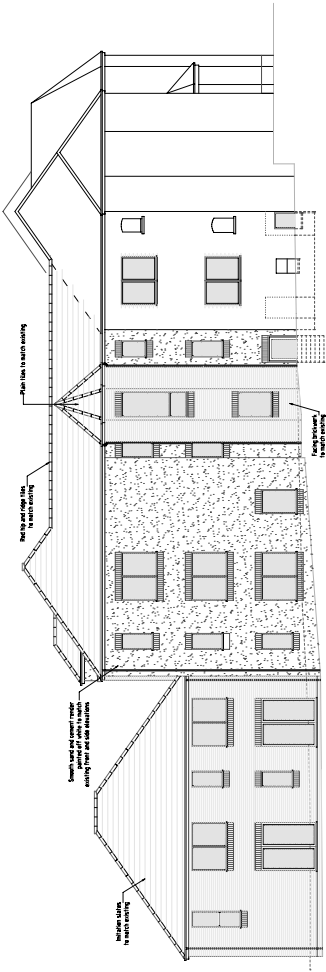
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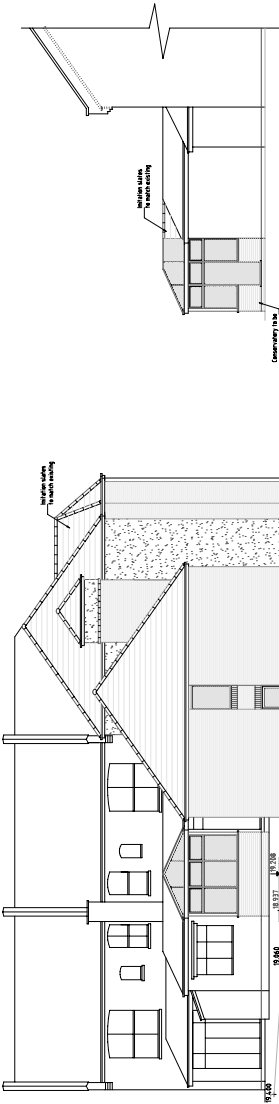
PROPOSED SIDE ELEVATION (SOUTH)



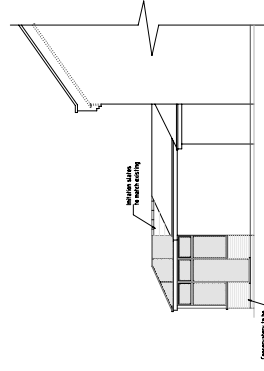
PROPOSED SIDE ELEVATION (SOUTH)



PROPOSED SIDE ELEVATION (NORTH)



PROPOSED REAR ELEVATION (EAST)



PROPOSED SIDE ELEVATION (SOUTH)

REVISIONS
 REV. A - NOTE ADDED - ALL PROPOSED EXTENSIONS SHOWN HATCHED 18.5.09

PROJECT
 Mr. H. Dhunoo
 Amberley House
 44 - 48 Amberley Road
 Palmers Green
 London
 N13 4BJ

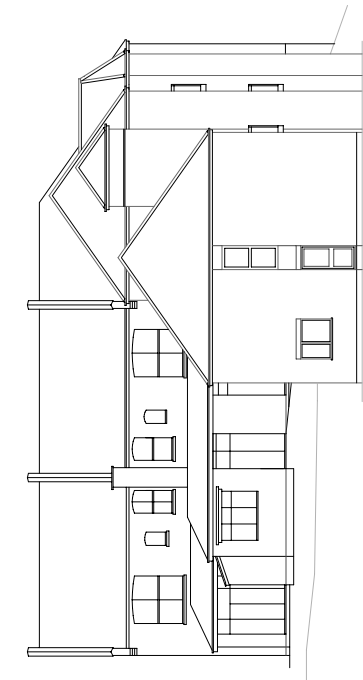
PROPOSED EXTENSION
 & ALTERATIONS

DRAWING NUMBER
 09:02:02 A

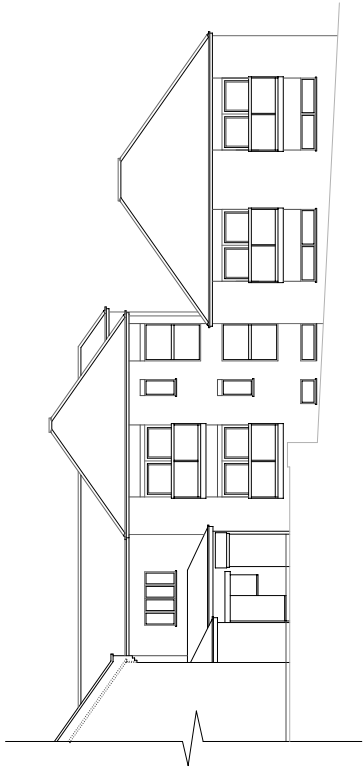
MATERIALS	
WALLS	SMOOTH SAND AND CEMENT RENDER PAINTED OR WHITE TILE PAINTED OR WHITE TILE FACING RED BRICK FAÇADE BRICKWORK FACING OF UNFINISHED ROOF FOOTINGS
ROOF	GLAZED GABLE ROOF EXISTING GABLE ROOF TIGHTEN TO HAVE PARAPETS TO MATCH EXISTING
DOORS & WINDOWS	WHITE UPVC

NOTE : ALL PROPOSED EXTENSIONS HATCHED

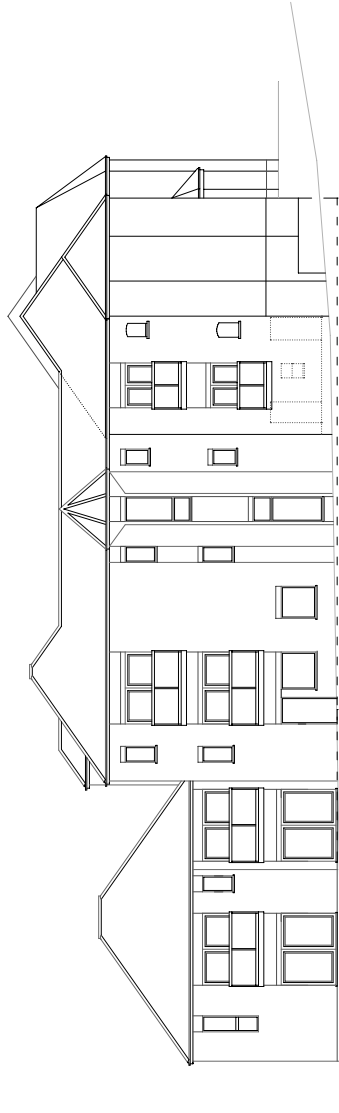
0 1 2 3 4 5 6 7 8 9 10
INCHES THIS SCALE 3/4" (AT 1/8")



APPROVED REAR ELEVATION (EAST)



APPROVED SIDE ELEVATION (SOUTH)



APPROVED SIDE ELEVATION (NORTH)

REVISIONS

SPADESQUIRE HOUSE, 36, WORCESTER ROAD, BROMSGROVE, WORCS B617JZ. H. (0121) 839676

PROJECT

Mr. H. Dhunoo
Amberley House
44 - 48 Amberley Road
Palmer's Green
London
N13 4BJ

PROPOSED EXTENSION
& ALTERATIONS

TITLE

APPROVED ELEVATIONS

DRAWING NUMBER

DATE
FEB 09

SCALE
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09:02:03

TP/09/0758



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Scale 1/1250 Date 15/7/2009

Centre = 531971 E 195307 N

Application Number: TP/09/0758 **Ward:** Grange
Date of Registration: 26th May 2009

Contact: Jo Fyfe 1605

Location: 25, OLD PARK RIDINGS, LONDON, N21 2EX

Proposal: Loft conversion involving rear dormer and 3 velux roof lights to the front elevation.

Applicant Name & Address:

Mr Garabetian
25, OLD PARK RIDINGS
LONDON
N21 2EX

Agent Name & Address:

D L Jackson
31, King James Avenue
Cuffley
Herts
EN6 4LN

Note for Members

Members deferred consideration of the application at the last meeting to enable officers to discuss further the proposed front roof lights with the applicant.

The applicant's agent has confirmed that he wishes this part of the proposal to be considered and that the roof lights are to be from the 'velux' conservation range.

Members will recall that at the last meeting officers amended the recommendation to include a condition that notwithstanding the specification of 'velux' conservation roof lights submitted details be submitted of roof light of a design appropriate to the building and its conservation area setting.

In the circumstances of the agent's clarification the recommendation is amended to one of refusal because the design of the roof lights is not considered to be appropriate.

Recommendation: That planning permission be **REFUSED** for the following reason:

1. The proposed roof lights on the front elevation by reason of their design and siting would detract from the appearance of the property in the street scene and would not serve to preserve the character of Grange Park Conservation Area having regard to Policies (I)C1 and (II)C30 of the Unitary Development Plan.

Site and Surroundings

The property is a semi detached single-family dwelling house located on the western side of Old Park Ridings, opposite Grange Park Methodist Church. The surrounding area is characterised by similar residential development. The site is in Grange Park Conservation Area.

Proposal

The applicant proposes to convert the loft into two bedrooms, involving a rear dormer measuring 2.0m in width, 1.6m in height and 1.9m in depth from the original roof of the dwelling, and three roof lights (0.55m x 0.98m) to the front roof slope, of 'velux' conservation style with a central glazing bar

Relevant Planning Decisions

None.

Consultation

Public

5 neighbouring properties were consulted, a site notice was posted outside the property on 19 June 2009, and a press notice. One response was received:

Grange Park Conservation Area Study Group- Proposed roof lights to the front are in contravention of conservation area policy.

Councillor Neville supports the view of Grange Park Study Group.

Relevant Policies

Unitary Development Plan Policies

(I)C1	Preserve and enhance Conservation Areas
(II)C30	Extensions in a Conservation Area
(I)GD1	Regard to surroundings
(I)GD2	Development to improve the environment
(II)GD3	Aesthetic and functional design
(II)H15	Roof extensions

Other Relevant Policy

Planning Policy Guidance 15 (PPG15) – Planning and the Historic Environment

Grange Park Conservation Area Character Appraisal (as approved November 2008)

Analysis

Rear dormer

Policy (II)H15 of the Unitary Development Plan provides for roof alterations and stipulates that rear dormers are generally considered acceptable providing the following criteria are met:

- Dormer is appropriate size and design within the roof plane;
- Dormer is in keeping with the character of the property; and
- Dormer is not dominant when viewed from the surrounding area.

The plans show that the dormer would be set down from the ridge by 650mm, up from the eaves by 1.3m and inset from the northern side of the roof by 900mm. It would be located to one side of the roof slope, closer to No.27 Old Park Ridings due to the shape of the rear roof plane. It is

considered that the size and design of the dormer would not result in a dominant feature in the roof slope, thereby complying with Policy (II)H15 of the Unitary Development Plan.

All the properties along this section of Old Park Ridings have existing rear dormer windows, of various sizes and positions within the roof plane, and therefore the principle of the dormer would not be out of keeping with the surrounding area, with due regard to Policies (I)GD1 and (I)GD2 of the Unitary Development Plan. Furthermore, the proposed dormer matches the existing dormer to the rear of the adjoining semi-detached property, No.27 Old Park Ridings, which are smaller than the majority of the dormers in the surrounding area.

With regards to the conservation area, due to the size, design and materials proposed, and the fact that No.25 Old Park Ridings is the lone roof slope to the rear without a dormer in this section of the road, it is considered the dormer would not affect the preservation of the character of the dwelling, with regards to Policy (I)C1 of the Unitary Development Plan.

Roof lights

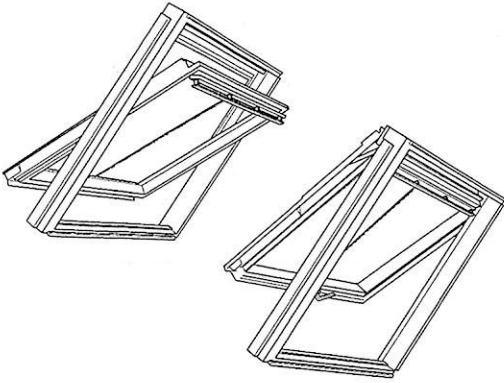
There are a number of properties with front 'velux' roof lights in the street that were installed prior to conservation area designation.' In this context it is considered that in principle the installation of roof lights of an appropriate design on the application property whilst not enhancing the character of the conservation would serve to preserve its character. However, the design of the roof lights proposed that are of modern appearance and set proud of the existing roof slope are considered to be inappropriate in this context.

Conclusion

It is recommended planning permission be refused.

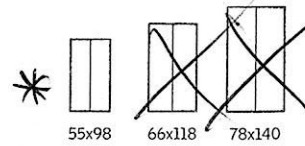
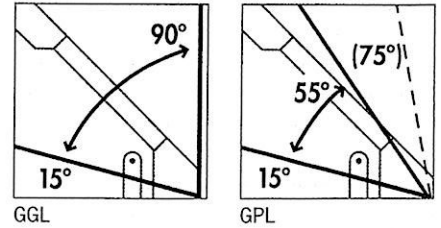
Conservation Roof Windows

www.velux.co.uk/products



VELUX quality with conservation style. Comes with a black external profile, glazing bar and recessed installation for slated roofs. You can find more Conservation roof windows at www.velux.co.uk/products

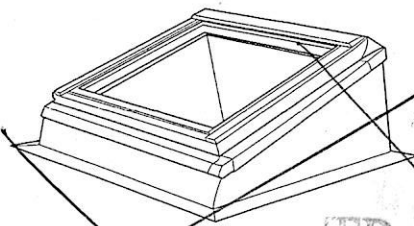
- Available in either Centre-Pivot or Top-Hung style.
- Top control bar for easy opening and even ventilation when closed.
- Top-Hung version suitable for emergency escape.



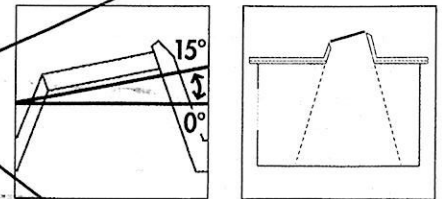
Product Code		55x98	66x118	78x140
GGL SD5N1	GGL + Flashing for slate up to 8mm thick (min 35° roof pitch).	C04	F06	M08
GGL SD5P1	GGL + Flashing for plain tiles up to 15mm thick (min 25° roof pitch).	£411.25	£464.13	£581.63
GGL SD5W1	GGL + Flashing for tiles up to 120mm in profile (min 15° roof pitch).	£411.25	£464.13	£581.63
GPL SD5N1	GPL + Flashing for slate up to 8mm thick (min 35° roof pitch).	-	-	£716.75
GPL SD5P1	GPL + Flashing for plain tiles up to 15mm thick (min 25° roof pitch).	-	-	£716.75
GPL SD5W1	GPL + Flashing for tiles up to 120mm in profile (min 15° roof pitch).	-	-	£716.75

Flat Roof Window

www.velux.co.uk/products



- Excellent alternative to roof domes.
- Daylight and fresh air from Centre-Pivot (GGL) and available in (GGU) roof windows.
- Can be manual or INTEGRA® electrically operated.



TP/09/0758

Revised/Additional Drawing

received 4/8/09

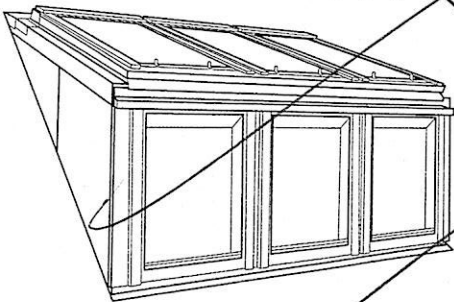
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Dated

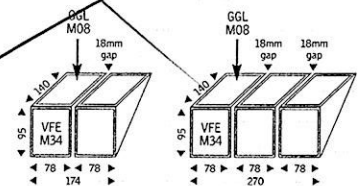
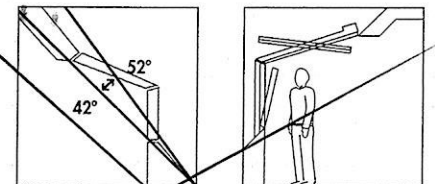
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GGL SCOX1	Manual	M02	C27	C04	M02	M04	P04	S06	U10
GGL SCOX2	Electric	£446.50	£399.50	£434.75	£432.38	£499.38	£517.00	£640.38	£740.25
		£652.13	£793.13	£716.75	£575.75	£781.38	£640.38	£922.38	£969.38

VELUX Dormer

www.velux.co.uk/products



- A new alternative to traditional flat dormers that offers more daylight, greater view and ideal for increasing headroom.
- Available in double or triple sets.
 - Quick & simple to build.
 - Comes complete with flashings and EBV trimmers for support and internal finish.



Product Code		Double	Triple
YWY SF0L22	Double VELUX Dormer for slate up to 8mm thick.	£2,126.75	
YWY SF0W22	Double VELUX Dormer for tiles up to 120mm in profile.	£2,126.75	
YWY SF0L32	Triple VELUX Dormer for slate up to 8mm thick.		£2,773.00
YWY SF0W32	Triple VELUX Dormer for tiles up to 120mm in profile.		£2,773.00

Prices valid from February 2008. All prices include VAT.

LONDON BOROUGH OF ENFIELD

04 AUG 2009

DEVELOPMENT SERVICES

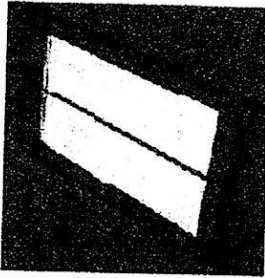


- Home
- Contact
- Legal notice
- Site Map
- Search

- Ideas and inspiration
- Products
- About VELUX
- Service
- Professionals
- Blind shop
- Project Daylight

Conservation

Conservation roof window



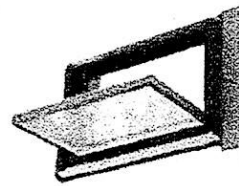
The VELUX Conservation roof window system offers all the superior technical features of a VELUX roof window but in a traditional conservation style. Available as both centre-pivot and top-hung(emergency escape/access)versions. Both feature an internal frame and sash of TOPfinish Nordic pine and are supplied complete with mullion and suitable flashings to achieve a harmonious visual appeal with most roofing materials.

- Roof windows
- Centre-Pivot
- Top-hung
- Roof terrace and Cabrio balcony systems
- Vertical and sloping elements
- Special Purpose
- Conservation
- Accessories
- INTEGRA electric roof windows
- Sun tunnels
- New Flat Roof window
- Flat roof system

LONDON BOROUGH OF ENFIELD
 04 AUG 2009
 DEVELOPMENT SERVICES

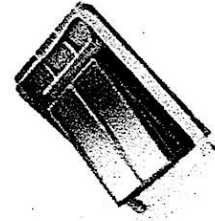
TP / 09 / 0758
 Revised/Additional Drawings
 Received.....
 Under cover of.....
 Dated.....

GVT - conservation escape / access rooflight



GVT is a side-hung rooflight designed for emergency escape/access applications. The GVT window is opened by turning the handle, and the sash opens outwards. The sash can be positioned and secured in three positions.

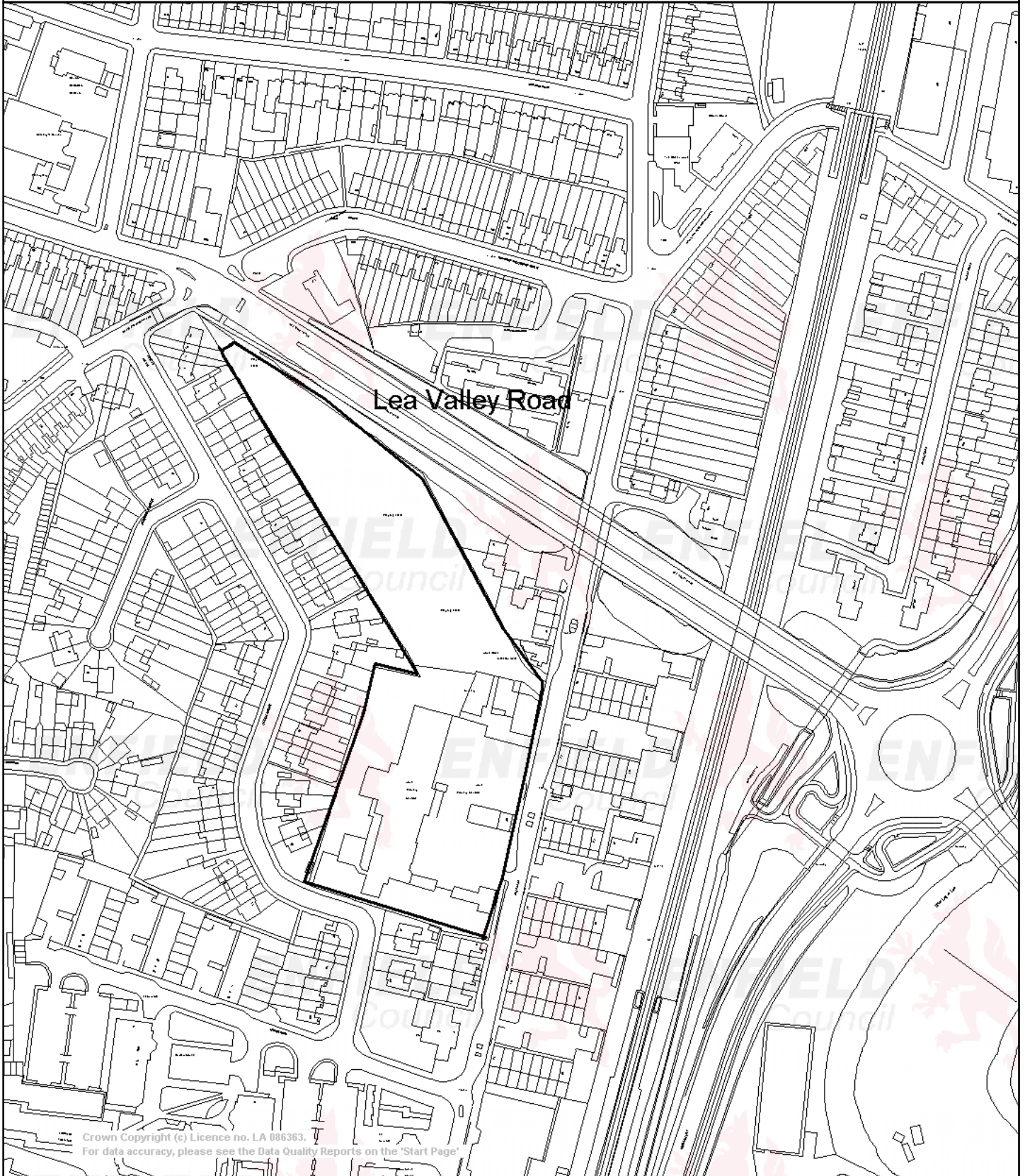
GVA - conservation rooflight



The GVA is designed with respect for traditional buildings and are ideal for replacing old cast iron rooflights. It is a top-hung rooflight, with polyurethane frame, anodized aluminium sash and external vertical glazing bar. The GVA

- Dormer
- Installation
- Blinds
- Roller shutters
- Control options
- Security and Safety

TP/09/0946



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Scale 1/2500 Date 13/8/2009

Centre = 536038 E 195901 N

Application Number: TP/09/0946 **Ward:** Ponders End

Date of Registration: 14th July 2009

Contact: David Snell 3838

Location: ALMA PRIMARY SCHOOL, ALMA ROAD, ENFIELD, MIDDLESEX, EN3 4UQ

Proposal: Erection of entrance canopy and detached play shelter within playground.

Applicant Name & Address:

Mrs J Feavearyear
ALMA PRIMARY SCHOOL
ALMA ROAD
ENFIELD
MIDDLESEX
EN3 4UQ

Agent Name & Address:

Recommendation: That planning permission be **GRANTED**, subject to the following condition:

1. C51A Time Limited Permission

Site and surroundings

Primary school campus fronting Alma Road and Curzon Avenue.

Proposal:

Erection of open sided front entrance canopy with clear sheet roof and a detached play shelter/seating area within the playground.

Relevant planning history

None

Consultation

Public

18 surrounding properties were consulted. No replies have been received.

Policy

The London Plan

3A.24 Education facilities

Unitary Development Plan

(I) GD1 Appropriate regard to surroundings

(II)GD3 Design
(II)CS1 Community services

Local Development Framework

The Planning and Compulsory Purchase Act 2004 requires the Council to replace the Unitary Development Plan with a Local Development Framework. At the heart of this portfolio of related documents will be the Core Strategy which will set out the long-term spatial vision and strategic objectives for the Borough.

In response to consultation in respect of Issues and Options which identified key areas, the Council is now consulting on the Preferred Options for the Core Strategy. As a policy document, the Core Strategy is at an early stage in its process to adoption and thus, presently, can only be afforded limited weight as a material consideration. As the process continues the weight to be attributed to the Core Strategy will increase and the relevant policies are reported to demonstrate the degree to which development proposals are consistent with the emerging policy direction for the Borough.

Core policy 16 Children and young people

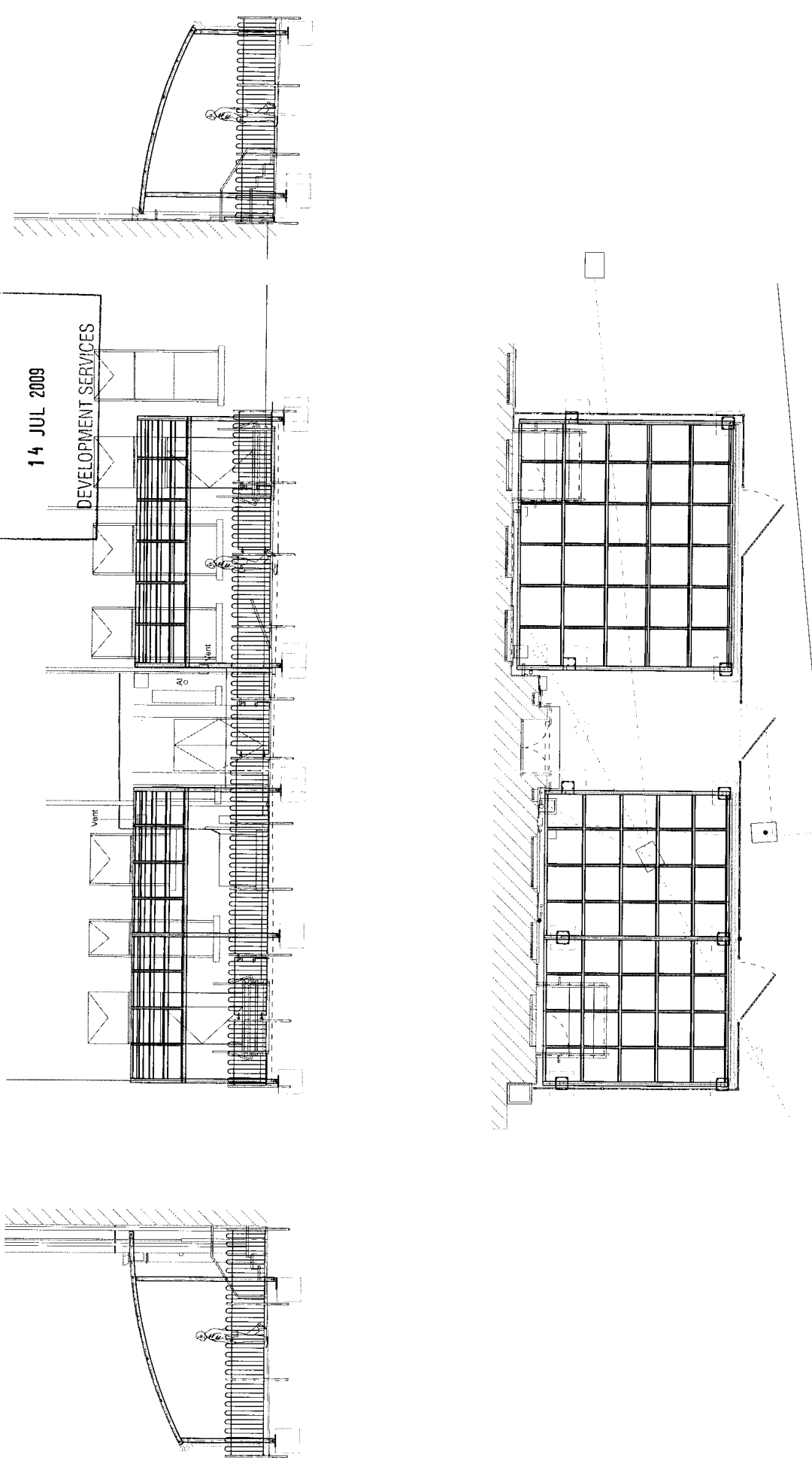
Analysis

The proposed canopy would not detract from the front elevation of the building and is considered to be acceptable. The proposed play shelter is of good design and is considered to be acceptable in the context of the school playground. The proposals have no impact external to the school campus.

It is recommended that planning permission be granted for the following reasons:

1. The proposed development would be of acceptable design within its context and improves school facilities having regard to Policies (II)CS1, (I)GD1 and (II)GD3 of the Unitary Development Plan and Policy 3A.24 of the London Plan.

09/0946



<p>Project: Alma Primary School</p>	
<p>Sheet title: GENERAL ARRANGEMENT OF BESPOKE SHELTERS</p>	
<p>Drawn: C Proudhay</p>	<p>Scale: 1:100 @ A3</p>
<p>Drawn: C Proudhay</p>	<p>Sheet No: 1007/09</p>
<p>Draw No: 001440-1.02 PL</p>	
<p>Draw No: 00000000</p>	

broxap

Design and Head Office: Rowhurst Industrial Estate,
 Chesham, New-cas9-urde-Lymn, Staffordshire ST5 6BD
 Tel: (01782) 564411 Fax: (01782) 564372

DO NOT SCALE

ALL DIMENSIONS TO BE CHECKED ON
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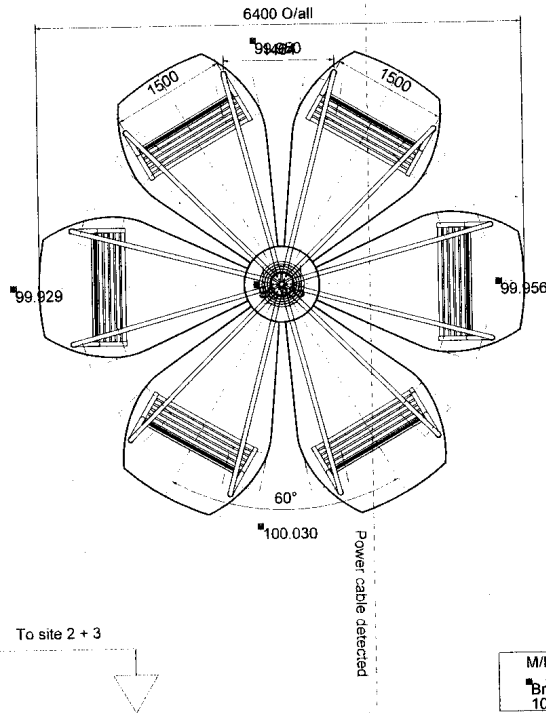
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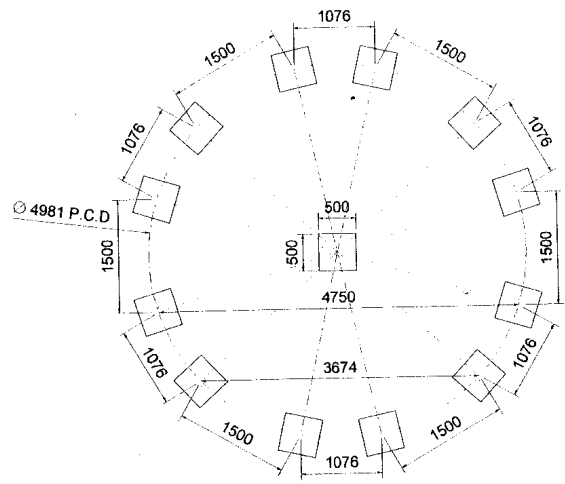
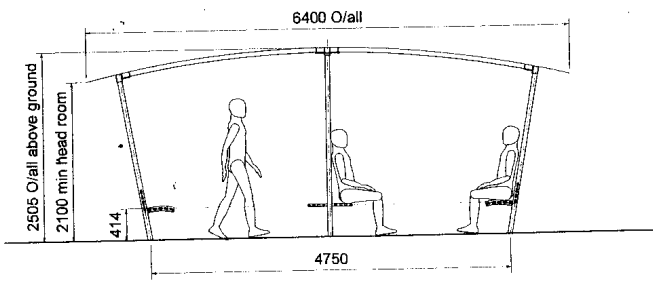
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PRELIMINARY
 07 MAY 2009

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Rev	Description	Date	By	Check by										

Application Number: TP/09/0978 **Ward:** Upper Edmonton
Date of Registration: 3rd July 2009

Contact: Richard Laws 3605

Location: ST JOHN AND ST JAMES C OF E PRIMARY SCHOOL, GROVE STREET,
LONDON, N18 2TL

Proposal: Detached building to north-west of school to provide additional teaching facility.

Applicant Name & Address:

The Governors
ST JOHN AND ST JAMES C OF E PRIMARY SCHOOL
GROVE STREET
LONDON
N18 2TL

Agent Name & Address:

Mr Thomas Wells, SCABAL
57-60, Charlotte Road
London
EC2A 3QT

Recommendation: That planning permission be **GRANTED** subject to the following conditions.

1. C07 Details of Materials
2. C51A Time Limited Permission

Site and Surroundings

St John and St James Church of England Primary School comprises a mix of two and single storey buildings located on the north side of Grove Road, which is to the west of Fore Street and adjacent to St James Open Space.

The surrounding area is characterised by a mix of 2 storey residential properties predominantly on Langhedge Lane, large residential tower blocks 4-7 storeys in height to the north, west and south of the site and the more commercial character of Fore Street to the east. The eastern boundary of the site adjoins Fore Street South Conservation area. Vehicular access to the site is from Grove Street.

Proposal

Permission is sought for a single storey pavilion building to provide an additional teaching facility and is an addition to a comprehensive scheme to expand the school to 2 forms of entry previously approved under TP/09/0051.

The pavilion would be situated towards the northern boundary between the existing toilet block to the east and the temporary classrooms to the west. The pavilion would have a pentagonal shape covering an area of 63 sq.m and a pitched roof. The pavilion has been designed to sit within the proposed new landscaped grounds of the school.

Relevant Planning Decisions

TP/09/0051- an application for a two storey extension to provide 12 additional classrooms, hall and associated facilities, single storey rear extension to kitchen, single storey detached storage building and formation of multi use (MUGA) involving repositioning of existing footpath crossing St James Public Open Space and repositioning of vehicular and pedestrian accesses to school together with rearrangement of car park was granted planning permission in March 2009

Consultation

Public

Consultation letters were sent to 129 neighbouring and nearby residential properties. A site notice was also displayed at the site. No responses have been received.

External: None

Internal:

Education support the application. They advise that the proposed scheme will enable St John and St James CE Primary School to contribute towards achieving the strategic priorities set out in the Authority's Children and Young People's Plan 2006 –2009. This additional teaching facility is part of the overall scheme to expand the school to 2 forms of entry, which was approved under planning Ref: TP/09/0051. The development will not result in staff or pupil numbers other than those already approved under TP/09/0051.

Relevant Policies

London Plan

- 3A.21 Education Facilities
- 4A.6 Sustainable Design and Construction
- 4B.8 Respect local context and communities
- 3C.23 Parking strategy

Unitary Development Plan

- (I) GD1 - Appropriate regard to surroundings
- (I) GD2 - Quality of life and visual amenity
- (II) GD3- Character/ Design
- (II) GD6 - Traffic generation
- (II) GD8 - Site Access and Servicing
- (II) C30 - Development adjacent to Conservation Area
- (I) CS1- Facilitate the work of various community services
- (II) CS2 - Siting and design of buildings

Other Policy considerations

PPS1- Delivering Sustainable Communities

Local Development Framework

The Planning and Compulsory Purchase Act 2004 requires the Council to replace the UDP with a Local Development Framework (LDF). The LDF Core Strategy will set out the spatial vision and strategic objectives of the Borough. The Core Strategy is at an early stage in its adoption process. As this continues the weight given to it will grow and the relevant objectives are reported to demonstrate the degree to which the proposals are consistent with emerging policy direction

- SO 3 Protect and Enhance Enfield's environmental quality
- SO1 Preserve Local Distinctiveness
- SO17 Safeguard established communities and quality of local environment

Analysis

The proposal would provide additional teaching capacity and would thus, support the objectives of Policies (II) CS1 of the Unitary Development Plan and Policy 3A.24 of the London Plan.

The proposed single storey-teaching pavilion would be sited 3.2 metres from the north boundary of the school. The nearest residential properties would be flats located in blocks on Joyce Avenue, in particular, Nos 92-126 (even). As a single storey structure with an overall height of 5.1 metres, it is considered that this additional building will have no adverse impact on the amenities of these nearest residential properties.

In addition, the overall design and appearance of the pavilion is considered acceptable in terms of its setting within the overall school complex having regard to Policies (I) GD1 and (I) GD3 of the Unitary Development Plan. It is also considered that the design is of sufficient quality to integrate with its surroundings to preserve the setting and appearance of the adjacent Conservation Area

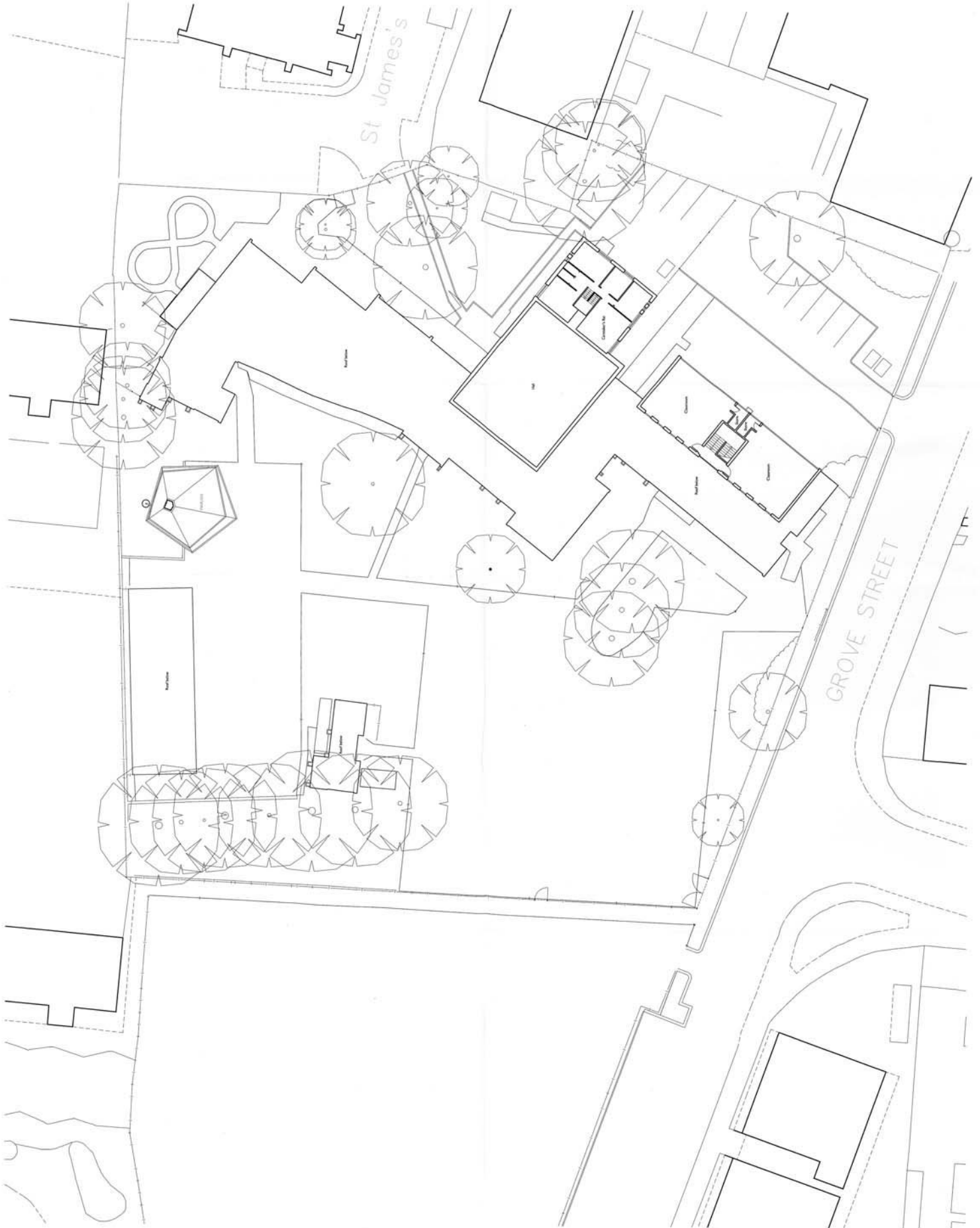
Conclusion

In light of the above it is recommended that planning permission be granted for the following reasons:

1. The proposed single storey pavilion building to provide additional teaching facilities would improve school facilities in accordance with Policy (II) CS1 of the Unitary Development Plan and Policy 3A.24 of the London Plan.
2. The proposed development has appropriate regard to its surroundings and does not detract from the amenities of surrounding residential occupiers or adjacent Conservation Area having regard to policies (I) GD1, (I) GD2 and (II) C30 of the Unitary Development Plan.
3. The development does not involve any increase in staff or pupils and thus, would not give rise to conditions prejudicial to the free flow and safety of vehicles using the adjoining highways having regard to Policy (II)GD6 of the Unitary Development Plan.

09/0978

KEY:



LONDON BOROUGH OF ENFIELD
 03 JUL 2020
 DEVELOPMENT SERVICES

Scale: @ A1

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Project North

Client: London Diocesan Board

Governing Body of St. John & St. James' School

Project: ST JOHN AND ST JAMES' C OF E PRIMARY SCHOOL

SCABAL

54 Colindale Avenue, London EC2A 3QT

Phone: +44 (0)20 7333 8788

www.scabal.co.uk

Project North

Drawing Title: FIRST FLOOR PLAN AS PROPOSED

Project Number: 435

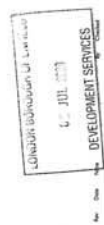
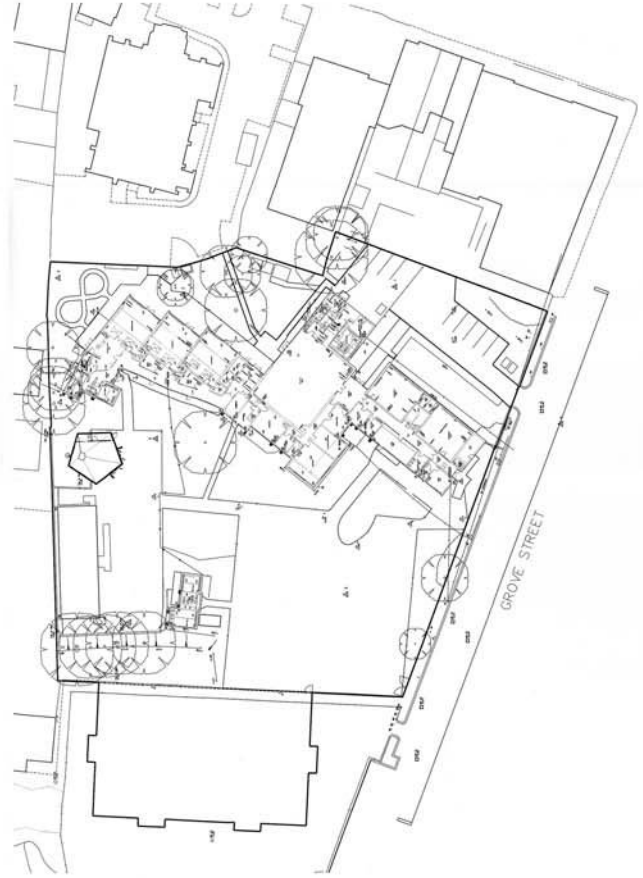
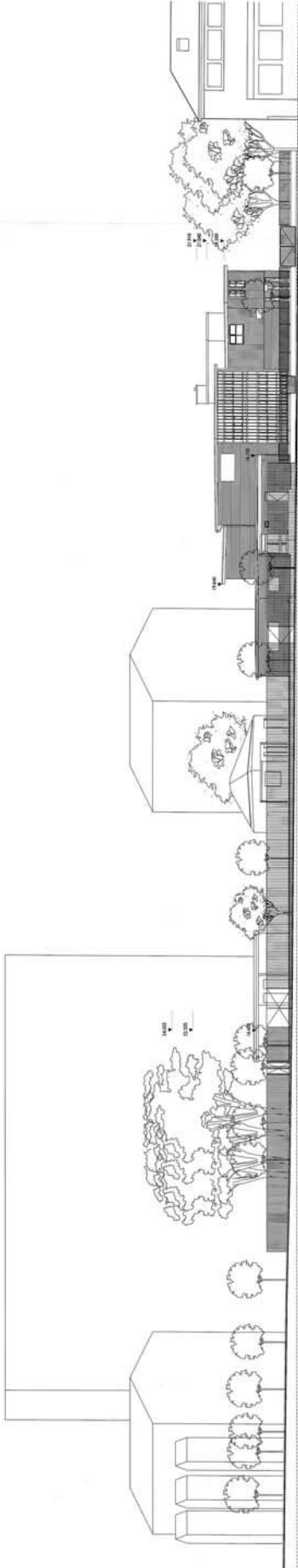
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Date of Issue

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Name

KEY:



Client
London Diocesan Board
 Diocesan House, 36, Cranston Street
 London, SW1V 4AJ

Governing Body
of St. John & St. James' School
 Grove Street, Edmonstone
 London, W18 2TL

Project
ST JOHN AND ST JAMES' C OF E PRIMARY SCHOOL
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SCABAL
 25, G. Church and Bank, Archway, London N19 5JQ
 T +44 (0)20 7633 8238
 F +44 (0)20 7633 8299
 www.scabal.co.uk

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 Scale @ A3
 Project Month

Drawing Title
STREET SCENE AS PROPOSED

Project Number 425
 Drawing Number A 354
 Date of Issue

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TOWN PLANNING APPEALS

Appeal Information for Period: 15/07/2009 to 07/08/2009

Section 1: New Town Planning Application Appeals

Section 2: Decisions on Town Planning Application Appeals

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Page 105
SECTION 1
NEW TOWN PLANNING APPLICATION APPEALS

Application No.: TP/03/0801/VAR5

Ward:Edmonton Green

Appeal Type: Written Evidence

Appeal Received date: 17-Jul-2009

Location: 395, FORE STREET, LONDON, N9 0NR

Proposal: Variation of Condition 2 of approval under Ref TP/03/0801/VAR3 to vary the opening hours from 0800 to 0030 on Mon - Sat, and 0900 - 2330 on sundays and bank holidays to 24hr opening daily Monday - Saturday and 0800-2330 Sundays.

Application No.: TP/08/1307

Ward:Grange

Appeal Type: Written Evidence

Appeal Received date: 27-Jul-2009

Location: 83, CECIL ROAD, ENFIELD, EN2 6TJ

Proposal: Replacement of front windows (RETROSPECTIVE), demolish front wall, erect new front wall and construction of hardstanding to front and side, replace rear boundary fence.

Application No.: TP/08/1994

Ward:Turkey Street

Appeal Type: Written Evidence

Appeal Received date: 31-Jul-2009

Location: 141, PEMBROKE AVENUE, ENFIELD, EN1 4EY

Proposal: Conversion of single family dwelling into 2 x 2-bed self contained flats with external staircase at side.

Application No.: TP/08/2032

Ward:Ponders End

Appeal Type: Written Evidence

Appeal Received date: 07-Aug-2009

Location: 86, DURANTS ROAD, ENFIELD, EN3 7DQ

Proposal: Single storey extension to side and rear. (RETROSPECTIVE)

Application No.: TP/08/2115

Ward:Ponders End

Appeal Type: Written Evidence

Appeal Received date: 15-Jul-2009

Location: 288-290, Alma Road, Enfield, EN3 7EH

Proposal: Use of premises as a weightlifting and fitness centre (class D2) ancillary to existing use at no. 280, Alma Road (RETROSPECTIVE).

Application No.: TP/09/0056

Ward:Haselbury

Appeal Type: Written Evidence

Appeal Received date: 04-Aug-2009

Location: 31, WESTERHAM AVENUE, LONDON, N9 9BT

Proposal: Ground floor side extension for use as storage building (RETROSPECTIVE).

Application No.: TP/09/0236

Ward:Ponders End

Appeal Type: Written Evidence

Appeal Received date: 20-Jul-2009

Location: 92, DURANTS ROAD, ENFIELD, EN3 7DQ

Proposal: Conversion of single family dwelling into 2 self contained flats (comprising 1 x 1-bed and 1 x studio) revised scheme.

Application No.: TP/09/0267

Ward:Cockfosters

Appeal Type: Written Evidence

Appeal Received date: 30-Jul-2009

Location: 165, BRAMLEY ROAD, LONDON, N14 4XA

Proposal: Change of use of ground floor from sandwich bar / gift shop (A1) to restaurant (A3).

Application No.: TP/09/0399 Ward: Bush Hill Park

Appeal Type: Written Evidence

Appeal Received date: 27-Jul-2009

Location: 397, BURY STREET WEST, LONDON, N9 9JR

Proposal: Vehicular access.

Application No.: TP/09/0442 Ward: Haselbury

Appeal Type: Informal Hearing

Appeal Received date: 17-Jul-2009

Location: 47, TILLOTSON ROAD, LONDON, N9 9AQ

Proposal: Conversion of single family dwelling into 2 x flats (comprising 1x1- bed & 1x2- bed flats).

Application No.: TP/09/0475 Ward: Chase

Appeal Type: Written Evidence

Appeal Received date: 17-Jul-2009

Location: 23, CYPRESS AVENUE, ENFIELD, EN2 9BY

Proposal: Subdivision of site and erection of a detached 2-bed bungalow at side, incorporating accommodation in roof with gable ends, front dormer and roof lights, and parking and access to front.

Application No.: TP/09/0495 Ward: Grange

Appeal Type: Written Evidence

Appeal Received date: 30-Jul-2009

Location: 28, RIDGE AVENUE, LONDON, N21 2AJ

Proposal: Vehicular access and construction of hardstanding.

Application No.: TP/09/0536

Ward: Bowes

Appeal Type: Written Evidence

Appeal Received date: 23-Jul-2009

Location: 76, UPSDELL AVENUE, LONDON, N13 6JN

Proposal: Erection of 1x2-bed detached single family dwelling to rear of 76, Upsdell Avenue, with excavation to include a lower ground floor as habitable rooms, involving demolition of existing garage and store, with construction of hard standing and vehicular access.

Application No.: TP/09/0590

Ward: Enfield Highway

Appeal Type: Written Evidence

Appeal Received date: 06-Aug-2009

Location: 30A, INGERSOLL ROAD, ENFIELD, EN3 5PU

Proposal: Part 2-storey side extension and rear dormers.

Application No.: TP/09/0633

Ward: Southbury

Appeal Type: Informal Hearing

Appeal Received date: 05-Aug-2009

Location: 79, SOUTHBURY ROAD, ENFIELD, EN1 1PJ

Proposal: Change of use of basement and ground floor from hostel for homeless persons to a day nursery for a maximum of 18 children between the ages of 3 months to 5 years with play area to rear and self-containment of upper floor to provide a 1-bed residential unit together with provision of associated parking to front and rear.

SECTION 2

DECISIONS ON TOWN PLANNING APPLICATION APPEALS

Application No.: LDC/08/0531

Ward:Town

(Delegated - 31-Dec-2008 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Allowed

Decision Date: 04-Aug-2009

Location: 226, PARSONAGE LANE, ENFIELD, EN1 3UQ

Proposal: Single storey rear extension.

Application No.: PA/09/0002

Ward:Cockfosters

(Delegated - 27-Feb-2009 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Allowed

Decision Date: 22-Jul-2009

Location: SITE, Public footpath adjacent to, open space opposite 88 & 88a, South Lodge Drive, Enfield, N14

Proposal: Installation of a telecommunication mock telephone pole to a maximum height of 8 metres incorporating 1 antennae with equipment cabinet at base.

Application No.: TP/02/1560/2

Ward:Southbury

(Delegated - 18-Nov-2008 - REFUSED)

Appeal Type:

Appeal Decision: Invalid appeal

Decision Date: 30-Jul-2009

Location: 78, LEIGHTON ROAD, ENFIELD, EN1 1XW

Proposal: Variation of condition 4 to allow installation of a door to first floor at side (RETROSPECTIVE).

Application No.: TP/08/0684

Ward:Enfield Highway

(Delegated - 15-Sep-2008 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 22-Jul-2009

Location: 232, HERTFORD ROAD, ENFIELD, EN3 5BL

Proposal: Change of use from retail (A1) to storage.

Application No.: TP/08/1124

Ward:Cockfosters

(Delegated - 19-Sep-2008 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 16-Jul-2009

Location: 54, HOOD AVENUE, LONDON, N14 4QQ

Proposal: Conversion of single family dwelling house into one 1-bed and one 2-bed self-contained flats with a single storey rear extension. (RETROSPECTIVE)

Application No.: TP/08/1500

Ward:Haselbury

(Delegated - 25-Sep-2008 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 20-Jul-2009

Location: 105, DEANSWAY, LONDON, N9 9TY

Proposal: Erection of a two storey detached 4-bed single family dwelling with rear dormer and new access to Deansway.

Application No.: TP/08/1698

Ward:Southgate

(Delegated - 28-Oct-2008 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 07-Aug-2009

Location: GARAGES TO REAR OF 32, WYNCHGATE, RALEIGH WAY, LONDON, N14 6RR

Proposal: Redevelopment of site to provide a part lower ground, part single storey, 2-bed detached single family dwelling with a terrace to roof and lower ground floor.

Application No.: TP/08/1740

Ward:Edmonton Green

(Delegated - 04-Nov-2008 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 06-Aug-2009

Location: 100, FELIXSTOWE ROAD, LONDON, N9 0DU

Proposal: Conversion of a single family dwelling into 2 flats (comprising 1x1- bed and 1x2-bed) together with a single storey rear extension, and new access to side.

Application No.: TP/08/1848

Ward:Bowes

(Delegated - 11-Dec-2008 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 20-Jul-2009

Location: 23, NORFOLK AVENUE, LONDON, N13 6AP

Proposal: Single storey rear extension (Revised scheme).

Application No.: TP/08/1998

Ward:Upper Edmonton

(Delegated - 19-Dec-2008 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 06-Aug-2009

Location: 49, QUEENSLAND AVENUE, LONDON, N18 1AT

Proposal: Conversion of single family dwelling into 2 x 1- bed self contained flat involving a single storey rear extension and rear dormer.

Application No.: TP/08/2063

Ward:Ponders End

(Delegated - 23-Feb-2009 - REFUSED)

Appeal Type: Informal Hearing

Appeal Decision: Appeal Dismissed

Decision Date: 30-Jul-2009

Location: 8, ALMA ROAD, ENFIELD, EN3 4UG

Proposal: Demolition of existing building and erection of a part 2, part 3-storey block of 15 x 2-bed flats, incorporating rear roof terrace at first floor level and associated car parking to rear.

Application No.: TP/08/2268

Ward:Enfield Highway

(Delegated - 24-Feb-2009 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal allowed subject to condition(s)

Decision Date: 07-Aug-2009

Location: Land Between 111 and 113, Redlands Road, Enfield, EN3 5HJ

Proposal: Erection of a detached 3-bed single family dwelling with off street parking at front.

Application No.: TP/08/2269

Ward:Ponders End

(Delegated - 24-Feb-2009 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 07-Aug-2009

Location: 22, SWANSEA ROAD, ENFIELD, EN3 4JG

Proposal: Subdivision of site and erection of a detached 3-bed single family dwelling house with off street parking at front.

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MUNICIPAL YEAR 2009/2010 REPORT NO. 67**MEETING TITLE AND DATE:**

Planning Committee

26th August 2009**REPORT OF:**Assistant Director
(Planning & Environmental Protection)Contact officer: Andy Higham – 020 8379 3848
Andy.Higham@enfield.gov.uk

AGENDA – PART:	ITEM:
SUBJECT: Proposed Local Development Order and Street Trading	

1. Summary

- 1.1 This report follows a review of the consent regimes that permit the use of the public highway as external seating areas outside existing cafes and restaurants with the objective of delivering efficient and coordinated service across regulatory functions within Environment and Street Scene.
- 1.2 The making of a Local Development Order would remove the need for a separate planning application to be made for the change of use of the highway land in question. The consent process would then focus on the application for a street trading license that replicates some of the procedures associated with planning process. This would lead to a simplified consent process, making it easier for operators to obtain the necessary consent whilst retaining effective control for the Council. At the same time it is envisaged this would support the creation of a more vibrant public realm within our town and local centres; a key planning policy objective for the Council.
- 1.3 A decision to proceed with the adoption of a Local Development Order has been agreed by the Cabinet Member for Environment and Street Scene (17th July 2009) and officers are now arranging for consultation with local residents and ward councilors to take place. A report on the consultation responses will be presented to Planning Committee for consideration before referral to the Secretary of State

2. Recommendations

- 2.1 That Members note the contents of the report.

3. Background

3.1 There is demand from the operators of cafes and restaurants to place tables and chairs on the footway in front of their premises and a limited number of such consents are granted each year. For Development Services, since the beginning of 2008, four such applications have been received by the local planning authority. Of these, only 1 was refused planning permission and this was on grounds relating to the free flow of pedestrians and highways safety.

3.2 However, it is considered that in appropriate circumstances and with the right controls, external seating areas have the potential to contribute positively to the vitality and viability of the Borough's town and local centres with particular emphasis on supporting the vibrancy of a night time economy.

3.3 Presently, there are separate consent processes applicable to any person wishing to place tables and chairs on the highway:

- a) an application for a street trading licence; and
- b) a planning application for the change of use of the land;

A café or restaurant owner has to obtain all three consents before any external use can commence.

3.4 Within the particular statutory consent regimes, there is some overlap between an application for planning permission and an application for the street trading license. Both involve public consultation with neighbouring residents and both are able to consider issues of residential amenity that is often the key determining factor for a planning application.

3.5 Applications for planning permission are assessed on 4 main issues:

- i) residential amenity;
- ii) highway safety;
- iii) design and appearance.
- iv) character of locality

Applications for street trading licences consider residential amenity together with issues relating to public order and the management and operation of the area. An application for a tables & chairs licence may only be refused on one or more of the following grounds:

- i) there are enough tables & chairs licences in this (or an adjoining) street;
- ii) the applicant is not the owner or occupier of the premises;
- iii) the applicant has failed to identify suitable storage for the tables & chairs;
- iv) the applicant has failed to avail himself fully of a previous tables & chairs licence;
- v) the applicant has had a previous tables & chairs licence revoked;
- vi) the applicant is unsuitable to hold a licence.

However, in any event, a licence will NOT be issued unless both :

- i) The Council's Planning Service confirm that premises are lawfully permitted to provide food and drink for consumption by the public on the premises; and
 - ii) The Council's Highways Service confirm that safe and convenient pedestrian movement can be ensured on the footway outside the premises.
- 3.6 This review has sought to look at existing procedures and to establish ways of working which provide a more coordinated approach. It is considered this can be achieved by introducing a Local Development Order that would address the material planning issues but still enable issues of residential amenity to be considered through the process for a street trading licence.

What Are Local Development Orders

- 3.7 A Local Development Order (LDO) is a mechanism to extend permitted development rights for development specified in the Order and thus avoid the need for separate planning permission to be obtained.
- 3.8 Guidance states that they should be used by local planning authorities in response to local circumstances, to proactively facilitate the implementation of planning policy in their area.
- 3.9 An LDO must be used to implement a policy contained in one or more development plan documents and can be granted with conditions to limit or control the extent of the development permitted by the Order

The Proposal

- 3.10 The intention is to serve a Lawful Development Order to permit the placement of external tables and chairs immediately in front of premises lawfully operating as restaurants and cafes falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). This would remove the need for a separate planning application for such development.
- 3.11 Class A3 covers restaurants and cafes where the primary purpose is the consumption of hot food on the premises. It does not include public houses, hot food takeaways, sandwich bars or coffee shops which fall in separate use class categories.
- 3.12 The grant of an LDO can be made subject to conditions which are felt necessary to safeguard material planning interests. In this instance, it is proposed that the Local Development Order would be subject to the following conditions:
- a) the lawful planning use of the premises falls within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended);
 - b) the premises must be within the defined areas;
 - c) the area of footway in question would be contiguous with the premises;
 - d) the external seating area shall leave a minimum footway width of 2 metres;
 - e) the external seating area shall be marked out on the highway;

- f) the external seating area shall not be used beyond 11pm
 - g) no fixed or permanent structures shall be erected (these will require separate planning permission)
 - h) temporary barriers must not exceed a height of 1 metre, must not contain any advertising, must not be illuminated and must be removed from the highway at the end of each day
 - i) no temporary barriers can be erected to premises within a Conservation Area or where the premises are a listed building.
- 3.13 Restaurants and café wishing to operate external seating areas outside of these conditions would require planning permission: an application for which would be assessed on its individual planning merits.

Making a Local Development Order

- 3.14 When preparing a Lawful Development Order, the first step is to produce a concise statement justifying why an Order should be made. This is known as a “Statement of Reasons” and must include:
- a) a clear description of the development that would be permitted and scope of the LDO;
 - b) a statement of the policies which the LDO would implement;
 - c) a plan or statement identifying the land to which the LDO would apply.
- 3.15 The “Statement of Reasons” is attached as Appendix 1.
- 3.16 Once a draft Order is produced, extensive consultation with local residents in and around the identified centres would be required for a minimum of 28 days. If necessary and depending on the nature of the comments made, a further 28 day consultation period on the revised Order would also be necessary.
- 3.17 Any representations received would be assessed as part of a report seeking approval to the grant of the Order.
- 3.18 Before adopting the Order, the local planning authority must then send a copy of the draft LDO to the Secretary of State who has 21 days in which to comment (although this period can be extended by the Direction of the Secretary of State).
- 3.19 The options available to the Secretary of State are:
- a) approval;
 - b) approval with modifications;
 - c) rejection;
- 3.20 It would be at the discretion of the local planning authority to adopt any modified LDO.
- 3.21 If agreed, the local planning authority must report to the Secretary of State each year on the extent to which the LDO is achieving its purpose.

The Resultant Process

- 3.22 If the LDO is agreed by the Secretary of State, the following process will be adopted:
- a) Upon receipt of an application for a Street Trading Licence, interested parties will be notified and invited to comment. These interested parties would be Development Services, Transportation, Metropolitan Police, residents and ward Councillors;
 - b) In the absence of any response from the interested parties, a licence will be issued subject to the relevant conditions including those of the Local Development Order which will be set out and attached as part of any decision letter
 - c) If an objection is received from an interested party, the Council's Licensing Committee will determine the application. A right of appeal against a decision of the Licensing Committee would be available to the Magistrates Court.
- 3.23 As a result of this revised process, it would be unnecessary to submit individual planning applications for the use of external areas for the tables and chairs. Although this would be subject to each proposal complying with the conditions of the Local Development Order, this should deliver a more efficient and coordinated service for the vast majority of proposals. In addition, having regard to the material planning considerations identified in Para 2.5, it is considered the conditions are specific and should address these concerns satisfactorily and maintain adequate planning control where necessary.
- 3.24 Furthermore, as public consultation forms an integral part of the process for a street trading licence, the views of local residents can still be taken into account and consideration can be given to the effect on residential amenity having regard to issues of noise and disturbance.
- 3.25 It is considered therefore that the Local Development Order would not harm the proper planning of the area or prejudice the material interests of local residents

4. Position Regarding A1 and A5 Uses

- 4.1 In its current form, the proposed Lawful Development Order is limited to premises in lawful use as restaurants and cafes within Use Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 4.2 It does not include Sandwich Bars or Coffee Shops which often fall within Use Class A1 and where the primary purpose is the sale of cold food including teas / coffees for consumption off the premises. Although a very limited number of tables and chairs can be provided in connection with such uses, the number of chairs together with the characteristics of the use, can have a bearing on the lawful status of the existing A1 use and whether a material change of use has occurred. As a result, premises within A1 have been excluded from the Order as each case needs to be assessed on its individual merits.

- 4.3 The Order also excludes public houses and wine bars. It is felt that such an approach is appropriate given the larger areas often involved and the sensitive nature of such proposals to local residents due to issues of noise, activity and general disturbance.

5. Conclusion

- 5.1 The proposed Local Development Order would simplify the consent regime applicable to the use of external area in front of restaurants and cafes for table and chairs by removing the need for separate planning permission where the proposed development complies with the conditions set out in the Local Development Order. The interest of the local community will be safeguarded by the single application for the Street Trading Licence. This will be of benefit to traders who will have a clearer consent process and will not have to navigate the separate procedures.
- 5.2 The consultation inherent in the street trading license process also serve to protect the interests of local residents in respect of individual proposals.
- 5.3 In addition, before a Local Development Order can be served, full consultation of residents adjacent to the areas concerned is also undertaken to ensure their interests are taken into account before any Order is agreed. A report to Planning Committee will form part of the process of approval.

Background Papers

None