

Public Document Pack



PLANNING COMMITTEE

Tuesday, 31st August, 2010 at 7.30 pm
Venue: Conference Room
The Civic Centre, Silver Street,
Enfield, Middlesex, EN1 3XA

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MEMBERS

Councillors : Andreas Constantinides (Chairman), Toby Simon (Vice-Chairman), Kate Anolue, Ali Bakir, Yusuf Cicek, Don Delman, Ahmet Hasan, Ertan Hurer, Nneka Keazor, Dino Lemonides, Paul McCannah, Terence Neville OBE JP, Anne-Marie Pearce, Eleftherios Savva and George Savva MBE

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

Involved parties may request to make a deputation to the Committee by contacting the committee administrator before 12:00pm on 30/08/10.

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 27 JULY 2010** (Pages 3 - 14)

To receive the minutes of the Planning Committee meeting held on Tuesday 27 July 2010.

5. REPORT OF THE ASSISTANT DIRECTOR, PLANNING AND ENVIRONMENTAL PROTECTION (REPORT NO. 44) (Pages 15 - 16)

To receive the covering report of the Assistant Director, Planning and Environmental Protection.

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

6. LBE/10/0014 - BRITANNIA HOUSE, 137-143, BAKER STREET, ENFIELD, EN1 3JL (Pages 17 - 24)

RECOMMENDATION: Approval Subject to Conditions
WARD: Town

7. LBE/10/0018 - FIRS FARM PRIMARY SCHOOL, RAYLEIGH ROAD, LONDON, N13 5QP (Pages 25 - 46)

RECOMMENDATION: Approval Subject to Conditions
WARD: Bush Hill Park

8. LBE/10/0026 - MONTAGU ROAD RECREATION GROUND, MONTAGU ROAD, LONDON, N9 0EU (Pages 47 - 54)

RECOMMENDATION: Approval Subject to Conditions
WARD: Edmonton Green

9. TP/10/0312 - LAND ADJACENT TO 8, ALDERWOOD MEWS, BARNET, EN4 0ED (Pages 55 - 66)

RECOMMENDATION: Approval Subject to Conditions
WARD: Cockfosters

10. TP/10/0335 - CATHERINE COURT, LONDON, N14 4RB (Pages 67 - 82)

RECOMMENDATION: Approval Subject to Conditions
WARD: Cockfosters

11. TP/10/0570 - LUMINA PARK, 153, LINCOLN ROAD, EN1 1SB (Pages 83 - 96)

RECOMMENDATION: Approval with conditions subject to GOL
WARD: Jubilee

12. TP/10/0686 - WAITING ROOM CAFE, PALMERS GREEN STATION, ALDERMANS HILL, LONDON, N13 4PN (Pages 97 - 104)

RECOMMENDATION: Approval Subject to Conditions
WARD: Winchmore Hill

13. **TP/10/0859 - LAND AT SMYTHE CLOSE, EDMONTON GREEN SHOPPING CENTRE, THE BROADWAY, LONDON, N9 0TZ** (Pages 105 - 116)

RECOMMENDATION: Approval Subject to S106 completion
WARD: Edmonton Green

14. **TP/10/0882 - 1, MEADOW CLOSE, ENFIELD, EN3 5PE** (Pages 117 - 128)

RECOMMENDATION: Refusal
WARD: Enfield Highway

15. **TP/10/0893 - 154, PALMERSTON ROAD, LONDON, N22 8RB** (Pages 129 - 138)

RECOMMENDATION: Approval Subject to Conditions
WARD: Bowes

16. **TP/10/1035 - AYLANDS SCHOOL, KESWICK DRIVE, ENFIELD, EN3 6NY** (Pages 139 - 146)

RECOMMENDATION: Approval Subject to Conditions
WARD: Turkey Street

17. **VILLAGE GREEN APPLICATION - LAND ADJACENT TO 68, WEIR HALL AVENUE, N18 (REPORT NO. 45)** (Pages 147 - 180)

To receive the report of the Director of Finance and Corporate Resources.

18. **APPEAL INFORMATION** (Pages 181 - 196)

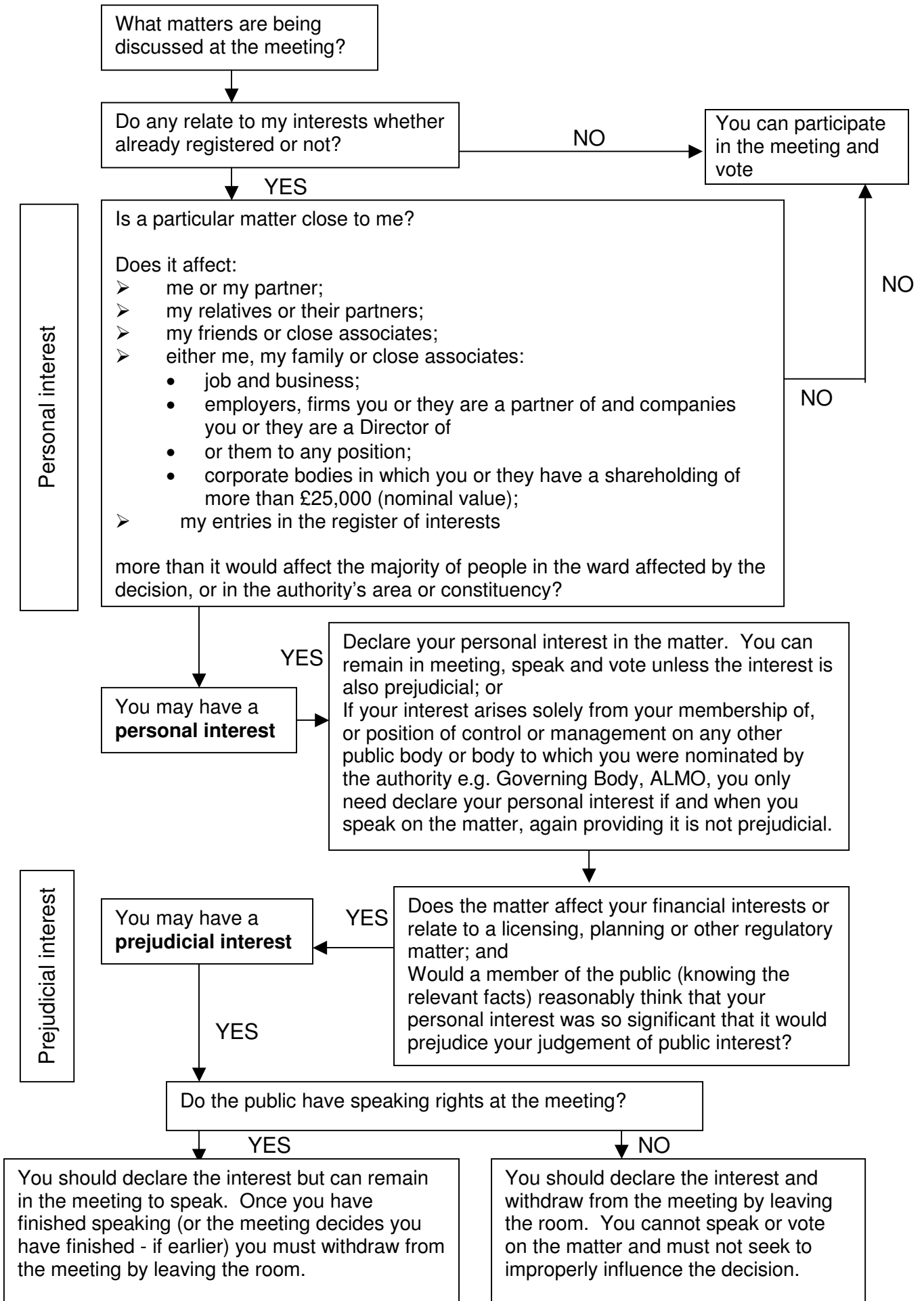
Section 1 : New Town Planning Application Appeals
Section 2 : Decisions on Town Planning Application Appeals

19. **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)

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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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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE
HELD ON TUESDAY, 27 JULY 2010****COUNCILLORS**

PRESENT Andreas Constantinides (Chairman), Toby Simon, Kate Anolue, Ali Bakir, Dogan Delman, Ahmet Hasan, Ertan Hurer, Nneka Keazor, Dino Lemonides, Paul McCannah, Terence Neville OBE JP, Anne-Marie Pearce, Eleftherios Savva and George Savva MBE

ABSENT Yusuf Cicek

OFFICERS: Bob Ayton (Schools Organisation & Development), Linda Dalton (F&CR), Bob Griffiths (Assistant Director, Planning & Environmental Protection), Steve Jaggard (Environment & Street Scene) and Aled Richards (Head of Development Services), David Warden (Principal Planning Officer) and Kasey Knight (Secretary)

Also Attending: Approximately 40 members of the public, applicants, agents and their representatives.
Dennis Stacey, Chairman of Conservation Advisory Group.
Councillors Denise Headley, Tahsin Ibrahim, Don McGowan and Martin Prescott.

191**WELCOME AND LEGAL STATEMENT**

The Chairman welcomed attendees to the Planning Committee, and introduced Linda Dalton, Legal representative, who read a statement regarding the order and conduct of the meeting.

192**APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Cicek and E Savva.

193**DECLARATION OF INTERESTS****NOTED**

1. Councillor McCannah declared a prejudicial interest in application TP/10/0312 - Land Adjacent to 8, Alderwood Mews, Barnet, EN4 0ED, as he had written a letter supporting residents' objections.

2. Councillor Pearce declared a prejudicial interest in application TP/10/0715 - 65 & 67, Kingwell Road, Barnet, EN4 0HZ, as she had a close association with objectors.

PLANNING COMMITTEE - 27.7.2010

194

MINUTES OF PLANNING COMMITTEE 24 JUNE 2010

AGREED the minutes of the meeting held on Thursday 24 June 2010 as a correct record.

195

REPORT OF THE ASSISTANT DIRECTOR, PLANNING AND ENVIRONMENTAL PROTECTION (REPORT NO. 41)

RECEIVED the report of the Assistant Director, Planning and Environmental Protection (Report No. 41).

196

ORDER OF AGENDA

AGREED that the order of the agenda be varied to accommodate the members of the public in attendance at the meeting. The minutes follow the order of the meeting.

197

TP/10/0312 - LAND ADJACENT TO 8, ALDERWOOD MEWS, BARNET, EN4 0ED

NOTED

Introduction by the Head of Development Management with particular advice in relation to the loss of trees.

1. The deputation of Mr Stanley Silver, local resident, including the following points:

- i. There were many objectors.
- ii. Removal of trees would be detrimental to the character of the Conservation Area.
- iii. The development would have an adverse impact on the amenities of neighbouring properties in regards to overlooking, loss of privacy and visually overbearing.
- iv. Overdevelopment of the site.
Increased traffic.

2. The statement of Councillor Paul McCannah, Ward Councillor, including the following points:

- i. He was speaking of behalf of local residents.
- ii. The previous refused applications were smaller than the proposed development.
- iii. The proposal would be out of character and would set a precedent for further developments.

PLANNING COMMITTEE - 27.7.2010

- iv. Loss of garden space had an environmental impact and affected natural drainage.
- v. Overlooking to rear gardens.
- vi. Removal of trees would be detrimental to the character of the Conservation Area.

3. Mr Alan Cox the agent was not present to respond, although he had been notified of the objection.

4. Confirmation that the Conservation Advisory Group had not been included in the consultation.

5. Councillor Hurer's proposal, seconded by Councillor Savva, that the decision be deferred to a future Planning Committee meeting.

AGREED that a decision be deferred to a future Planning Committee meeting, to enable consultation with the Conservation Advisory Group and to enable Officers to investigate the possibility of using, Sustainable Urban Drainage Systems (SUDS).

198

TP/10/0715 - 65 & 67, KINGWELL ROAD, BARNET, EN4 0HZ

NOTED

1. Introduction by the Head of Development Management with particular advice in relation to the recent Government statement that gardens would no longer be classified as brownfield sites.

2. Councillor Pearce left the room and took no part in the vote.

3. The deputation of Mr Stanley Hester, neighbouring resident, including the following points:

- i. He had lived next door to the site for thirty-five years.
- ii. Privacy and quiet enjoyment of neighbouring properties would be lost.
- iii. He made reference to the objections highlighted in the report raised by iv.
- iv. local residents.
- v. Loss of garden space had an environmental impact and affected natural drainage.
- vi. Wasteful demolition of two good houses, unnecessary use of fuel and resources required for a demolition contribution to global warming.
- vii. Suggestion that the developer build affordable homes on vacant land in areas where housing was really needed.
- viii. The applicant was responsible for a number of other development projects in the area.

4. The response of Mr Webster, the applicant including the following points:

- i. The inspector favoured the development.
- ii. He had been negotiating with the Planning Department for several months.

PLANNING COMMITTEE - 27.7.2010

- iii. He was satisfied that the amended application overcame previous objections raised by residents.
- iv. Proposals complied with the relevant provision policies and the London Plan.
- v. The new properties would be more energy efficient.

5. The statement of Councillor McCannah, including the following points:

- i. He supported Mr Hester's anxieties concerning appropriate drainage, loss of ii. garden space, noise disturbance, increased traffic and loss of privacy.
- iii. The proposed development would be out of character and have an adverse impact on local amenities.
- iv. The recent changes to PPS3 removed garden land from the definition of brownfield sites. In light of these changes, the policy presumption in favour of making more effective and efficient use of such land does not now apply and previous comments of the inspector should therefore be disregarded.

Legal advice with regard to public perception of predetermination and declarations of interest.

6. Following an adjournment Councillor McCannah declared a prejudicial interest and withdrew from the meeting.

7. Discussion of Members' remaining concerns regarding garden grabbing and the inadequacy of amenity space.

8. The Head of Development Managements' advice on the validity of points raised.

9. Councillor McCannah took no part in the vote.

AGREED that planning permission be granted, subject to conditions set out in the report, for the reasons set out in the report.

199

TP/10/0614 - 112, WOODBERRY AVENUE, LONDON, N21 3LB

NOTED

1. The Planning Officer's verbal introduction and background information to the application.

2. The deputation of Mrs Joseph, the applicant, including the following points:

- i. The property had been unoccupied and in poor condition for almost forty years. When the resident purchased the property a remedial notice had been served by Planning Enforcement to refurbish and occupy the property within one year.
- ii. The works were completed within five months of the notice being served and to a very high standard.

PLANNING COMMITTEE - 27.7.2010

iii. The works were carried out under advice from their architect that it constituted permitted development. She later discovered that their application for a certificate of lawful development had not been received by the Council. In April 2009 a further application was submitted. This application was refused.

iii. A petition supporting the application had been signed by neighbours and local residents.

3. The statement of Councillor Martin Prescott, Winchmore Hill Ward Councillor including the following points:

i. He sympathised with the personal circumstances of the applicant, who occupies the property with her husband, 3 children and grandchild.

ii. The applicant had no intention of ignoring Planning Policy and agreed to reduce the rear extension.

iii. Neighbouring residents were pleased with the outcome of the development and did not find the conversion offensive or out of character.

iv. Substantial costs could be awarded against the Council, if permission was granted on appeal.

v. He urged the Committee to overturn the officer recommendation of refusal.

Officers' advice on the validity of the points raised and clarification that the crossing of the line of hipped tiles was breached by 1.5metres.

4. Discussion of Members' on merits of the application, weight given to support of neighbouring properties and the impact of the proposed dormer on the street scene and appropriateness and proportionality of the development. Noted the trees limited the impact of development in the summer and level of harm is a subjective judgement.

5. Councillor Hurer's proposal, seconded by Councillor Savva that the officers' recommendation not be accepted, supported by the majority of the Committee.

Recommendation not agreed.

Reasons for granting

1. The proposed development due to its size, siting and design, would not unduly detract from the character and appearance of the existing property, the visual amenities of the surrounding area or unduly affect the amenities of adjoining or nearby residential properties having regard to Policies (I)GD1, (I)GD2, (II)H8 and (I)H12 of the Unitary Development Plan.

2. The proposed extension would not give rise to unacceptable on street parking or congestion, having regards to Policy (II)GD6 as well as Policy 3C.23 of the London Plan.

Conditions

PLANNING COMMITTEE - 27.7.2010

1. Within 3 months of the date of this decision, the rear extension shall be reduced in accordance with the approved plans.

Reason: To ensure the development is complete in a timely manner and in the interest of the amenities of the adjoining neighbour.

2. The external finishing material shall match those used in the construction of the existing building and/or areas of hard surfacing.

Reason: To ensure satisfactory appearance.

200

TP/09/1539 - FORMER CO-OP DAIRY SITE, 19, GILBERT STREET, ENFIELD, EN3 6PD

NOTED

1. Confirmation that a Planning Panel was held in relation to the application in April 2010, the notes of which were included in the agenda pack, and the applicant had made revisions to the scheme further to comments received.

2. A site visit had been made by Planning Committee members on 03 July 2010.

3. Only the Members who were in attendance at the meeting of Planning Committee on 24 June when the application was originally presented and a deputation and response received, were eligible to consider and vote on this application.

4. Confirmation that the applicant had agreed, if planning permission was granted, to provide a contribution towards traffic calming measures.

5. The deputation of Councillor Don McGowan, Turkey Street Ward Councillor, including the following points:

- i. The principal of residential housing was not opposed, but the proposals would be over intensification of the site.
- ii. There would be too high a density in the development and space would have to be shared by pedestrians and cars.
- iii. There would not be enough amenity space and it was unlikely that children would leave the site to play elsewhere.
- iv. Parking restrictions on Gilbert Street would take away available parking already used by residents.
- v. Cars would end up being parked in local roads which could lead to more use of front gardens for car parking.

6. The response of Mr Mark Connell, the agent, including the following points:
i. The site had been vacant since 2001 and was a haven for crime and nuisance activities.

PLANNING COMMITTEE - 27.7.2010

- ii. He represented Origin Housing Association, who if planning permission was granted would have a long lasting stake in the area.
- iii. The scheme would deliver much needed affordable housing and was an opportunity to regenerate this site.
- iv. All relevant standards were met, density levels complied with the London Plan, sustainability ratings were high, and an S106 contribution had been v. agreed.
- v. He had met with local residents and had tried to fulfil requests, reducing the total number of units and increasing parking provision.

7. In response to Members' queries, the Head of Development Management clarified the access road arrangements, possible traffic movements, London Plan density guidelines and parking standards.

8. In response to Members' concerns with regard to the mix of accommodation, officers' advice that the mix of social rented, intermediate shared ownership and private accommodation was considered acceptable in the context of London Plan policy and emerging policy in the Core Strategy reflecting the need to provide a significant proportion of family sized accommodation.

9. Discussion of Members' remaining concerns regarding garden grabbing and the inadequacy of amenity space.

10. Advice of the Head of Development Management to clarify the recent Government amendment to PPS3.

11. Councillors Terry Neville and Toby Simon took no part in the vote.

AGREED that subject to the completion of a S106 Agreement requiring a contribution to education provision, the undertaking of an audit of pedestrian routes to the vicinity of the site and the funding of any necessary works identified, a contribution to off-site play space and the provision of affordable housing, planning permission be granted subject to conditions highlighted in the report, for the reasons set out in the report.

201

TP/10/0396 - 152, WELLINGTON ROAD, ENFIELD, EN1 2RH

NOTED

- 1. The Head of Development Management's clarification of the planning history and relevant planning decisions.
- 2. Receipt of a letter of objection from Bush Hill Park Residents Association, highlighting concerns, particularly in regard to noise and disturbance.
- 3. The statement of Denise Headley, Bush Hill Park Ward Councillor, including the following points:

PLANNING COMMITTEE - 27.7.2010

- i. Residents had raised a number of concerns with her as Ward Councillor.
- ii. There was an over-concentration of care homes in the vicinity, many not meeting full capacity.
- iii. There was insufficient parking provision, concerns about parking on the street affecting the bus route and emergency services access.
- iv. The development would be detrimental to the community.
- v. Current traffic problems would be exacerbated and there would be inconvenience and danger at dropping off and picking up times.
- vi. This use was inappropriate here in what should be a family home.
- Vii. Residents had moved here to be in a quiet, residential part of the borough, but were actually within a small business community.

4. The deputation of Mr Chris Elias, the applicant , including the following points:

- i. There was significant support for the scheme from 154 Wellington Road, Mr P T Prentice, Headmaster The Raglan School, Ofsted and CASEY. Their letters of support had been included in the application.
- ii. This was a relocation of the service currently provided by his wife at 84 Amberley Road, Bush Hill Park.
- iii. Arrival and collection of children would be staggered and parking space would be adequate.
- iv. There was continual demand for nursery accommodation.

5. Discussion of members' in regard to outdoor recreation.

AGREED that planning be granted subject to delegated powers afforded to officers to amend condition 2 in order to afford greater flexibility for children to utilise the rear garden.

202

TP/09/1862 - YARD, GIBBS ROAD, LONDON, N18 3PU

NOTED

1. Officers' verbal introduction with particular advice in relation to revised conditions, noise and S106 requirements.
2. Receipt of further comments from the Greater London Authority (GLA) confirming no objections, subject to the provision of an additional plan showing a possible heat infrastructure layout.
3. Discussion of Members' remaining concerns with regards to possible odours and noise pollution.
4. Officers' confirmation that the plant and machinery would operate in an enclosed environment. Further information had been requested with regards to the equipment required. The site would be monitored by the Environment Agency.

PLANNING COMMITTEE - 27.7.2010

AGREED that planning permission be granted subject to an agreement under section 106 and subject to conditions.

Revised Conditions

Within 6 month of the first 20,000 tpa module, a feasibility study on the sustainable use of by-products, in particular re-use of the bottom ash/char material potentially as a secondary aggregate, including implementation timescales, has been submitted to and approved in writing by the Local Planning Authority. The use of the by-products shall accord with the approved details and shall be implemented in accordance with the approved time scales.

Reason: In the interests of sustainable development and mitigating the impacts of climate change.

No goods, products or waste material (including timber intake or chipped timber feedstock material) shall be deposited or stored on any open part of the site. Chipped/palletised feedstock timber shall only be transported from the wood chip processing building to the gasifier building by overhead conveyor. Unless otherwise agreed in writing by the Local Authority.

Reason: In the interests of amenity and the appearance of the site, to ensure the development is operated in accordance with the approved details.

Additional Condition

The development shall not commence until a scheme for the export of waste timber during the commissioning phases of development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide that, once at full capacity, waste timber shall only be processed on site and shall not be exported in either raw or processed form. The scheme shall be implemented in accordance with the approved details prior to first use of the site and shall be thereafter be retained.

Reason: In the interests of amenity and the appearance of the site, to ensure the development is operated in accordance with the approved details.

203

TP/10/0390 - FORTY HILL C OF E PRIMARY SCHOOL, FORTY HILL, ENFIELD, EN2 9EY

AGREED that planning permission be granted subject to the conditions set out in the report, for the reasons set out in the report.

204

TP/10/0601 - MAIN BUILDING, ST MICHAEL'S C OF E PRIMARY SCHOOL, BRIGADIER HILL, ENFIELD, EN2 0NB

NOTED

PLANNING COMMITTEE - 27.7.2010

An objection from Sport England in relation to the loss of playing fields.

In response to Members' queries, officers' advice to clarify the calculation of total useable space and confirmation that total useable space had increased.

AGREED that planning permission be granted subject to the Authority referring the application to the Government Office for the West Midlands unless Sport England, withdraw their objection, which they should be asked to do.

205

LBE/10/0016 - CAPEL MANOR PRIMARY SCHOOL, BULLSMOOR LANE, ENFIELD, EN1 4RL

AGREED that planning permission be granted in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to conditions set out in the report, for the reasons set out in the report.

206

LBE/10/0022 - HONILANDS PRIMARY SCHOOL, LOVELL ROAD, ENFIELD, EN1 4RE

AGREED that planning permission be granted in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out in the report, for the reasons set out in the report.

207

LBE/10/0023 - RUSSETT HOUSE SCHOOL, 11, AUTUMN CLOSE, ENFIELD, EN1 4JA

AGREED that planning permission be granted in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to conditions set out in the report, for the reasons set out in the report.

208

LBE/10/0024 - ALBANY SCHOOL, BELL LANE, ENFIELD, EN3 5PA

NOTED

In response to Members' queries, the Head of Development Management clarified the access arrangements.

An amendment to the recommendation to add an additional condition with relation to pedestrian access.

While Cllr Simon was concerned about the plan to relocate the primary provision he was not raising this as an objection to the application.

PLANNING COMMITTEE - 27.7.2010

AGREED that planning permission be granted subject to an additional condition.

Additional Condition: The proposed and all existing pedestrian entrances to the school site shall be open and available for use at all arrival and departure times.

Reason: To encourage pedestrian access in the interests of sustainable travel.

209

LBE/10/0025 - GARFIELD PRIMARY SCHOOL, SPRINGFIELD ROAD, LONDON, N11 1RR

AGREED that planning permission be granted in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to conditions set out in the report, for the reasons set out in the report.

210

TP/10/0182 - OAKTREE SCHOOL, CHASE SIDE, LONDON, N14 4HN

AGREED that planning permission be granted in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to conditions set out in the report, for the reasons set out in the report.

211

TP/10/0752 - ST MATTHEW'S C OF E PRIMARY SCHOOL, SOUTH STREET, ENFIELD, EN3 4LA

AGREED that planning permission be granted in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to conditions set out in the report, for the reasons set out in the report.

212

APPEAL INFORMATION

NOTED Members noted the information on town planning appeals received from 08/06/2010 to 12/07/2010.

213

UPDATE ON NEW TOTTENHAM HOTSPUR FC GROUND

Members voted to suspend standing orders to 10.30 to complete the agenda.

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MUNICIPAL YEAR 2010/2011 - REPORT NO 44

COMMITTEE:
PLANNING COMMITTEE
31.08.2010

AGENDA - PART 1	ITEM 5
SUBJECT -	
MISCELLANEOUS MATTERS	

REPORT OF:
Assistant Director, Planning
and Environmental Protection

Contact Officer:
Planning Decisions Manager
Andy Higham Tel: 020 8379 3848

5.1 APPLICATIONS DEALT WITH UNDER DELEGATED POWERS INF

5.1.1 In accordance with delegated powers, 287 applications were determined between 14/07/2010 and 17/08/2010, of which 215 were granted and 72 refused.

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

Background Papers

To be found on files indicated in Schedule.

5.2 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.

5.3 APPEAL INFORMATION

INF

The Schedule attached to the report lists information on town planning application appeals received between 13/07/2010 and 17/08/2010 and also contains information on decisions taken during this period.

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 31st August 2010

Report of

Assistant Director, Planning & Environmental Protection

Contact Officer:

Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mr A. Jarratt Tel: 020 8379 3842

Ward: Town

Application Number : LBE/10/0014

Category: Change of Use

LOCATION: BRITANNIA HOUSE, 137-143, BAKER STREET, ENFIELD, EN1 3JL

PROPOSAL: Use of ground floor as a Carers Centre together with new access ramp at front and wall mounted CCTV cameras to front and rear.

Applicant Name & Address:

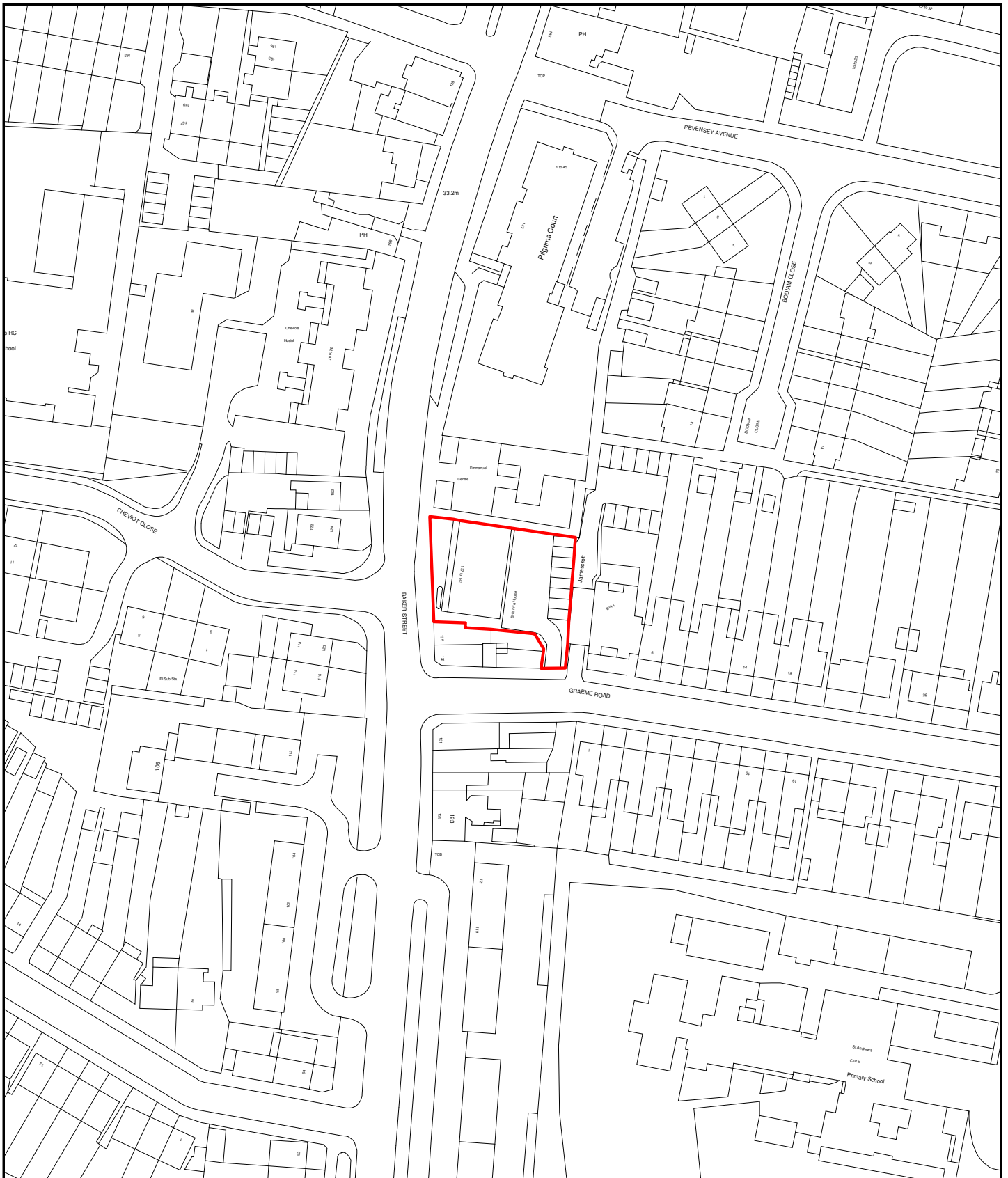
Ms Rosie Laidlaw,
London Borough of Enfield
Health & Adult Social Care
Civic Centre
Silver Street
Enfield
EN1 3XA

Agent Name & Address:

Mr Mark Griffiths,
London Borough of Enfield – Architectural
Services
Thomas Hardy House
39, London Road
Enfield
EN2 6DS

RECOMMENDATION:

That in accordance with Regulation 3 of the Town and Country Planning (General) Regulations 1992, planning permission be deemed to be **GRANTED** subject to conditions.



Development Control



Scale - 1:1250
Time of plot: 09:03

Date of plot: 13/08/2010

1. Site and Surroundings

- 1.1 The site is located on the east side of Baker Street and comprises a three storey building (Britannia House). The premises has an attached car park. The ground floor is occupied as offices with the first and second floor in residential use.
- 1.2 The surrounding area is predominantly residential

2. Proposal

- 2.1 Permission is sought for the use of the ground floor office accommodation as a Carers Centre, together with a new access ramp at the front and wall mounted CCTV cameras to the front and to the rear.
- 2.2 The need for such a Carers Centre's was identified in the Enfield Carers Strategy 2005-2010. Amongst other things, the objectives of the centre are to deliver workshops and access to training, provide a place to meet with other carers, provide support, research and raise the profile of carers and to provide information and advice.
- 2.3 The Centre would typically be expected to attract approximately 7 to 8 people a day. However, on certain occasions, such as training/group support days, the site could attract a further 15 to 20 people (MAX 30)
- 2.4 The proposed external ramp, providing disabled access to the building, would be serve the buildings main street entrance and would be approximately 1.5 metres long and 6.5 metres wide. It would have a floor level height of no more than 0.3 metres and would have railings with a maximum height of approximately 1 metre. The existing rail and ramp to the rear of the property would be retained.
- 2.5 The proposed CCTV cameras would be located on the front and rear of the building and would be of a small scale and would focus solely on the entrances (typical dimensions 0.4m x 0.2m x 0.2m).

3. Relevant Planning Decisions

- 3.1 LBE/06/0039 – Change of use of site to a car park with 16 spaces including two disabled bays and bin stores was approved in February 2007 (this decision relates to existing attached car park and not the whole site)

4 Consultation

4.1 Statutory and non-statutory consultees

None

4.2 Public

Consultation letters have been sent to the occupiers of 15 nearby residents. In addition a notice has been posted on site. One response was received,

raising concern about the impact of the proposal upon capacity of the existing car park

5. Relevant Policy

5.1 London Plan

- 3A.18 Protection and enhancement of social infrastructure and community facilities
- 3A.19 The voluntary and community sector
- 3C.23 Parking strategy

5.2 Unitary Development Plan

- (I)GD1 Regard to surroundings
- (I)GD2 Amenity
- (II)GD3 Aesthetics and functional design
- (II)GD6 Traffic generation
- (II)CS3 Location of community services

5.3 Local Development Framework

The Enfield Plan – Core Strategy has now completed its Examination in Public on the ‘soundness’ of the plan and the Inspectors report is now awaited. In the light of the matters raised, it is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

- SO1 Enabling and focusing change
- SO3 Community cohesion
- SO5 Education, health and wellbeing
- SO7 Employment and skills
- SO10 Built environment

- CP7 Health and social care facilities and the wider determinants of health
- CP8 Education
- CP9 Supporting community cohesion
- CP10 Emergency and essential services
- CP30 Maintaining and improving the quality of the built and open environment

5.4 Other Material Considerations

- PPS1 Delivering Sustainable Development

6. Analysis

6.1 Principle

- 6.1.1 In principle, use of the premises would support the well being of the community and in land use terms, would not be inappropriate given the existing use of the premises and the surrounding character. The proposal would convert one ground floor office space into carer’s centre which would provide a variety of different functions in conveniently located premises close

to the town centre and with its own existing parking facilities. It would therefore be supported by Policy (II)CS1 of the Unitary Development Plan and Policies 3A.18 and 3A.19 of the London Plan.

6.2 Impact on Character and Appearance of the Surrounding Area

6.2.1 The external appearance of the building would be largely unaltered as a result of the proposed change of use. The only externally visible alterations include the new ramp and CCTV camera at the front entrance and another CCTV camera above the existing ramp at the rear entrance.

6.2.2 The ramp is of an appropriate size relative to its function and would not have a detrimental impact upon the character and appearance of the building nor the surrounding area. In addition, the external CCTV cameras would also have minimal external presence on the appearance of the premises

6.3 Impact on Neighbouring Properties

6.3.1 The proposed opening hours are 9am – 5pm from Monday to Friday, not dissimilar to normal office hours. Moreover, it has been confirmed that the Carer Centre would be closed on weekends and Bank Holidays. Furthermore, although there could be peaks in people attending the premises, the level of usage would not result in increased activity to result in a loss of amenity. As a result, it is considered therefore the proposed change of use would not cause additional harm to neighbouring residential properties.

6.4 Parking

6.4.1 The site is within a PTAL 2 area, which indicates a below average access to public transport although it must be noted that Baker Street is served a two bus routes. Nevertheless, the site would also have off street parking provision in the car park (**HOW MANY**). Taking these factors into account together with the number of people expected to visit the site, it is considered that the proposal would not give rise to conditions prejudicial to the amenity of the surrounding area with regard to parking.

7. **Sustainability**

7.1 Given the nature of the proposal involving the change of use of the existing premises, there are no sustainability requirements in this instance.

8. **Conclusion**

7.1. In the light of the above comments, it is considered the proposed Career Centre is acceptable for the following reasons:

1 The proposal is considered to support the existing community infrastructure in the Borough consistent with the objections of Policy (II)CS1 and (II)CS3 of the Unitary Development Plan as well as 3A.18 and 3A.19 of the London Plan.

2. The proposed use of the ground floor office accommodation as a Carers centre, together with a new access ramp at the front and wall mounted CCTV cameras to the front and to the rear, by virtue of the nature of the use, opening times, as well as the proposed works scale and design, would not

give rise to conditions prejudicial to the residential amenities of neighbouring properties or the character and appearance of the surrounding area., having regard to Policies (I)GD1, (I)GD2, (II)GD3 of the Unitary Development Plan as well as Policies 3A.18 and 4B.8 of the London Plan.

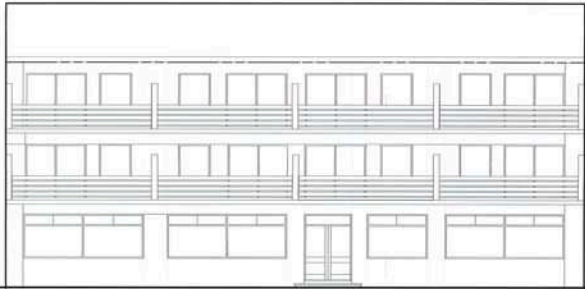
3. The proposed change of use due to the nature of use, the proximity to public transport and the availability of dedicated parking, would not give rise to conditions through on street parking and traffic generation prejudicial to the free flow and safety of vehicles and pedestrians using the adjoining highways having regard to Policies (II)GD6 and (II)GD7 of the Unitary development Plan and Policies 3C.23 and Annex 4 of the London Plan.

9 Recommendation

9.1 That 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. The existing building, where disturbed by the new works, shall be made good/repared to match the existing building where disturbed by the new works.
Reason: To ensure a satisfactory appearance.
2. The premises shall only be open for business and working between the hours of 9am and 5pm (Monday to Friday). The premises shall be closed on Saturdays, Sundays and Bank Holidays
Reason: To safeguard the amenities of the occupiers of nearby residential properties.
3. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.
Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.

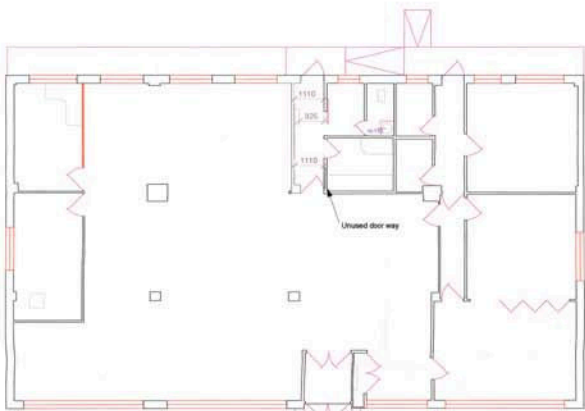
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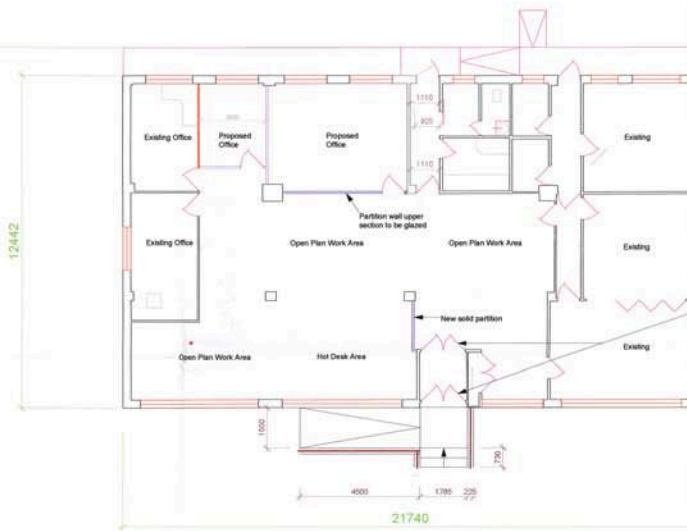
Existing front elevation



Proposed front elevation



Existing Ground Floor Plan



Proposed Ground Floor Plan



Photograph Of Existing Front Elevation



Proposed Rear Elevation

RAMP DETAILS

Allow to reduce ground levels as necessary to provide a 300mm deep well compacted hardcore base 150mm deep concrete foundation reinforced with A252 mesh (minimum 50mm cover).

External ramp to be constructed with concrete and brickwork to match existing main elevations. The gradient of the ramp to be 1:15. The surface of the ramp to be at least 1.5m wide with a slip resistant tamped finish. Surface to landing area to be level.

Ramp guarding to be provided with 100mm high visually contrasting brick on edge kerb to be formed on all open sides of the ramp, landings and stairs. If the rise of the ramp steps is greater than 2No, 150mm high signpost steps will be provided. Goings of all steps to be minimum 280mm wide

Supply and fix handrails to one side of the ramp and both sides of landing and stairs. Handrails to extend 300mm beyond the ends of stairs and ramped access.

Handrail to be metal wall fixed handrail to stair or ramp; 42mm diameter mild steel tube. Height of top rail 900 mm above pitch line. Height of intermediate rail 450mm. Joints welded and ground smooth. Finish to be polyester powdered coated RAL Reference 3002 (Carmine Red) Fixing via galvanised countersunk bolts.

All external building works to the building and ground works to be made good to match existing where disturbed by the new works.

Construct 2no concrete steps to ramp as shown on the drawing. Allow for fluorescent painted colour contrast nosings to treads and risers.

CCTV CAMERAS
Cameras to focus on entrance doors only.

Refurbish doors see DDA



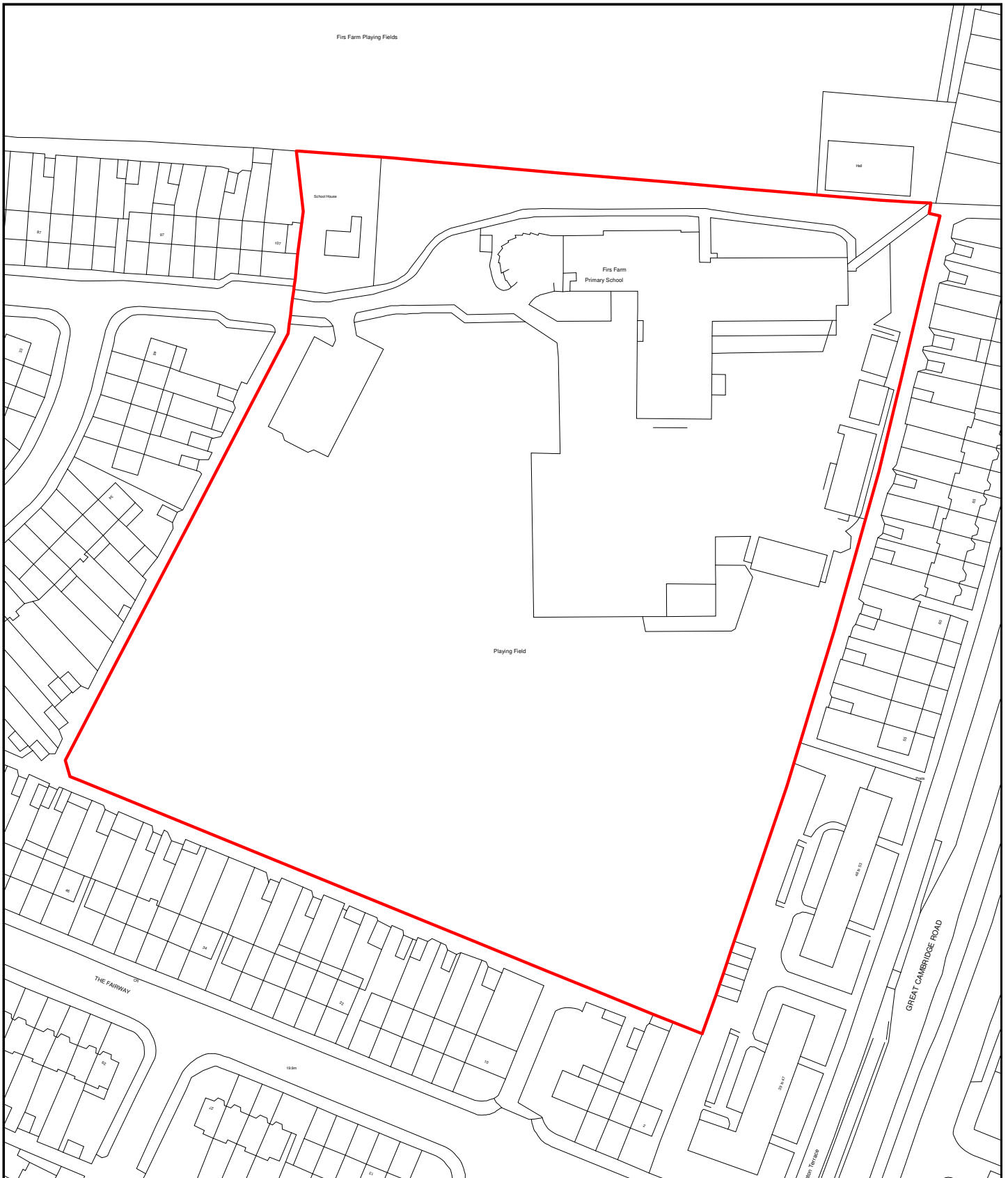
Scale 1:1250

LONDON BOROUGH OF ENFIELD
30 APR 2010
ENFIELD COUNCIL SERVICES

Page 23
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LONDON BOROUGH OF ENFIELD**PLANNING COMMITTEE****Date :** 31st August 2010**Report of**
Assistant Director, Planning &
Environmental Protection**Contact Officer:**
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Robert Lancaster Tel: 020 8379
4019**Ward:** Bush Hill
Park**Application Number :** LBE/10/0018**Category:** Small Scale Major**LOCATION:** Firs Farm Primary School, Rayleigh Road, London, N13 5QP**PROPOSAL:** Expansion of primary school from 2 form entry to 3 form entry involving erection of single storey and 2-storey extensions, refurbishment of existing buildings, formation of play areas and MUGA, and provision of additional car parking.**Applicant Name & Address:**Education Services
London Borough of Enfield
Civic Centre
Silver Street
Enfield
EN1 3XA**Agent Name & Address:**Mrs Helen Mayer
Architectural Services,
London Borough of Enfield,
Civic Centre
Silver Street
Enfield
EN1 3XA**RECOMMENDATION:**That planning permission be deemed to be **GRANTED** in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992, subject to conditions.



Development Control



Scale - 1:1250
Time of plot: 14:17

Date of plot: 13/08/2010

1. Site and Surroundings

- 1.1 The Primary School site covers an area of 2.78Ha and contains a mix of single and two storey building grouped towards the northern boundary. To the south of these buildings is the playground and beyond that, a playing field occupying the southern portion of the site. Along the eastern boundary of the site are 6/7 temporary classrooms. The site is accessed off Rayleigh Road and serves a car park in the north western part of the site. In addition, there is an existing unused Council owned access to the school playing fields between Nos. 8-10 The Fairway. The site has a PTAL rating of 1b-0.
- 1.2 The surrounding area is predominately residential. To the east is the A10 Great Cambridge Road. To the north is Firs Farm Playing Field, which is designated as Metropolitan Open Land (MOL). The boundary between Firs Farm Primary School and Firs Farm Playing Field is populated with a line of mature trees. The boundary of the application site on all sides generally has a screen of mature trees.

2. Proposal

- 2.1 Consent is being sought for the expansion of the School from two to three forms of entry resulting in the existing pupil numbers of approximately 420 increasing to 630 by 2015. The Applicant indicates that existing staff numbers (full-time equivalent) is 56 and this will increase to 64 at full occupancy.
- 2.2 The proposal involves a two-storey teaching block, a single storey kitchen and hall extension and replacement plant room adjacent to the northern boundary, a single storey early-years extension on the existing hard-surfaced playground, a new hard-surfaced area to the south of the new early-years extension, the refurbishment of existing buildings, some external works and provision of hard-surfaced Multi-use Games Area (MUGA) to part of the playing field to the south
- 2.3 The construction will be carried out in two phases of development. The first phase will include the single storey early years extension, new plant room, new pitch and hard play areas. The second phase will include the two-storey classroom, single storey hall and kitchen extensions and remaining works including removal of all temporary classrooms on site. The existing floor area is 2480sqm. The proposed extensions would add an additional 2485sqm of floor area. 685sqm of floor area (temporary classrooms) would be lost through demolition. Therefore the net proposed floor area would be 4307sqm.
- 2.4 No new permanent vehicular and pedestrian accesses although provision of 22 additional parking spaces are proposed together with a servicing area on the north-western portion of the site.

3. Relevant Planning Decisions

- 3.1 PRE/09/0011: Proposed part single, part 2-storey extensions, siting of 2 temporary classroom units, construction of hard surfaced MUGA to existing playing field and provision of cycle parking and associated car parking. (June 2009).

3.2 LBE/09/0013: Installation of a temporary classroom building with access ramps to north east of site was granted with conditions.

3.3 LBE/09/0014: Installation of temporary classroom building to south east of site was granted with conditions.

4. Consultations

4.1 Statutory and non-statutory consultees

4.1.1 Traffic and Transportation supports the proposal subject to conditions and education funding a package of off-site works.

4.1.2 No objections are raised by either the Arboricultural Officer or the Ecology Officer.

4.1.3 Urban Design supports the principle of the proposal, but recommends alterations to the design of the two-storey extension and the possible loss of a potential pedestrian route.

4.1.4 Place Shaping and Enterprise state that they have no observations to make.

4.1.5 Thames Water raises no objection with regard to sewerage and water infrastructure.

4.1.6 Environment Agency raises no objection subject to conditions regarding the implementation of measures in the Flood Risk Assessment and a surface water drainage scheme.

4.1.7 Sport England raises no objection to the proposal subject to conditions regarding community use of the school's sport facilities, the maintenance and management of the facilities, the accessibility of the facilities and the quality of the pitches.

4.2 Public

4.2.1 Consultation letters were sent to 114 neighbouring properties,. In addition, two notices were displayed at the site and one notice was published in the local press. Two responses have been received which raise the following concerns:

- people walking to and from the proposed MUGA will detrimentally affect convenient access and egress from the alleyway at the back of the houses on Harrington Terrace.
- the noise impact from the use of the proposed MUGA, in particular out of school hours and is also concerned that works have begun on site prior to the planning approval.

5. Relevant Policy

5.1 London Plan

3A.24 Education facilities

3D.10	Metropolitan Open Land
4A1- 4A.11	Sustainability and energy use
4B.8	Respect Local Context and Character
4B.1	Design Principles
4B.2	High-class Architecture
4B.3	Quality of Public Realm

5.2 Unitary Development Plan

(I)GD1	Regard to surroundings
(II)GD1	Appropriate location
(I)GD2	Surroundings and quality of life
(II)GD3	Aesthetics and functional design
(II)GD6	Traffic Generation
(II)GD8	Site access and servicing
(II)GD12	Flooding risk prevention measures
(II)GD13	Downstream flooding
(I)CS1	Community services
(II)CS1	Support a full range of facilities and services appropriate to the needs of the Borough
(II)CS2	Liaise with Service Authorities regarding the siting and design of development
(II)CS3	Community services on Council land
(I)O1	Open space
(I)O2	Open space of strategic importance
(II)O1	Development in MOL
(II)O2	Appropriate uses in MOL
(II)O5	Development in proximity to MOL
(II)O19	Public Playing Fields

5.3 Local Development Framework

The Enfield Plan – Core Strategy has now completed its Examination in Public on the ‘soundness’ of the plan and the Inspectors report is now awaited. In the light of the matters raised, it is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

S02	Environmental sustainability
SO5	Education, health and wellbeing
SO8	Transportation and accessibility
SO10	Built Environment
CP20	Sustainable energy use
CP28	Managing Flood Risk
CP30	Quality of built and open environment
CP34	Parks, playing fields and other open spaces
CP36	Biodiversity
CP8	Education

5.4 Other Material Considerations

PPS1	Delivering Sustainable Development
PPS1	Supplement
PPG 2	Green Belt

PPG13	Transport
PPS 22	Renewable Energy
PPS25	Development and Flood Risk
PPG17	Planning for Open Space, Sport and Recreation

6. Analysis

6.1 Principle and Educational Need

6.1.1 The need for additional educational places at this school has been identified by Enfield's Education, Children's Services and Leisure (ECSL). London Plan Policy 3A.21 (Education Facilities), Unitary Development Plan Policies (I)CS1 (Community Services) and (II)CS1 (Facilitate the work of various community services) and emerging Core Strategy Strategic Objective 5 (Education) provide a strong policy basis for the inclusion of educational need as part of the material considerations in the determination of planning applications. As such the LPA recognises this important need and will seek to encourage development to meet this need where it does not unduly conflict with other material planning considerations. Moreover, as an existing school site, the principle of its use to provide additional educational facilities is appropriate and consistent with the existing characteristics of the area

6.2 Impact on the setting and openness of adjacent Metropolitan Open Land

6.2.1 The school playing field together with part of the playground is no longer designated Metropolitan Open Land (MOL) as it was contained in an interim amendments to the UDP which were not "saved". Therefore the land has no specific designation save for that linked to its playing field use. Notwithstanding this, the open space to the south of the school buildings clearly makes an important contribution to the open character and setting of the School and its relationship to remaining MOL to the north.

6.2.2 There are strict controls relating to development in or adjacent to MOL, with the fundamental aim being to prevent urban sprawl by keeping land permanently open: the most important characteristics being the 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 developments in or adjacent to such locations. In particular, Policy (II)O5 seeks to resist new development, where it is in proximity to, or visible from, MOL unless the development does not detract from, and where possible makes a positive contribution to improving, the character and setting of MOL.

6.2.3 Furthermore in the preamble to MOL policies contained within the UDP, paragraph 6.3.3 states that MOL 'may thus be regarded in much the same way as Green Belt land. It is important in both structure and function to the urban area which it serves. It is irreplaceable once lost and has experienced pressure for development.' Paragraph 6.3.4 goes on to state that 'Given the important function of open land and its vulnerability to development, it is the Council's policy to designate, defend and to seek to enhance area of MOL in the Borough.'

- 6.2.5 Planning Policy Guidance 2: Green Belts states that development by institutions is subject to the same controls as other development in the Green Belt.' Annex C17 goes on to state that '...redevelopment of HFE [Higher and Further Education] establishments on major sites in the Green Belt, which are not identified in the development plans but otherwise meet the criteria in paragraph C3 and C4 of this Annex, is not inappropriate development.' Therefore this proposal needs to be assessed against the provisions set out in paragraph C3 and C4 of the Annex. Paragraph C3 (Infilling) allows limited infilling at major developed sites in continuing use that may help secure jobs or prosperity without further prejudicing the Green Belt [MOL]. Such infilling should:
- a) have no greater impact on the purposes of including land in the Green Belt [MOL] than the existing development;
 - b) not exceed the height of the existing buildings; and,
 - c) not lead to a major increase in the developed portion of the site.
- 6.2.6 Paragraph C4 (Redevelopment) states that complete or partial redevelopment of the major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt [MOL] and the purposes of including land within it. Redevelopment should:
- a) have no greater impact than the existing development on the openness of the Green Belt [MOL] and the purposes of including land in it, and where possible have less;
 - b) contribute to the achievement of the objectives for the use of land in Green Belts [MOL].
 - c) not exceed the height of the existing buildings; and
 - d) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).
- 6.2.7 It is the proposed two-storey extension that has the potential to have a significant effect on the character and setting of the adjacent MOL and it is this element of the scheme which is assessed against the above described criteria.
- 6.2.8 Assessed against the provisions of PPG2 Annex C3 (Infilling), outlined above:
- a) It is considered that, whilst the two-storey element is in closer proximity to the MOL and at a greater height, given its design and the proposed screen of trees on the boundary, it would not have a materially greater impact on the open setting and character of the designated MOL than the existing development and therefore would accord with the first requirement outlined in Annex C3.
 - b) The existing 2-storey element of the school is predominately 6.3m high, the proposed 2-storey element is 8.5m high with the wind cowls and sun pipes rising a further 0.6m high (9.1m in total). Therefore the roof of proposed building would exceed the height of the existing building by 2.2m along its 50m frontage and would be in greater proximity to the boundary. Whilst this would appear it not to satisfy the second requirement outlined in Annex C3; given that the higher element of the proposed extension slopes away from the boundary, the sun pipes have translucent domes and along with the wind cowls are set back in the roof and the projecting element is clad in vertical

timber cladding which provides a mature and rustic appearance, it is considered that when viewed across the large expanse of open land and partially obscured by the screen of trees, the increased height would not materially harm the open character of the MOL and therefore would satisfy the objectives of the second criteria.

- c) The third requirement is more applicable to development within rather than adjacent to MOL. The development would significantly increase the developed portion of the site, a majority of this development would occur well away from the adjacent MOL and have no material effect upon it. The potential impact is the two-storey element of the proposal which has been assessed under the previous two criteria. Thus given that the proposal is considered to satisfy the other two criteria, it is considered that the proposal would also satisfy the third requirement contained within Annex C3.

6.2.9 Assessed against the provisions of PPG2 Annex C4 (Redevelopment), outlined above:

- a) For the same reasons as given in para. 6.28 (a), the proposal would accord with the first provision of Annex C4.
- b) The proposal would make no significant contribution to the objectives of the use of MOL in terms of increasing the quality or quantity of play, sport or recreation on the MOL, however it would cause no material harm either. Furthermore it would make a contribution to sport and recreation provision for both the school and community on the school's playing fields, which as previously stated makes an important contribution to open character of the locality. Given this analysis it is not considered that the proposal would be contrary to the objectives of second provision contained within Annex C4.
- c) For the same reasons as given in para.6.28 (b), the proposal would satisfy the objectives of the third provision outlined in Annex C4.
- d) For the same reasons outlined in para. 6.28 (c), the proposal would not have a significant impact on the visual amenity of the area and open setting of the MOL and therefore would accord with the objectives of the fourth provision of Annex C4.

6.2.9 Given the above assessment, the proposal is not considered to harm the setting and character of the adjacent MOL, in accordance with UDP Policy (II)O5, London Plan Policy 3D.10 and PPG2.

6.3 Design and screening

6.3.1 The two-storey extension's north elevation has a protruding element with vertical wood-effect cladding. Above this protruding element is a sloping roof with vertically emphasised glazing. The roof contains wind cowls and translucent-domed sun-pipes set back along the roof. On either wing of the main element of the extension are two book-end blocks of lower height with contrasting facing-bricks. It is considered that the design and materials for the protruding element is such that it would have a mature and rustic appearance, complimentary to the character of the MOL. The design of the roof and the number and siting of the sun pipes and wind cowls is not considered to result

in an unduly cluttered or busy appearance as perceived from Fir Farm Playing Field. At ground floor the multi-coloured elevations are considered to be appropriate for a school site and due to their height would not be perceived from the MOL. In summary, given the relationship between the wide expanse of space of Firs Farm Playing Field and the relatively modest height and design of the extension it is considered that this element of the proposal would maintain the views across, to and from the MOL and not harm the setting of the MOL.

- 6.3.3 The proposal would result in the loss of over twenty trees near or on the boundary with the MOL. This could potentially raise concerns over the impact of the proposed development on the open character and setting of the MOL. However numerous mature trees would still be retained along this boundary and an extensive landscaping scheme is proposed which would further reinforce this screen, which would include mature and semi-mature trees. On balance, therefore, it is considered that the proposal does not harm the visual setting of the MOL.
- 6.3.4 In relation to other elements of the scheme, the single storey early-years extension is sited in the centre of the site, 6m high at its ridge and 18m from the nearest boundary. Its design is such that it complements the existing school buildings and is screened from the MOL by the existing buildings. The replacement hard-play area to the south of the early-years extension is also in the centre of the site, is broadly the same size as the existing hard-play area and well screened from the MOL. The single storey extension (extended kitchen, hall and replacement plant room) to the north of the site is 4.2m high, matching the existing buildings. It would though be closer to the MOL but given its height and design as well as the screen of trees it would be mostly imperceptible from the MOL and is not considered to harm visual amenity.
- 6.3.5 The new twenty-space parking area and servicing yard would be sited along the northern boundary, to the west of the school's kitchen and would replace an area of trees and shrubs. It is considered that given the proposed landscaping would obscure this area from the MOL and that it would be partially obscured from Rayleigh Road by the caretaker's house, it would not have a harmful effect on the setting of the MOL or the character and appearance of the street scene.

6.4 Temporary classroom units

- 6.4.1 There are a number of single-storey temporary classroom units sited along the eastern boundary adjacent to Harrington Terrace. The proposal would involve the removal of these units at the end of phase 2 of the development. This would provide an opportunity for more extensive screening along this boundary, which the LPA would seek to pursue via condition.

6.5 Impact on neighbouring resident's amenities

- 6.5.1 The two-storey element would be 10m from the rear boundary of closest garden and 25m from the closest house and present a 22m long flank elevation to the houses on Harrington Terrace. It would appear 7.5m high, with the wind cowls a further 1.5m high. The two-storey extension would be to the west of these properties on Harrington Terrace. The permanent single storey elements would be substantial distances from residential dwellings, the closest being 18m away. The new parking area would be 25m from the

closest dwelling, No.107 Rayleigh Road, and would be screened by the Caretaker's property. Given the relationships, described above, between the proposed development and surrounding residential properties it is not considered that the proposal would unduly harm the amenities of neighbouring residential occupiers.

6.6 Access, parking and traffic, cycling, refuse & re-cycling

- 6.6.1 Firs Farm Primary School has vehicular access to Rayleigh Road. The site itself has very low public transport accessibility (PTAL 1b-0) and there are no parking controls in the vicinity of the site. Currently high levels of parking demand are experienced during school drop-off and pick up periods.
- 6.6.2 There is a main entrance off Rayleigh Rd & separate Infants & Junior pedestrian entrances off Harrington Terrace/ Great Cambridge Rd. The proposal does not involve providing any additional accesses. Staff numbers are to increase to 64 FTE and pupil numbers are to increase from 420 to 630. The proposed number of parking spaces is 45 including 2 disabled spaces, and increase of 22 spaces and 16 cycle parking spaces are proposed, currently there are no cycle parking spaces.
- 6.6.3 The proposal envisages that vehicle access including deliveries will remain as existing. A new and increased service yard will be provided near the northern boundary adjacent to the extended kitchen. The fire access will be diverted from the main access to continue around the building extension. There will be 2 phases of construction. For both phases, a temporary route will be created for construction traffic from The Fairway to the School via the playing field to the south of the School. This temporary road will be fenced, ensuring that access is only possible for construction workers
- 6.6.4 The Transport Statement confirms that the situation currently gives rise to the typical school difficulties around the site access, e.g. obstruction of turning head, double parking/stopping despite the existing School Travel Plan.
- 6.6.5 The Transport Statement (extract below) further confirms that there will be a substantial increase in car trips to the site:

Table 6.17 Increase in Two-Way Pupil and Staff Trips by Mode

	Time Period	Number of Person Trips by Mode								
		Car	Bus	Walk	Rail	Car Share	Cycle	Taxi	Other	Total
Pupils	Total Daily Arrivals	107	3	91	0	0	2	2	0	205
	Total Daily Departures	107	3	91	0	0	2	2	0	205
	Total Daily Pupil Movements	+214	+6	+182	0	0	+4	+4	0	+410
Staff	Total Daily Arrivals	14	0	0	0	2	0	0	10	26
	Total Daily Departures	14	0	0	0	2	0	0	10	26
	Total Daily Staff Movements	+28	0	0	0	+4	0	0	+20	+52
All	All Movements Total	+242	+6	+182	0	+4	+4	+4	+20	+462

Note: Arithmetic errors due to rounding.

6.6.6 Poor Public Transport and limited use of cycling or car sharing at present, suggests that these new trips will be predominantly by car. This will only exacerbate current problems on the highway.

6.6.7 Therefore the Transport Statement puts forward a number of possible mitigation measures to address the highway problems. However these will not 'cure' these, but perhaps make conditions safer and less problematic for adjoining residents. Education should thus be requested to fund a more robust STP; a package of works – e.g. formalised 1-way working along Rayleigh Rd and Harlow Rd, maintain two-way working on Rayleigh Rd from junction with Harlow Rd up to main school entrance, narrowing of Rayleigh Rd immediately outside the Rayleigh Rd main School entrance to discourage vehicles parking or turning, minor footway works; and CCTV installation to monitor/enforce against dangerous or inappropriate stopping/parking in Rayleigh Rd and Harlow Rd. It is considered that these off-site works along with conditions would sufficiently mitigate the impact of the increased school numbers so as to make the scheme acceptable in its impact on on-street parking, highway safety and neighbouring residential amenity.

6.6.8 Traffic and Transportation raise no objections regarding access, refuse or on-site parking subject to conditions.

6.7 Phased development/construction access and compound

6.7.1 The development is proposed to go ahead to two phases. Access to the site would be provided via an 8-10m access between Nos. 8 & 10 The Fairway and across the school playing field. Access from this point is considered to have less of an impact on neighbouring resident's amenities than the current pupil/staff access from Rayleigh Road. Whilst the Fairway option would involve the temporary loss of part of the school playing field and delineated pitch, this is considered to be the least worst arrangement. Conditions would be attached to ensure that any damage to the playing field is made good and for the provision of new pitch areas. Other options considered included using the current access off Rayleigh Road or along the southern boundary of Firs

Farm Playing Field, both of these are considered to have more of an impact on local traffic, parking and residential amenity, pupil safety and the road network generally and the Firs Farm option would result in the further loss of vegetation along this boundary.

- 6.7.2 In phase 2 the contractor's compound would extend into Firs Farm playing field to the north. Given that this is necessary for the construction of the two-storey element of the proposal, would be temporary and a condition would be attached to ensure that the land is reinstated to its previous condition, this is considered, on balance, to be acceptable in terms of the impact on the openness of the MOL.

6.8 MUGA

- 6.8.1 The provision of a hard-surfaced MUGA results in the loss of part of the playing field. However a large area of grassed playing field would remain and the MUGA would provide the benefit of being more conducive for certain uses (e.g. basketball) than a grassed area. Furthermore the hard-surfaced MUGA would also be less affected by adverse weather than the grassed playing field. The combination of the MUGA and remaining, substantial grassed playing field including delineated pitches would provide a better and more efficient use of the open space for both the school itself and for the community.

- 6.8.2 Sport England have not objected to the proposed loss of part of the playing field as it accords with exception 5 of its playing fields policy subject to conditions regarding community use, maintenance and management, accessibility and pitch quality of the school's sports facilities.

6.9 Ecology and Trees

- 6.9.1 The applicant has submitted an Ecological Survey as part of the application. This has been assessed by the Council's Ecology Officer, who raises no objections to the proposal on the basis that the new buildings will be constructed on grassland and hardstanding of low ecological value.

- 6.9.2 The applicant has submitted an Arboricultural Report. This has been assessed by the Council's Tree Officer, who raises no objections to the proposal on condition that a suitable replacement planting scheme is instated. Therefore a condition has been attached requiring submission of details of a replacement landscaping scheme to be submitted to the LPA for approval.

6.10 Flood Risk and SUDS

- 6.10.1 The Environment Agency have raised no objections to the proposal subject to conditions requiring full implementation of the submitted Flood Risk Assessment and details and implementation of a surface water drainage scheme and a Sustainable Drainage System (SUDS). Given the Environment Agency's assessment of the proposal, it is not considered to result in significant increased flood risk or severity for the school or surrounding residential dwellings.

7.0 **Sustainability**

- 7.1 The submitted Design-Stage BREAAAM Assessment indicate that the proposal will achieve a score of less than 55% and would, therefore, only achieve a 'good' rating. However the applicant's have indicated that they will achieve a 'very good' rating in accordance with Council policy for Council buildings being exemplars of sustainable design. Therefore a condition has been attached requiring the school to achieve a 'very good' rating.
- 7.2 Policies 4A.1 to 4A.11 of the London Plan (2008), seek to support sustainable development, in particular Policy 4A.7 state that for this type of project a minimum reduction of 20% of carbon dioxide equivalent emissions for the gross new floor space of the development by on-site renewable energy is required. This, for the avoidance of doubt, applies solely to the additional permanent floorspace and not to the temporary classroom units or the existing and refurbished buildings and is 20% reduction after energy efficiency measures are made. The submitted energy report with clarifying letters indicates that the proposal will achieve a 22% reduction by virtue of 90sqm of south facing mono-crystalline photo-voltaic panels sited on the single-storey early-years extension.

7. Conclusion

- 7.1. The proposal would cater to meet demand for identified additional primary school places in the Borough. Furthermore the development, in particular the two-storey extension, would not detract from the character and setting of the adjacent Metropolitan Open Land, is considered to mitigate the impact of the proposal on highway safety and the free flow of traffic and will not result in a loss of residential amenity to the occupiers of nearby residential properties.
- 7.2. It is therefore recommended that planning permission is approved for the following reasons:
- 1 The proposal meets an established need for extra school place provision within the locality and Borough. This accords with policy (I) CS1, (II) CS1, (II) CS3 and (I)O1 of the Unitary Development Plan and Policy 3A.24 of the London Plan and Strategic Objective 5 of the emerging Core Strategy.
 - 2 The proposal due to its size, siting, mass, design and bulk does not detract from the character and setting of the adjacent Metropolitan Open Land having regard to Policies (I)GD1, (I)GD2, (II)GD3, (I)O1 and (II)O5 of the Unitary Development Plan, Policy 3D.10 of the London Plan and national guidance: PPG2.
 - 3 The proposal and associated intensification of use is not considered to give rise unacceptable on-street parking pressure, nor harm the free flow of traffic or pedestrian or vehicular safety, in accordance with Policies (II) GD6 and (II) GD8 of the Unitary Development Plan.
 - 4 The provision of a Multi-Use Games Area is considered to benefit the provision for sport for the school's pupils as well as the local community, having regard to Policies (I)CS1, (II)CS1 and (II)O19 of

the Unitary Development Plan as well as PPG17 and Sport England's policy statement a sporting future for playing fields.

- 5 The proposal due to its size and siting does not significantly affect the outlook or privacy of adjoining or nearby residential properties having regard to Policies (I)GD1, (I)GD2, (II)GD1 and (II)GD3 of the Unitary Development Plan.

8 Recommendation

8.1 That planning permission be deemed to be **GRANTED** in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992, subject to conditions

1. The works to be undertaken shall be in accordance with the submitted 'Tree Survey, Arboricultural Implications Assessment and Method Statement' dated May 2009, good arboricultural practice and British Standards 3998 and 5837. In particular protective vertical barriers a minimum of 1.2 metres in height shall be erected around the trees and shrubs shown as being retained on the approved plans at distances beyond the edge of their Root Protection Areas prior to construction/demolition machinery entering the site, and shall be maintained throughout the duration of construction. No building activity or storage shall take place within the protected area. Any tree or shrub which dies or is damaged during the construction period shall be replaced with a specimen of similar quality and maturity and the replacement specimen and details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to maintain the retained trees amenity value and health throughout the construction period.

2. Within two months of the date of this decision a Construction Management Plan for all phases of the development shall be formally submitted in writing to the Local Planning Authority for its approval. The Plan will address the following issues:
 - (i) Noise
 - (ii) Control of site drainage and run off
 - (iii) Storage and removal of excavation/ demolition materials
 - (iv) Storage of construction materials
 - (v) The siting of work compounds together with loading and unloading
 - (vi) Contractors parking
 - (vii) Wheel washing facilities and methodology
 - (viii) Construction access and arrangements for vehicle servicing and turning areas
 - (viiii) Construction traffic routing
 - (vv) Control of dust and air quality during demolition and construction
 - (vvi) Hours of work

The works shall be carried out in accordance with the approved details.

Reason: In the interests of neighbouring resident's amenities, highway safety and minimising the environmental effects of the development.

3. On completion of each phase of the development evidence will be submitted to the Local Planning Authority demonstrating that the particular phase of

development achieves a BREEAM Education rating of no less than 'Very Good' for its approval. The required evidence shall take the form of a post construction assessment supported by relevant BRE accreditation certificate(s).

Reason: In the interests of addressing climate change and securing sustainable development in accordance with the strategic objectives of the Council and Policies 4A.1, 4A.2, 4A.3 and 4A.9 of the London Plan as well as PPS1 and PPS1: Supplement.

4. Prior to substantial completion of Phase 1 of the development a Community Use Scheme shall in writing be submitted to and approved by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon substantial completion of Phase 1 of the development.

Reason: To secure a well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with UDP Policy.

5. Prior to the substantial completion of phase 1 of the development a Management and Maintenance Scheme for a period of 25 years to include measures to ensure the replacement of all artificial surface/s within the next 10 years and, management responsibilities, a maintenance schedule and a mechanism for review shall, in writing, be submitted to and approved by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full on approval of all relevant details.

Reason: To ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

6. Within two months of the date of this decision details of the design and layout of the sport/games and associated facilities, which shall comply with Sport England Design Guidance Notes and include consideration of 'Access for Disabled People 2002', shall, in writing, be submitted to the Local Planning Authority for its approval after consultation with Sport England. The proposed facilities (external and internal) shall be constructed in accordance with the approved details, made available on substantial completion of phase 1 of the development and maintained thereafter.

Reason: To ensure the development is fully accessible for people of all physical capabilities.

7. The playing fields and pitches shall be constructed and laid out in accordance with the submitted drawing no: P/001 P1 and the standards and methodologies set out in the guidance note 'Natural Turf for Sport' (Sport England, March 2000), and made available for use on substantial completion of phase 1 of the development.

Reason: To ensure that new pitches constructed and designed so that they

are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

8. The development, hereby permitted, shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), May 2010, Ref: FRA/2010/087 and the following mitigation measures detailed within the FRA:
1) Limiting the surface water run-off, from new areas of hardstanding, generated by all storm events up to and including the 1 in 100 year critical storm, taking the effects of climate change into account, to greenfield rates so that it will not increase the risk of flooding off-site.
2) Provision of flood storage on site to attenuate all storm events up to and including the 1 in 100 year critical storm, taking the effects of climate change into account.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

9. Within two months of the date of this decision a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall in writing be submitted to the Local Planning Authority for its approval. The scheme shall be implemented in accordance with the approved details prior to completion of the development.

The scheme shall also include details of how Sustainable Drainage Systems (SUDS) will be maximised within the drainage design.

Reason: To prevent the increased risk of flooding and to improve and protect water quality.

10. Within three months of the date of this decision details shall be submitted for approval in writing by the Local Planning Authority which shall include a package of off-site works including formalising 1-way working along Rayleigh Road and Harlow Road up to the main school entrance; narrowing of Rayleigh Road immediately outside the Rayleigh Road main School entrance to discourage vehicles parking or turning; and, minor footway works as well as installation of CCTV system to monitor / enforce against dangerous or inappropriate stopping / parking in Rayleigh Road and Harlow Road. The approved details shall be *secured and implemented to the satisfaction of the Local Planning Authority*.

Reason: To mitigate the impact, in terms of vehicular and pedestrian safety and the free flow of traffic, of the increased car journeys resultant from the increase in pupil and staff numbers.

11. Within six months of the development, hereby approved, a Travel Plan produced in accordance with the TfL publication 'What a School Travel Plan should contain' shall be submitted in writing to the local planning authority for its approval. The travel plan shall thereafter be implemented and adhered to.

Reasons: In the interests of promoting reduced dependency on car related journey and to ensure traffic generated by the development is minimised.

12. Notwithstanding the submitted details, within two months of the date of this decision details of the external finishing materials to be used shall be

submitted in writing to the Local Planning Authority for its approval. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

13. Within two months of the date of this decision details of the surfacing materials to be used within the development including footpaths, access roads and parking areas and road markings shall in writing be submitted to the Local planning Authority for its approval. The surfacing shall be carried out in accordance with the approved detail before the development is occupied or use commences.

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

14. Within two months of the date of this decision detailing the existing and proposed ground levels including the levels of any proposed buildings, roads and/or hard surfaced areas shall be submitted in writing to the Local Planning Authority for its approval. The development shall be constructed in accordance with the approved details.

Reason: To ensure that levels have regard to the level of surrounding development, gradients and surface water drainage.

15. Within six months of the date of this decision details of how the site is to be enclosed shall be submitted in writing to the Local Planning Authority for its approval. The means of enclosure shall be erected in accordance with the approved detail before phase 2 of the development is substantially completed.

Reason: To ensure satisfactory appearance and safeguard the privacy, amenity and safety of adjoining occupiers and the public and in the interests of highway safety.

16. The parking area(s) forming part of the development shall 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.

17. Within six months of the date of this decision details of trees, shrubs and grass to be planted on the site shall be submitted in writing to the Local Planning Authority for its approval. 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.

18. Within six months of the date of this decision details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the London Borough of Enfield – Waste and Recycling Planning Storage Guidance ENV 08/162, shall be submitted in writing to the Local Planning Authority for its approval.. The facilities shall be provided in accordance with the approved details before phase 2 of the development is completed.

Reason: In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets.

19. Details of the specification and appearance of any fume extraction and/or ventilation plant required in connection with the use shall be submitted to and approved in writing by the Local Planning Authority. The plant shall be installed in accordance with the approved details before the plant is used.

Reason: To ensure a satisfactory appearance and safeguard amenity.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no balustrades or other means of enclosure shall be erected on the roof of the extension(s). No roof of any part of the extension(s) shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

21. Deliveries and collections to and from the premises shall only take place between the hours of 0700 - 1900 Monday to Saturday and None on Sundays or Bank Holidays.

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

22. The premises shall only be open for business and working between the hours of 0700 - 1900 Monday to Friday and 1000 – 1900 on Saturdays, Sundays and Bank Holidays.

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

23. Within six months of the date of this decision details of the siting, number and design of secure/covered cycle parking spaces shall be submitted in writing to the Local Planning Authority for its approval. The approved details shall thereafter be installed and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

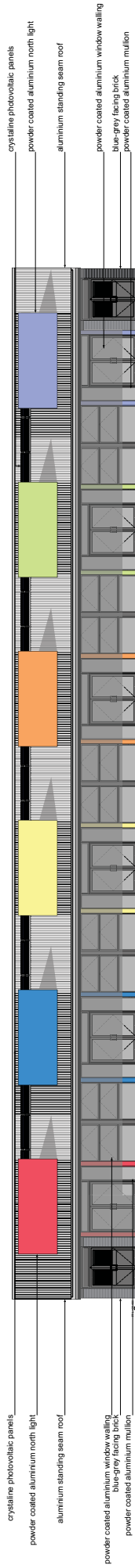
24. Within three months of substantial completion of phase 2 of the development all temporary classrooms will be permanently removed from the site and the land shall be re-instated to its previous condition.

Reason: In the interests of visual amenity.

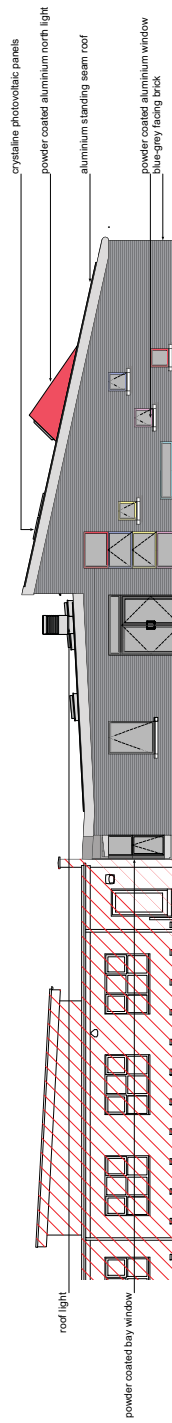
25. The land used as constructor access and compounds shall, at the end of the phase 2 construction period, be reinstated to its previous condition and laid out in accordance with submitted plan P/003 or where relevant approved details.

Reason: In the interests of visual amenity and ensuring the playing fields and areas are of an acceptable quality.

- 8.2 The reasons for supporting the planning application are:



SOUTH ELEVATION



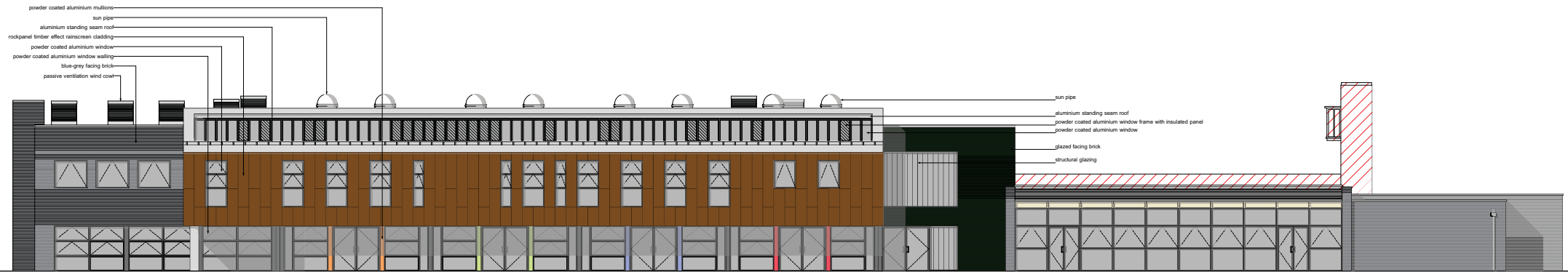
WEST ELEVATION



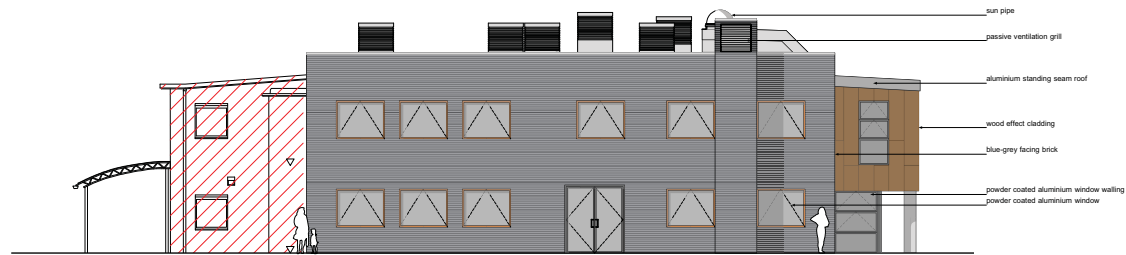

PROJECT TITLE: **Fine Farm Primary School**
 CLIENT: **Enfield @ A1**
 DATE: **15/04/2024**
 DRAWING NO: **02/01/20**
 DRAWING TITLE: **Proposed Elevations Early Years**
 SHEET: **1 of 2**
 PROJECT NO: **FIRS D/E230001261-0/P015**

0m 5m 10m
 westing building

REF: 1000 10000
 CAD File No. **02/01/20**
 © Copyright PROJEET SITE Plan Form E230_01/ENF © School Department's BE - Stage D14 - Drawings/Arch Working Drawings



NORTH ELEVATION



EAST ELEVATION

Rev: 0200 Notes: Drawing colours amended
 P1 14/05/10



existing building



CAD File No: G:\design\0 PROJECT_SITES\Firs Farm\CD_E230_001261-2_School Expansion to 3FE - Stage D14 - Drawings\Arch Working Drawings

architectural
services

PO Box 51, Civic Centre,
 10000 Lakeshore Drive, Richmond Hill, Ontario L4B 1A1
 Tel: 905 887 7000

Architect: HM	Project: Firs Farm Primary School
Scale: 1:100 @ A1	1FE Expansion & Replacement of Temporaries
Date: 29/04/10	Proposed Elevations Two Storey Block
Drawn: JR	Sheet 2 of 2
Checked: P1	FIRS D/E230/001261-0/P022

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 31st August 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Ms E. Kiernan Tel: 020 8379 3830

Ward: Edmonton
Green

Application Number : LBE/10/0026

Category: Other Development

LOCATION: MONTAGU ROAD RECREATION GROUND, MONTAGU ROAD,
LONDON, N9 0EU

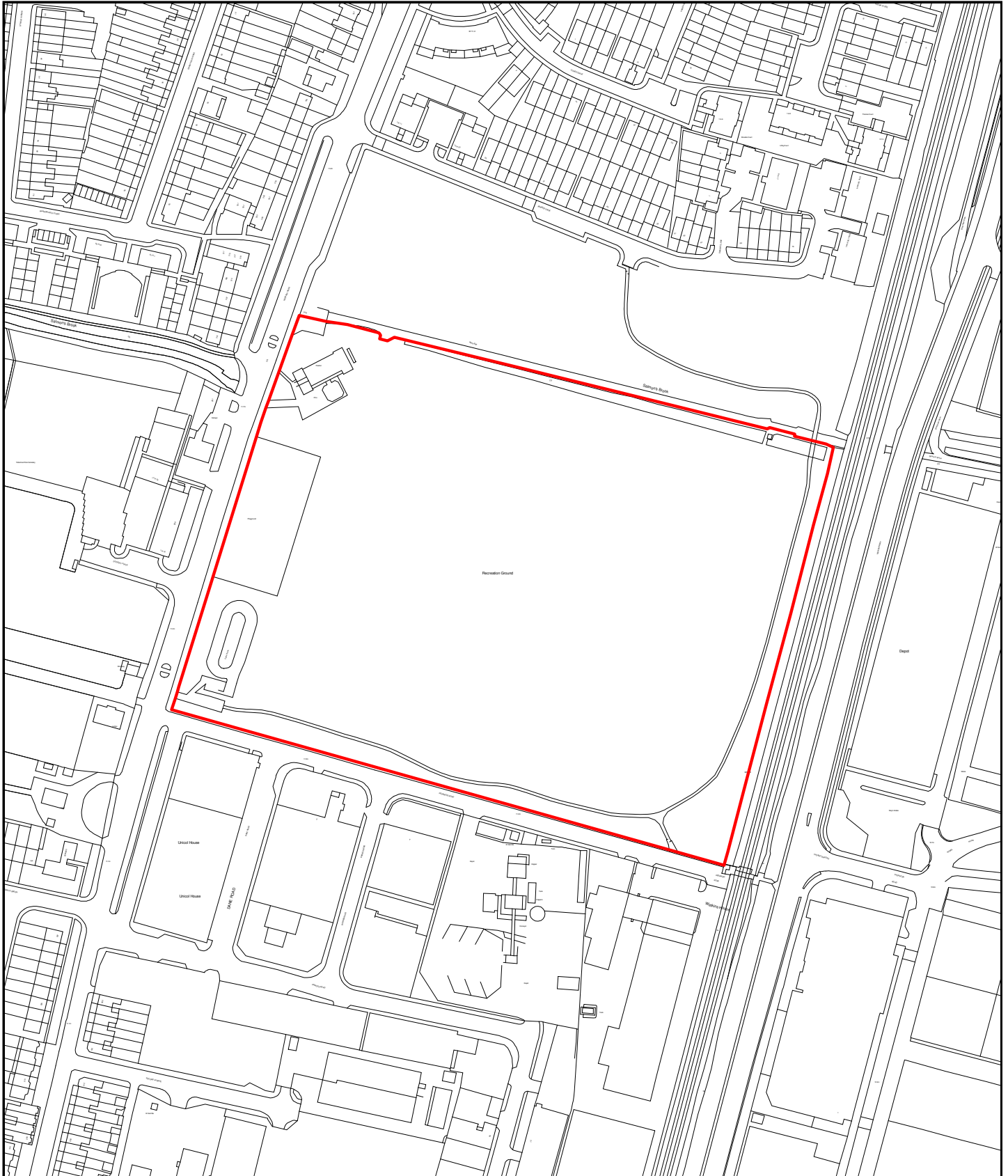
PROPOSAL: Single storey rear infill extension to provide a new lobby and alteration to west elevation involving new steps with handrail, new window and removal of a door.

Applicant Name & Address:
Matthew Mulvany,
London Borough of Enfield
P.O.Box 51
Civic Centre
Silver Street
Enfield
EN1 3XB

Agent Name & Address:
Paul Malone,
Ingleton Wood LLP
10, Lake Meadows Business Park
Woodbrook Crescent
Billericay
Essex
CM12 0EQ

RECOMMENDATION:

That in accordance with Regulation 3 of the Town and Country Planning (General) Regulations 1992, planning permission be deemed to be **GRANTED** subject to conditions.



Development Control



Scale - 1:2500
Time of plot: 09:07

Date of plot: 13/08/2010

1. Site and Surroundings

- 1.1 The site is situated on the eastern side of Montagu Road on a large plot of approximately 5.3 hectares. The site contains a detached building, football pitch, playground and multi-use games area (MUGA), which serves for recreational purposes. The site slopes in a northerly direction and is bounded by Salmons Brook to the north.
- 1.2 The surrounding area features predominantly residential uses; however there are also commercial uses and a cemetery within the vicinity of the site.

2. Proposal

- 2.1 Consent is sought for the erection of a single storey rear infill extension to provide a new lobby and alterations to side and rear elevations involving new steps with handrail, new windows and removal of a door.
- 2.2 The single storey rear extension for a lobby would be 4.1 metres in depth by 6.9 metres in width. The extension would be finished with a flat roof to a maximum height of 2.9 metres.

3. Relevant Planning Decisions

- 3.1 LBE/89/0046 - Continued use of land as a public open space - granted

4. Consultations

4.1 Statutory and non-statutory consultees

- 4.1.1 Any comments received will be reported at the meeting

4.2 Public

- 4.2.1 Due to the nature of the proposal and its proximity to nearby properties, no neighbouring properties were consulted. Notices were however, displayed at the site. Any representations will be reported at the meeting.

5. Relevant Policy

5.1 London Plan

3A.18 Protection and Enhancement of Social Infrastructure and Community
3C.23 Parking Strategy
4B.8 Respect Local Context and Character

5.2 Unitary Development Plan

(I) GD1	Appropriate regard to surroundings
(I)GD2	Improve the environment
(II)GD3	Design
(II)GD6	Traffic generation
(I) CS1	Community Services
(II)CS1	Facilitate Community services
(II)T16	Access for pedestrians and people with disabilities

5.3 Local Development Framework

The Enfield Plan – Core Strategy has now completed its Examination in Public on the ‘soundness’ of the plan and the Inspectors report is now awaited. In the light of the matters raised, it is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

- SO3: Community cohesion
- SO5: Education, health and wellbeing
- SO10: Built environment
- CP9: Supporting community cohesion
- CP30: Maintaining and improving the quality of the built and open environment
- CP31: Built and landscape heritage

5.4 Other Relevant Policy

- PPS1 Delivering Sustainable Communities
- PPG17 Planning for Open Space, Sport and Recreation

6. **Analysis**

6.1 Design and Impact on the Character of the Area

- 6.1.1 In terms of the external works covered by this application, the main alteration relates to the erection of a new lobby area. With a maximum depth of 4.1 metres and a maximum width of 6.9 metres, the extension represents a modest addition to the existing building. Furthermore, the design features a flat roof and would be constructed of brickwork to match the existing building. This is considered satisfactory in regards to the visual appearance of the building and would not be detrimental to the character and appearance of the street scene having regard to policies (I) GD1, (I) GD2 and (II) GD3 of the Unitary Development Plan.
- 6.1.2 The other external alterations incorporating an additional window, new steps with handrail and removal of a door are of a relatively minor nature and would not affect the appearance of the building having regard to policies (I) GD1, (I) GD2 and (II) GD3 of the Unitary Development Plan.

6.2 Impact on Neighbouring Properties

- 6.2.1 The proposed extension, and other external alterations die to the relationship with neighbouring properties would not have any detrimental impacts on residential amenity

6.3 Highway and Pedestrian Safety

- 6.3.1 The proposals would not have any implications on parking and traffic generation although the lobby extension would improve access for pedestrians including the mobility impaired in line with Policy (II) T16 of the Unitary Development Plan.

7. Conclusion

7.1 In the light of the above comments, it is considered the proposals is acceptable for the following reasons:

1 The proposed development due to its size, siting and design, would maintain the character and appearance of the building and would not have a detrimental impact on the street scene or neighbouring amenities having regard to Policies (I) GD1, (I) GD2 and (II) GD3 of the Unitary Development Plan.

2 The proposed development would improve the existing recreational facilities in accordance with Policy (II) CS1 of the Unitary Development Plan and Policy 3A.18 of the London Plan.

8. Recommendation

8.1 That 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 C08 – Materials to Match

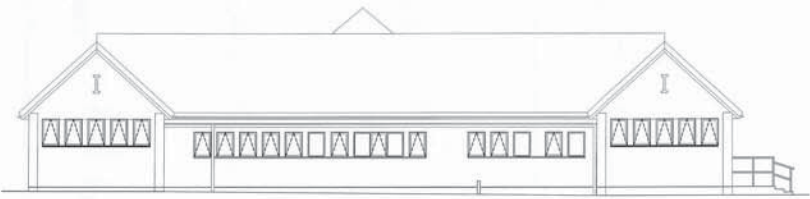
2 C51a – Time Limited Permission

All dimensions to be verified on site by Main Contractor before the start of any shop drawings or work whatsoever either on their own behalf or that of sub-contractors.
 Report any discrepancies to the Contract Administrator at once.
 This drawing is to be read with all relevant Architect's and Engineer's drawings and other relevant information.
 © Ingleton Wood LLP

LEGEND: DO NOT SCALE



E1- Proposed Front Elevation
 Replacement windows to this Elevation



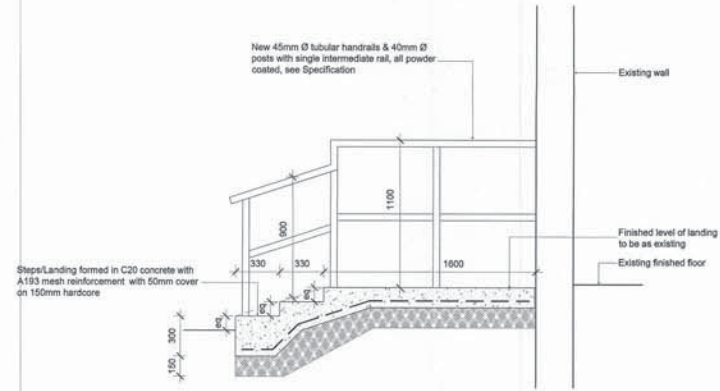
E3- Proposed Rear Elevation
 Replacement windows to this Elevation



E2 - Proposed Side Elevation
 Replacement windows to this Elevation



E4- Proposed Side Elevation
 Replacement windows to this Elevation



Detail X-X



Section A-A



Section B-B

Rev.	Date	Description	By	Chk.

Ingleton Wood
 Vision, form and function
 Billicoy Colchester London Norfolk Peterborough
 10 Lake Meadows Business Park Woodborough, Cranford
 Billicoy CM13 2EQ
 T: 01277 437800
 F: 01277 437800
 www.ingletonwood.co.uk

Project: **Montagu Park Recreation Building**
 Montagu Road
 Edmonton
 London N9 0EU

Drawing Title: **Alterations and Extension Proposed Elevations and Sections**

Client: **London Borough of Enfield**

Drawn	Checked	Date	Scale	Page Size
PM	SL	11.02.09	1:100	A1
Job No.	Draw No.	Stage	Revision	
60867	204	Planning	A	

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LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 31st August 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Ms E. Kiernan Tel: 020 8379 3830

Ward:
Cockfosters

Application Number : TP/10/0312

Category: Dwellings

LOCATION: LAND ADJACENT TO 8, ALDERWOOD MEWS, BARNET, EN4 0ED

PROPOSAL: Erection of a 2 storey detached 6-bed single family dwelling with rooms in roof with front dormer windows.

Applicant Name & Address:

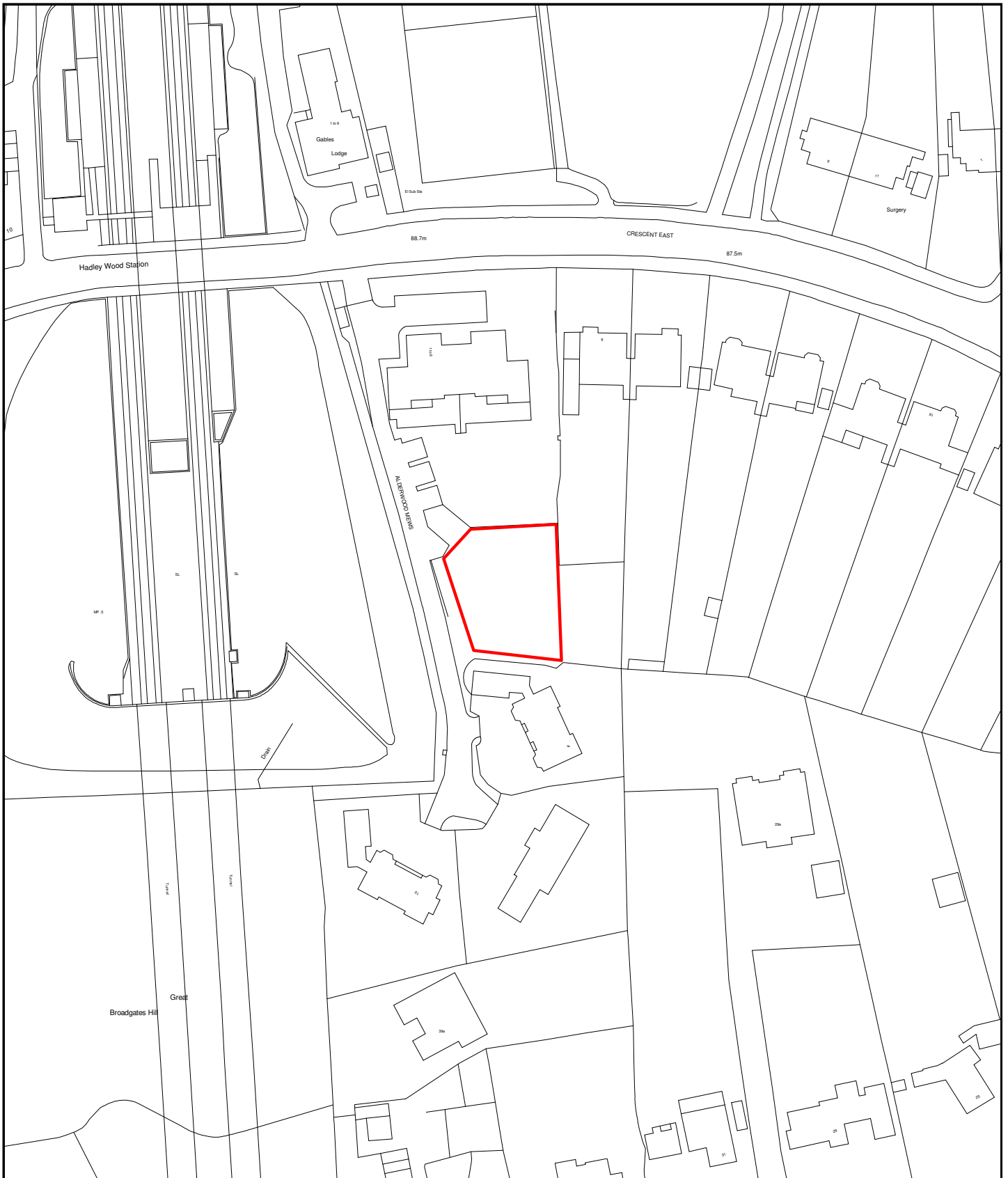
Mr Micheal Brown
High Clere
Congelton Road
Alderley Edge
SK9 7AL

Agent Name & Address:

Mr Alan Cox
Alan Cox Associates
59A, High Street
Barnet
Herts
EN5 5UR

RECOMMENDATION:

That planning permission be **GRANTED** subject to conditions.



Development Control



Scale - 1:1250
Time of plot: 12:18

Date of plot: 13/08/2010

Note for Members

At the meeting of the Planning Committee on 27th July, it was agreed to defer consideration of this proposal to enable officer to confirm the comments of the Conservation Advisory Group and the possibility of using Sustainable Urban Drainage (SUDS) within the scheme.

The Conservation Advisory Groups comments have been addressed within the report and the Applicant has agreed to the incorporation of a SUDS scheme as part of the development. A suitably worded condition is now proposed

1. Site and Surroundings

- 1.1 The application site is situated on the southern side of Crescent East on the eastern side of the private access road serving the development at Alderwood Mews. The site comprises part of the rear garden of No.8 Alderwood Mews and is approximately 0.072 hectares.
- 1.2 The surrounding area is residential and the Alderwood Mews development comprises three detached dwellings to the rear of the site and a three storey block of flats at the site entrance. A feature of the site is the rise in ground level from Crescent East
- 1.3 The site is within the Hadley Wood Conservation Area and contains a number of trees, which are the subject of a Tree Preservation Order LBE Order No. 276.

2. Proposal

- 2.1 Permission is sought for the erection of a 2 storey detached 6-bed single family dwelling with rooms in the roof space with front dormer windows and three rear roof lights.
- 2.2 The dwelling would be L-shaped with dimensions of 15m in width by 14m in maximum depth and finished with a crown roofline to a ridge height of 8.2m. Accommodation comprises a lounge, dining room, kitchen/family room, utility room and garage at ground floor level, four bedrooms (all with ensuite) at first floor level and two additional bedrooms within the roof space.
- 2.3 Four off street parking spaces are provided to the front of the property accessed off of Alderwood Mews.

3. Relevant Planning Decisions

- 3.1 TP/00/0057 – permission for erection of three storey block of six 2-bed flats together with the provision of associated car parking spaces and vehicular access onto Crescent East was granted in July 2000
- 3.2 TP/00/1740 – permission for the erection of three storeys detached six bed houses with garages and access granted in August 2001
- 3.3 TP/02/0770 – permission for the erection of 2-storey detached five bed dwelling house on vacant land to the R/O 6 Crescent West was refused in August 2002 for the following reasons:

- 1 That the proposed development will result in the loss of trees the subject of a Tree Preservation Order which contributes to the setting of the Hadley Wood Conservation Area and which perform an important function in screening and integrating the new development to the south into the established character of the area. The development of this site, together with the removal of these trees will detract from the character and appearance of the Hadley Wood Conservation Area contrary Policies (I) C1, (II) C28 and (II) C38 of the Council's Unitary Development Plan.
 - 2 The proposed development on a restricted plot together with the significant reduction in the size of the curtilage of Plot 1 of the adjacent new development, results in a cramped form of development having regard to the prevailing character of the area, detrimental to the character and appearance of the Hadley Wood Conservation Area contrary Policies (I) C1, (II) C28 and (II) C38 of the Council's Unitary Development Plan.
- 3.4 TP/02/0959 – permission for the erection of detached four bedroom house with integral double garage on vacant land to the r/o 6, Crescent East – refused August 2002 for the following reasons:
- 1 That the proposed development will result in the loss of trees the subject of a Tree Preservation Order which contributes to the setting of the Hadley Wood Conservation Area and which perform an important function in screening and integrating the new development to the south into the established character of the area. The development of this site, together with the removal of these trees will detract from the character and appearance of the Hadley Wood Conservation Area contrary Policies (I) C1, (II) C28 and (II) C38 of the Council's Unitary Development Plan.
 - 2 The proposed development on a restricted plot together with the significant reduction in the size of the curtilage of Plot 1 of the adjacent new development, results in a cramped form of development having regard to the prevailing character of the area, detrimental to the character and appearance of the Hadley Wood Conservation Area and the area generally, contrary to policies (II) GD3 and (II) C30 of the Council's Unitary Development Plan.

4. Consultations

4.1 Statutory and non-statutory consultees

- 4.1.1 Traffic and Transportation have no objections to the proposed development subject to conditions
- 4.1.2 Thames Water has no objections in regards to sewerage infrastructure and surface water drainage is the responsibility of the developer
- 4.1.3 Duchy of Lancaster state that the covenants do not apply to this property and therefore the Duchy have no continuing interest
- 4.1.4 Network Rail has no objections to the proposed development

4.1.5 Conservation Advisory Group are supportive of the scheme subject to close scrutiny of the Arboricultural Report. The Group have concerns in regards to the loss of trees and request that a tree protection regime is clearly enforced

4.2 Public

4.2.1 Consultation letters have been sent to 12 neighbouring properties. Fourteen representations have been received, which raised all or some of the following issues:

- Out of character with surrounding Conservation Area in terms of design, size and siting
- Size, width, mass, height and siting would have adverse impact on the amenities of adjacent properties in regards to overlooking, loss of privacy and visually overbearing
- Pressures on existing trees on site
- Removal of trees would be detrimental to character of Conservation Area
- Overlooking to rear gardens of 6,8 and 10 Crescent East
- Additional traffic and parking problems
- Trees on site currently offer privacy
- Overdevelopment of site

4.2.2 In addition, Southgate District Civic Trust raises no objection to an additional house on the reasonable sized plot depending on the trees on consideration of the existing trees on site.

5. **Relevant Policy**

5.1 London Plan

3A.1	Increasing London's supply of housing
3A.3	Maximising the potential of sites
3A.5	Housing choice
3A.6	Quality of new housing provision
3C.22	Improving conditions for cycling
3C.23	Parking strategy
4A.3	Sustainable design and construction
4B.1	Design principles for a compact city
4B.8	Respect local context and communities

5.2 Unitary Development Plan

(I) GD1	New development to have appropriate regard to its surroundings
(II) GD2	New development to improve the environment
(II) GD3	Design and character
(II) C30	Buildings, extensions and alterations in Conservation Areas
(II) C38	Tree protection in Conservation Areas
(II) GD6	Traffic implications
(II) H8	Privacy and overlooking
(II) H9	Amenity space
(II) T13	Access onto public highway
(II) T16	Access for people with disabilities

5.3 Local Development Framework

- 5.3.1 The Enfield Plan is now proceeding through the Examination in Public process into the soundness of the Plan. It is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

SO4 New homes
CP4 Housing quality
CP9 Supporting community cohesion
CP30 Maintaining and improving the quality of the built and open environment

5.3 **Other Material Considerations**

PPS1 Delivering Sustainable Communities
PPS3 Housing
PPS5 Planning and the Historic Environment
PPG13 Transport

Hadley Wood Conservation Area Character Appraisal 2006

6. **Analysis**

6.1 Principle

- 6.1.1 The site is within an existing housing area and forms part of a substantial rear garden. The recent changes to PPS3 explicitly remove garden land from the definition of 'previously-developed land' and therefore the policy presumption in favour of making a more effective and efficient use of such land does not now apply. However, the Council must continue to consider the application on its merits and assess whether the proposal to redevelop the site as proposed, including the introduction of two dwellings within what presently constitutes the rear garden of the existing properties, would harm the character or appearance of the area or would have a detrimental impact on the amenities of the occupiers of adjoining properties. Accordingly, the changes to PPS3, do not introduce an objection in principle to the development of garden land but remove the weight to be attached to achieving a more efficient and effective use of such land.
- 6.1.2 The previously refused schemes TP/02/0959 and TP/02/770 are also relevant to the consideration of this application. However, there are key differences since the decisions were made. At the time of those applications the main development (i.e. three detached houses) was under construction and the application site had been retained as a wooded area to screen these new houses and ensure the development satisfactorily integrated into the area. Since then, many of the trees that were on the plot have been removed and therefore the plot does not form the same function as it did then. A number of trees remain around the periphery of the site and with the exception of a number of the lowest grade trees, these are to be retained.
- 6.1.3 With reference to these decisions, firstly, TP/02/0770 was for a two storey detached dwelling, which had a plot frontage of 31 metres and virtually extended across the full width (23m x 14m) and towards the frontage given

the proposed detached garage. As a result, the proposal was considered to represent a cramped form of development, which had a greater visual prominence within the Conservation Area. The building would also have presented a substantial elevation within 2 metres of the site boundary to nos.1-6 Alderwood Mews and required the removal of a large grouping of trees. In comparison, the scheme in question has a smaller footprint (14m x 15m) and site coverage and thus is more sympathetically integrates into the locality.

6.1.4 Secondly, TP/02/0959 was for a two storey chalet style bungalow, which had a plot frontage of 23 metres and again was sited within the middle of the plot and set back from the access road by approximately 10 metres. This property had dimensions of 22 metres by 13 metres and extended across the width of the plot. With the removal of the trees within the site, this represents a material change in circumstances which potentially enables a new scheme to address the previous reasons for refusal.

6.1.5 However, the issues for consideration remain the integration of the new development with the character of the area, whether the plot is large enough to support a new dwelling of the scale and layout proposed and the effect on the area and those of neighbouring occupiers are safeguarded.

6.2 Effect on Character and Appearance of Surrounding Area

6.2.1 Taking into account the revisions to PPS3, the key consideration is whether the proposed development would detract from the existing residential form and character of the area.

6.2.2 The principle of development to the rear of the Crescent East frontage is already established through the development of Alderwood Mews. AS already identified, the character of this development is one of detached properties set with good sized residential curtilages. This form of backland development is also evident to the north of the application site. Consequently, it is considered that as the subdivision of this site would result in a plot and dwelling of comparable size to those existing in Alderwood Mews, the form and pattern of development would not be out of keeping or detrimental to the existing character of the area. Moreover, it is considered that the proposed development would reflect this in regards to width, frontage and depth and sits comfortably on its plot, which relates appropriately to the character of the street scene

6.2.3 In addition, with a density of 125 hrph, this is below the suggested density range of 150-200 hrph and is considered appropriate.

6.2.4 The amenity space provision should be equal to 100% of the total gross internal floor area (GIA) of the proposed dwelling or a minimum of 60 sq.m whichever is the greater in area. As well as providing a visual setting for the dwelling in the general street scene, the amenity space should provide for the passive or active recreation of the occupants. The amenity space provision for the new dwelling equates to approximately 429.sq.m (area calculated relates to space to east and north of building only). The dwelling has a gross internal floor area of approximately 355 sq.m. Accordingly, the level of amenity space at approximately 120% is above the 100% provision required by UDP policy and is consistent with the garden sizes for the existing plots within this development.

6.2.5 It is also important to consider the remaining amenity space to serve the existing dwelling at no. 8 Alderwood Mews. The dwelling has a gross internal floor area of approximately 420 sq.m and the amenity space is 375 sq.m. The level of amenity space at approximately 89% is below the 100% provision. However given that this area of amenity space is all private amenity space and consists of a large area sited to the rear and additional parcels to either side elevation, which is comparable to the pattern of development within the street scene, the level of amenity space is adequate for the proposed dwelling and accords with policy (II) H9 of the UDP.

6.2.6 Additionally, it was noted that the site in question has been largely fenced off and therefore does not appear to have functioned as the main area of private amenity space to serve No.8 Alderwood Mews for a period of time. Furthermore, the amenity space figure could increase given that existing areas to the rear of the garage and landscaped areas to the front of the site were not included within the calculation, but could assist to create a suitable setting and further pockets of amenity space.

6.3 Effect on Character on Conservation Area

6.3.1 Since the previous refusals, a Character Appraisal of this Conservation Area has been undertaken. This does not refer specifically to the development at Alderwood Mews or the need to retain views to the woodlands or greenery within this development. However, the Character Appraisal notes that the loss of original architectural details, increased car parking, the replacement of original boundary walls, the need for appropriate management of street trees and the need for appropriate highway maintenance are key issues detracting from the character of the Conservation Area. Mindful of this, the proposed development would have minimal presence within the street scene and thus, it is considered it would serve to preserve the character and appearance of the Conservation Area.

6.3.2 The proposed dwelling is considered to be sympathetic to the Conservation Area in regards to design, detailing and choice of materials. The crown roofline and dormer windows would respect and integrate satisfactorily within the existing street scene. The dwelling features two and a half storeys in heights, which is compatible with neighbouring dwellings. The materials proposed of brickwork to match no. 8 Alderwood Mews and plain tiles are in keeping with the building styles within the immediate vicinity.

6.4 Effect on Neighbouring Properties

6.4.1 A number of residents have raised objections in regards to loss of sunlight/daylight and privacy particularly in relation to the rear gardens of Crescent East and relationship with no.8 Alderwood Mews.

6.4.2 Policy (II) H8 seeks to maintain adequate distances between buildings so as to safeguard the privacy of occupiers of existing and proposed dwellings. There are no proposed windows within the ground floor side elevation and the first floor windows within these elevations serve non-habitable rooms and therefore could be conditioned to contain obscured glazing should the scheme be granted. The proposed dwelling is also positioned to respect the 11 metre separation from the eastern boundary in terms of distance of first floor windows to the boundary.

- 6.4.3 The position of the building would not give rise to any loss of sunlight /daylight to the occupiers of No.8 Alderwood Mews. Additionally the separation distances and relationship of the proposed dwelling to both the flats at 1-6 Alderwood Mews and adjacent dwelling at. 6 Crescent East are considered acceptable and therefore would not have any detrimental impacts on residential amenities. The rear windows would not give rise to unacceptable overlooking as there is a separation of 11 metres from the common boundary and additionally views would be restricted to the bottom section of the garden, not the immediate patio area and amenity space to the rear of the dwelling.
- 6.4.4 The proposed dormer windows within the front elevation would have views towards the street scene and railway embankment and therefore would not impact on privacy to adjacent occupiers.
- 6.4.5 The proposal shows that the flank walls of the dwelling would maintain a distance of 2 metres to the common boundary with No 8 Alderwood Mews and a minimum of 11 metres from the boundary with the rear garden of 6 Crescent East to the east.

6.5 Traffic and Parking

- 6.5.1 The plans indicate that the hard standing at 8.0 x 6.0 would provide for four off street parking spaces (including those within the proposed garage), which is considered acceptable for the low PTAL rating at 1a, having regard to Policy 3C.23 of the London Plan.
- 6.5.2 Refuse would be collected as existing for the neighbouring houses, this is considered acceptable, however a condition could be secured for details of refuse storage, should the scheme be granted.

6.6 Loss of Trees

- 6.6.1 The Conservation Advisory Group has concerns regarding the loss of trees and requested that a tree protection regime is clearly enforced. The proposal would result in the loss of a number of trees (graded c in the report), particularly to the rear and side (north and east elevations) of the site.
- 6.6.2 A significant number of trees have already been removed from the site to facilitate the existing development. Consequently, the trees retained around the periphery and those which are located on the application site are therefore all the more important in ensuring the existing development is satisfactorily integrated into the established character of the area.
- 6.6.3 In comparison to the previously refused schemes, it appears that a cluster of trees, which were centrally located on the plot have been removed since 2002, in line with a consent for tree work issued by the Council
- 6.6.4 The submitted Arboricultural predevelopment report and accompanying plans 366409/2 and site survey L27 09 indicate the root protection areas and number of trees to be felled as part of the development. The report indicates that 8 of the trees are Grade C and therefore proposed to be felled as part of the development and a further 8 trees are graded A, B and B/C and therefore of sufficient quality in terms of their condition and amenity value to justify retention. The Councils Arboricultural officer does not dispute this information

and states that the principal trees are located on the boundaries of the plots thus indicating that the proposed development could be reasonably screened if these trees were retained. It is considered appropriate to attach conditions requiring replacement planting and a landscaping scheme to maintain the appearance of the site, should the scheme be granted.

- 6.6.5 It is therefore considered that the removal of a number of trees would not be detrimental to the character and appearance of the Conservation Area and would still maintain a spread of tree coverage to both the north and east boundaries having regard to Policy (II) C38 of the UDP and consequently the previous reason for refusal based on trees has been overcome.

6.7 Other Issues

- 6.7.1 A letter has been received by the freeholders of Alderwood Mews stating that access for vehicles such as builders' plant and equipment such as heavy lorries associated with the development would not be granted. However, this is not a planning consideration and therefore would need to be resolved by all interested parties, should the scheme be granted.

7. **Conclusion**

- 7.1 In the light of the above, it is considered that the proposed detached dwelling would maintain the character and appearance of the Hadley Wood Conservation Area and would not have a detrimental impact on neighbouring amenities

8. **Recommendation**

- 8.1 That planning permission be granted subject to the following conditions:

- 1 C07 – Details of materials
- 2 C09 – Details of hard surfacing
- 3 C10 – Details of levels
- 4 C11 – Details of enclosure
- 5 C15 – Private vehicles only-garage
- 6 C17 – Details of landscaping
- 7 The development shall not commence until details of a replacement planting scheme detailing the 8 trees to be removed and semi mature replacement trees including planting plans, specifications of species, sizes, planting centres and numbers have been submitted to and approved in writing by the Local Planning Authority. Subsequently these works shall be carried out as approved.
Reasons: The landscaping of this site is required in order to protect and enhance the existing visual character of the Hadley Wood Conservation Area in accordance with UDP policies
- 8 For the duration of the construction period the retained trees to the north and east of the site protected under LBE No.276 shall be protected by fencing a minimum height of 1.2 metres at a minimum distance of 1 metre from the tree. No building activity shall take place within the protected area. Hand digging should initially take place during excavation works and an arboriculturalist should be present on site to oversee the works and advise on procedures to protect the trees if required.

Reason: To protect the retained trees protected under LBE No.276 during construction

9 C19 – Details of refuse storage

10 C24 – Obscured glazing –first floor flank elevations

11 C25 – No additional fenestration

12 Removal of PD Rights

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 1995 (as amended by Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 no development within Schedule 2, Part 1 Classes A to E shall be carried out to the dwelling or within the curtilage unless Planning Permission has first been granted by the Local Planning Authority

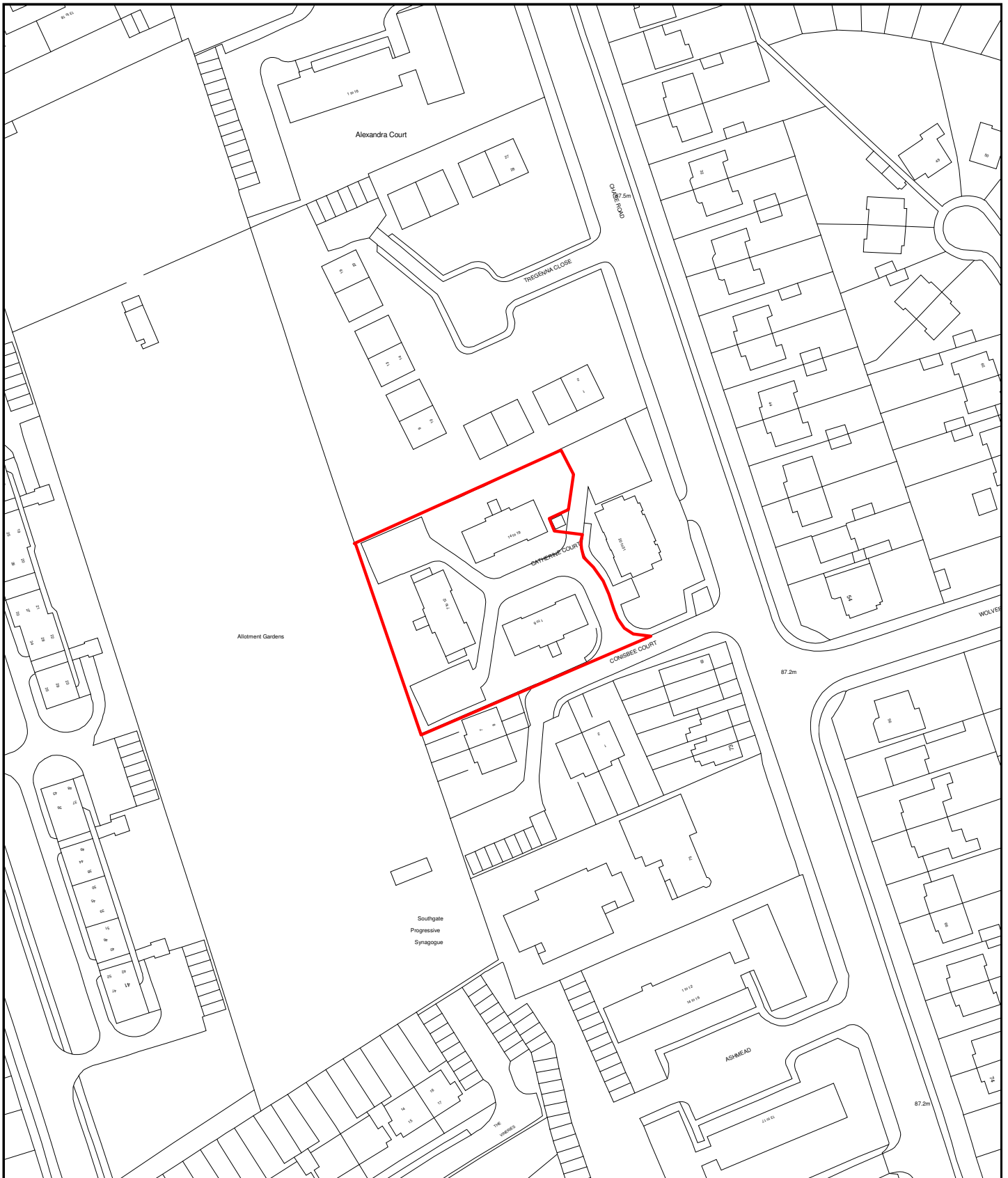
Reason: To ensure an adequate level of amenity space provision is retained with the rear gardens of the proposed properties and to protect the privacy of surrounding occupiers in accordance with Policies (I) GD1 and (I) GD2, (II) GD3 and (II) H9 of the Unitary Development Plan 1994.

14 The development shall not commence until details of a Sustainable Urban Drainage (SUDS) system has been submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be installed and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason – To ensure that the development contributes towards Sustainable Development in accordance with London Plan and Unitary Development Plan policies.

15 C51a – Time limited permission

LONDON BOROUGH OF ENFIELD**PLANNING COMMITTEE****Date :** 31st August 2010**Report of**
Assistant Director, Planning
& Environmental Protection**Contact Officers:**
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
David Warden Tel: 020 8379 3931**Ward:**
Cockfosters**Application Number :** TP/10/0335**Category:** Minor Dwellings**LOCATION:** Catherine Court, London N14 4RB**PROPOSAL:** Erection of 2x2 storey extension to existing block of flats to provide 4x1 bed flats.**Applicant Name & Address:**Mr Philip Wade
Dorrington PLC
14, Hans Road,
London
SW3 1RT**Agent Name & Address:**Mr Chris Kelly
Spratley Studios
43, Station Road,
Henley On Thames,
Oxfordshire
RG9 1AT**RECOMMENDATION:**That planning permission be **GRANTED** subject to conditions.



Development Control



Scale - 1:1250
Time of plot: 11:25

Date of plot: 18/08/2010

1. Site and Surroundings

1.1 Site

1.1.1 The application site is located to the west of Chase Road and is accessed from Conisbee Court, which is a small cul-de-sac. The site comprises a group of four buildings that make up Catherine Court. Three of the blocks were constructed at the same time and provide strong art-deco features. The remaining block, fronting Chase Road, was built later. Together these buildings provide a rectangular courtyard. The application principally concerns extensions to the westernmost of these blocks, which currently comprises 6 two bedroom flats over three floors.

1.1.2 The surrounding area is predominantly residential in character. To the north of the site lies Tregenna Close and to the south lies Conisbee Court, both are cul-de-sacs of two storey maisonettes with hipped roofs. The flank wall of no. 7 and 8 Conisbee Court aligns with the southern boundary with the site at a distance of approximately 1 metres, whereas the properties in Tregenna Close are approximately 6 to 15 metres from the site boundary. A large area of allotments runs along the western boundary of the site, as well as that of Tregenna Close and Conisbee Court. Further south along Chase Road lies the Southgate Progressive Synagogue. To the east of the site are traditional two storey properties fronting Chase Road.

1.2.2 The site is within walking distance of Oakwood Tube Station, as well as the southern entrance Trent Country Park and Oakwood Park.

2. Proposal

2.1 The application proposes to two storey extensions to both of the flank elevations of the westernmost block. The revised design provides for fenestration that aligns with that of the existing building, but is subordinate in size and through the absence of a bay projection. The extensions will be in matching brickwork with a hipped pitched roof that reflects that of the existing building. Each extension is 8.3 metres in width and is set back from the front façades and aligns with the rear, with the exception of a single storey rear element that is 4.3 metres wide and projects 2.2 metres beyond the rear of the main building.

2.2 The extensions will each provide an additional one bedroom flat at ground and first floor. This provides for a total of four additional one bedroom flats of between 54 and 60 square metres each.

2.3 The proposal utilises the existing site access from Chase Road, via Conisbee Court. This involves the loss of parking areas. However, additional parking is provided adjacent to the access, in front of two of the existing blocks; to the rear of each of these blocks and to the side and rear of the extended block. This results in an increase in on site parking spaces from 12 to 16. Communal amenity space to the rear of each of the existing blocks, as well as the extended block.

3. Relevant Planning Decisions

3.1 TP/09/1577 Three storey extension to both sides of block (flats 1-12) to provide 8 additional 1-bed self contained flats with balconies to first and

second floor rear, undercroft access and new parking layout, withdrawn in December 2009.

- 3.2 TP/90/0861 Erection of a 3-storey block of 12 flats (6 studio & 6 1-bed) with associated parking facilities and construction of vehicular access, granted October 1990.

4. Consultations

4.1 Statutory and non-statutory consultees

- 4.1.1 None

4.2 Public

- 4.2.1 Consultation letters were sent to 61 neighbouring properties. At the time of writing 20 responses have been received, including a response from Tregona Close Limited. These raise all or some of the following concerns:

- Loss of light, view and outlook, in particular from Catherine Court and neighbouring blocks
- Overlooking of adjoining blocks
- Increased noise and disturbance including from the access road and number of residents
- Overly dense in an already heavily developed area
- Loss of garden and landscaped areas
- Insufficient amenity space for existing and proposed units
- Parking spaces in front of neighbouring windows
- Lack of parking in an area that is already saturated, with existing garages not for the use of residents
- Inadequate access and road widths to accommodate manoeuvring space including for larger vehicles
- Increased traffic
- Exit to Chase Road is inadequate
- Design does not respect art deco building and would be detrimental to neighbouring buildings
- Extensions will unbalance the building compared with surrounding blocks
- Materials, in particular timber cladding, are inappropriate
- Inaccurate description in the application, in particular in respect of tree screening and that there are four, not three, existing blocks
- Increase in crime
- Additional refuse
- Risk of fire due to timber cladding and bonfires on adjacent allotment land
- Pressure on infrastructure and utilities
- Disruption during construction
- Boundary treatment ownership issues
- Potential for future damage to boundary treatment
- Potential for the later addition of a third storey
- Potential damage to existing buildings
- Potential financial loss

4.2.2 Petition

A petition has also been received with 37 signatures supporting the concerns outlined above.

5. Relevant Policy

5.1 UDP Policies

(I)GD1	Regard to Surroundings / Integrated into Local Community
(I)GD2	Quality of Life and Visual Amenity
(II)GD1	Appropriate location
(II)GD3	Character / Design
(II)GD6	Traffic Generation
(II)GD8	Site Access and Servicing
(II)H6	Size and tenure of new developments
(II)H8	Privacy and Overlooking
(II)H9	Amenity Space
(II)H12	Residential Extensions
(II)H14	Terracing
(II)H15	Roof Extensions
(II)H16	Flat Conversions

5.2 Local Development Framework:

- 5.2.1 The Enfield Plan – Core Strategy has now completed its Examination in Public on the ‘soundness’ of the plan and the Inspectors report is now awaited. In the light of the matters raised, it is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

SO1	Enabling and focusing change
SO2	Environmental sustainability
SO4	New homes
SO8	Transportation and accessibility
SO9	Natural environment
SO10	Built environment
CP2	Housing supply and locations for new homes
CP4	Housing quality
CP5	Housing types
CP17	Town centres
CP18	Delivering shopping provision across Enfield
CP20	Sustainable energy use and energy infrastructure
CP21	Delivering sustainable water supply, drainage and sewerage infrastructure
CP24	The road network
CP25	Pedestrians and cyclists
CP30	Maintaining and improving the quality of the built and open environment
CP31	Built and landscape heritage
CP32	Pollution
CP36	Biodiversity

5.3 London Plan

2A.1	Sustainability criteria
3A.1	Increasing London's supply of housing
3A.2	Borough Housing Targets
3A.3	Maximising potential of sites
3A.5	Sustainable Design and Construction
3A.6	Quality of new housing provision
3C.21	Improving Conditions for Walking
3C.22	Improving conditions for cycling
3C.23	Parking Strategy
4A.1	Tackling Climate Change
4A.3	Sustainable Design and Construction
4B.1	Design principle for a compact city
4B.3	Maximising the potential of sites (see also Table 4B.1)
4B.5	Creating an inclusive environment
4B.6	Sustainable design and construction
4B.8	Respect local context and communities
Annex 4	Parking standards

5.4 Other Material Considerations

PPS1	Delivering Sustainable Development
PPS1	Supplement Climate Change
PPS3	Housing
PPG13	Transport

Supplementary Planning Guidance: Flat Conversions

London Plan Supplementary Planning Guidance: Children and Young People's Play and Recreation

London Plan Supplementary Planning Guidance: Sustainable Design and Construction (2006).

Draft London Plan Supplementary Planning Guidance: Interim Housing Guidance (2009).

6. Analysis

6.1 Principle

- 6.1.1 The site is located in close proximity to Oakwood Tube Station and the provision of additional residential units would be consistent with the surrounding character of the area. It would increase the supply of housing within the Borough assisting in the attainment of the Boroughs housing targets. The principle of the proposed development therefore, subject to the detailed considerations below, is considered acceptable.

6.2 Impact on Character of Surrounding Area

Design

- 6.2.1 The design of the proposal has been revised to reflect that of the existing building. The proposed timber cladding material has been replaced with

traditional brick and tile, reflecting that of the main building. The proposals seek to strike a balance between reflecting the features of the main building without creating a direct copy or attempting to compete with them. This is achieved by the use of materials set out above, very similar hipped roofs, horizontal alignment of the window positions and vertical emphasis to the centres of the blocks. However, the proposed set backs to the front elevation, lack of projecting bay features and less ornate detailing to the centre panels and, moreover, are a storey lower. These features ensure that the extensions are subordinate to the main building.

- 6.2.2 Overall, the design of the proposed extensions and alterations are considered acceptable.

Density

- 6.2.3 The site lies in a suburban area, but has some urban influences including Oakwood Tube Station and the mixture flats of 2-3 storeys and terraced housing. The site lies in PTAL 3. The London Plan 2008 density matrix suggests a density of 150 to 250 habitable rooms per hectare or a unit range of 50 to 95 units per hectare.
- 6.2.4 The application proposes an additional 4 one bed flats and there are 19 existing two bed flats. This provides for an existing density of 75 u/h or 226 hrph (57/2525x10,000) and a proposed density of 91 u/h or 257 hrph (65/2525x10,000). Whilst the number of units per hectare is within the range, the number of habitable rooms exceeds the range. However, this is by only 7 habitable rooms per hectare. Having regard to the sites proximity to Oakwood Tube Station, as a highly sustainable means of transport, it is considered, on balance, that this is acceptable. Whilst this excludes the block fronting Chase Road, these do fall outside of the application site and have their own curtilage. Moreover, these have a larger proportionately larger curtilage that the existing three southern blocks. However, advice contained in PPS1 and PPS3, states that a numerical assessment of density must not be the sole test of acceptability and must also depend on the attainment of appropriate scale and design relative to character and appearance of the surrounding area.
- 6.2.5 In this instance, the siting and orientation of the surrounding buildings are factors that will limit the scale of development that is acceptable within the site. However, the proposed buildings are subordinate to the existing blocks and have been designed to respect their character.
- 6.2.6 Having regard to these matters, as well as the surrounding patterns of development, the extent of site coverage and the numerical assessment details above, it is considered that the proposed density is acceptable and would not result in an overdevelopment of the site.

Layout

- 6.2.7 The proposed layout largely reflects that of the existing building, but involves reconfigured car parking spaces and amenity space that are discussed in more detail below.
- 6.2.8 Overall, the proposed layout is considered acceptable.

Amenity space

- 6.2.9 The adopted standard requires the provision of 75% of the gross internal area (GIA) for flats with 2 or more bedrooms and 50% for those with one bedroom. The existing flats no. 1 to 19 have a collective GIA of 1,251 and are all two bedroom units, giving rise to a requirement for 939 square metres of amenity space. The proposed one bedroom flats have a total GIA of 230 square metres and a requirement for 115 square metres of amenity space. This provides for a total requirement of 1,054 square metres. Whilst the existing amenity space provision of 1,157 square metres will be reduced, largely to provide space for parking, the proposed amenity space still exceeds that required at 1,094. Whilst it is noted that there is a fourth block fronting Chase Road that is excluded from these calculations, it has its own distinct amenity space, which is proportionally larger than the remaining blocks. The quantity of amenity space is, therefore, considered acceptable.
- 6.2.10 In respect of the quality of provision, the space provided is a mixture of shared semi-private space in front, to the rear and at the sides of each block. There are some concerns that the revised parking layout will impact upon the usability of the amenity space areas, but the level of use and private nature of these parking areas will, on balance, ensure that this does not unacceptably affect the quality of provision. Overall, the quality of the amenity space is considered acceptable. It is also acknowledged that the properties are within walking distance to Trent Country Park and Oakwood Park.
- 6.2.11 Overall, it is considered the proposed development would have an acceptable impact on the character of the surrounding area.

6.3 Impact on Neighbouring Properties

- 6.3.1 The proposed buildings would, with the exception of a single storey projection of 2.2 metres, which itself is set 4 metres from the existing building, would align with the rear. As a result, the proposed development would not result in any unacceptable overlooking, overshadowing or loss of outlook for the block to which it is attached. In respect of the two existing blocks set at 90 degrees to the extended block, there is a separation distance of 8 metres and there are no windows in the flank elevation of these blocks. Whilst it is acknowledged that there will be some increase in overlooking of the amenity space to these blocks, this is shared semi-private space and overlooking already takes place. Overall, it is considered there will be no unacceptable adverse impact from the extensions to this building on the existing buildings in Catherine Court.
- 6.3.2 In respect of the neighbouring buildings, Tregenna Close is set some 21 metres from the proposed building, at its nearest point, and 5 metres from the boundary of its garden area. As a result, any overlooking from the front will be distant and, due to the orientation of the properties, will be oblique. Whilst no. 7 and 8 Conisbee Court is only 6.4 metres from the flank elevation of the proposed extension. The proposed building will align with the flank elevation of this property. As a result, any overlooking would also be oblique. The only windows proposed to the sides of the extension would be at ground floor. These would provide views that are already available from the existing car park areas. In respect of the Tregenna Close elevation, the distance to the existing dwellings will prevent overlooking, whilst no. 7 and 8 Conisbee Court have only obscure glazed windows to the flank elevation. Consideration has

been given to requiring these ground floor windows to be obscured. However, they provide natural surveillance for the car parking area and do not have any adverse overlooking impacts. As a result, such a requirement would be unnecessary

- 6.3.3 In respect of the concerns raised regarding loss of light and outlook to Tregenna Close and Conisbee Court, in the case of the former the separation distances set out above will ensure that there is no unacceptable loss of light, overbearing impact or loss of outlook. In respect of Conisbee Court the alignment of the property, as well as the retained separation of 6.4 metres, will likewise ensure that these impacts are very limited. Overall, the impact on the adjoining properties is considered acceptable
- 6.3.4 Having regard to the residential nature of the proposed development it is not considered that the proposal would result in an unacceptable level of noise and disturbance to nearby residents. The impacts from the proposed parking areas are discussed within the highways section below. In respect of the concerns raised regarding disruption during construction, for a scheme of this size, this is not a basis upon which planning permission could be refused.
- 6.3.5 Overall, it is considered the proposal will not have an unacceptable impact on the amenities of neighbouring properties.

6.4 Quality of proposed accommodation

- 6.4.1 The adopted minimum unit sizes for one bedroom units is 45 square metres. Two of the proposed units are 56.4 square metres and the remaining two are 59.9 square metres. Each of these significantly exceeds the adopted standards. The proposed stacking is also considered acceptable.
- 6.4.2 There are some concerns regarding the outlook from the proposed flats as each of the front elevations faces the flank wall of existing three storey buildings at a distance of only 8 metres. However, having regard to the dual aspect nature of the units and the open aspect to the west, on balance, this is considered acceptable.
- 6.4.3 Overall, the quality of the proposed accommodation is considered acceptable.

6.5 Highway Safety

6.5.1 *Traffic Generation*

The site lies within a medium PTAL 3 and is located close to local tube and bus facilities. The proposal would result in an increase in the traffic movements to and from the site. However, the level of traffic generation from the proposed four one bedroom flats would be limited. Having regard to this limited increase, it is considered the proposed development is unlikely to have a material impact on the capacity or operation of the surrounding highway network.

6.5.2 *Access, Vehicular and Cycle Parking*

- 6.5.3 The site will utilise the existing access from Chase Road, via Conisbee Court. It is noted that this is a narrow width, but is adequate to serve the existing and proposed development. However, it will be necessary to secure no waiting

restrictions at the site access to protect visibility splays. This will be secured by condition.

6.5.4 The scheme involves the removal of part of the existing parking areas and the re-provision of parking spaces in two smaller parking courts, as well as adjacent to the access road and behind the existing blocks. These parking areas meet the adopted standards in respect of their size and manoeuvring space. There are some concerns regarding competition between drivers parking adjacent to the access road and those entering or leaving the site. However, the number of units using the access will ensure that this does not give rise to an unacceptable highway safety risk. There are further concerns regarding the proximity of the proposed parking areas to the existing blocks. Whilst this is a feature of the existing parking layout, it will be increased within the proposed design. However, some areas will benefit from a reduction in the number of cars along their boundary. Overall, on balance, it is considered that the level of use of these spaces would not give rise to an unacceptable adverse impact on the amenities of neighbouring residents.

6.5.5 In respect of the amount of parking provision, the submitted plans show 12 existing spaces. Whilst it is acknowledged that, in practice, approximately 14 cars may be accommodated, these parking spaces do not comply with the minimum length and manoeuvring areas. As a result, the consideration of the application is proceeding on the basis of the 12 existing spaces shown the submitted plans. The proposed scheme results in four additional units and four additional parking spaces, increasing the total number to 16. The London Plan provides for a maximum standard of "1 to less than 1 per unit" and goes on to suggest that sites close to transport links should provide less than one space per 1 and 2 bed unit. Having regard to the sites proximity to Oakwood Tube Station, this suggests that the proposal for four additional spaces may be an over provision. However, concerns have been raised regarding existing parking problems and deficiencies. Whilst this application must consider the additional parking demand from the proposed development, it is not considered appropriate to seek to limit the number of new parking spaces in this instance. It is clear from the London Plan policy that the proposal meets, if not exceeds, the required amount of parking provision. Two of the parking spaces will need to be disabled spaces, which can be secured by condition.

6.5.6 Whilst the location of the cycle and refuse storage is shown on the plans, further details will be required on security and size of refuse containers, respectively. These details will be secured by condition.

6.5.7 Overall, in respect of highway safety the proposal is considered acceptable.

6.6 Housing Mix

6.6.1 The scheme proposes four 1 bed units, whereas the Enfield Strategic Housing Market Assessment (2010) identifies a significant need for larger sized 3 and 4 bedroom units. However, the limited size of the scheme and restriction on the size of the extensions, as well as the limited amenity space discussed above, mean that larger units would not be possible within this scheme. In addition, the proposal would increase the variety within this site, which currently comprises entirely two bedroom units. Overall, on balance, the proposed mix of unit sizes is considered acceptable.

7. Conclusion

7.1 It is considered the scheme provides for an acceptable design that respects the character of the existing buildings, whilst the proposed density is at the top, or just above, the London Plan range, the sites sustainable location ensure that this will not be detrimental to the character of the surrounding area. The concerns raised by neighbouring properties have been discussed in detail, where it has been concluded that any impacts would be acceptable. The proposal includes amenity space, unit sizes, parking spaces and cycle parking that all meet the adopted standards. In light of the above, it is considered that the proposed development is acceptable for the following reasons.

1. The proposed development would contribute to increasing the range of the Boroughs housing stock, having regard to London Plan Policies 3A.1 and 3A.2, as well as providing units of an acceptable size and stacking having regard to Policies (I)GD1, (I)GD2, (II)GD3 and (II)H16 of the Unitary Development Plan, adopted Supplementary Planning Guidance on Flat Conversions and policies 3D.2 and 3D.3 of the London Plan (2008), as well as the objectives of PPS1, PPS3 and PPS4.
2. The proposed development would not have an unacceptable impact on the character and appearance of the area having regard to policies (I)GD1, (I)GD2, (II)GD1 and (II)GD3 of the Unitary Development Plan as well as the objectives of PPS1 and PPS3.
3. The proposed development would not unacceptably impact on the amenities of nearby residents having regard to policies (I)GD1, (I)GD2, (II)GD1 and (II)H8 of the Unitary Development Plan, as well as the objectives of PPS1 and PPS3.
- 4 The proposed development 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 of the Unitary Development Plan, Policy 3C.23 of the London Plan (2008), as well as the objectives of PPG13

8. Recommendation

8.1 That planning permission be GRANTED for the following conditions:

1. The development shall not commence until details of the external finishing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

2. The development shall not commence until details of the surfacing materials to be used within the development including footpaths, access roads and parking areas and road markings have been submitted to and approved in writing by the Local Planning Authority. The surfacing shall be carried out in accordance with the approved detail before the development is occupied or use commences.

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

3. The site shall be enclosed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be erected in accordance with the approved detail before the development is occupied.

Reason: To ensure satisfactory appearance and safeguard the privacy, amenity and safety of adjoining occupiers and the public and in the interests of highway safety.

4. The development hereby approved shall not commence until a mechanism to secure the introduction of parking controls in Conisbee Court has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be occupied until such time as the parking controls have been implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the free flow of traffic, emergency access needs, and highway safety.

5. The development shall not commence until details of parking and turning facilities, including two disabled spaces, to be provided in accordance with the standards adopted by the Local Planning Authority have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be constructed in accordance with the approved details before the development is occupied and shall be maintained for this purpose.

Reason: To ensure that the development complies with Unitary Development Plan Policies and does not prejudice conditions of safety or traffic flow on adjoining highways.

6. The parking area forming part of the development shall 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.

7. 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 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.

8. The development shall not commence until details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the London Borough of Enfield – Waste and

Recycling Planning Storage Guidance ENV 08/162, have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

Reason: In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

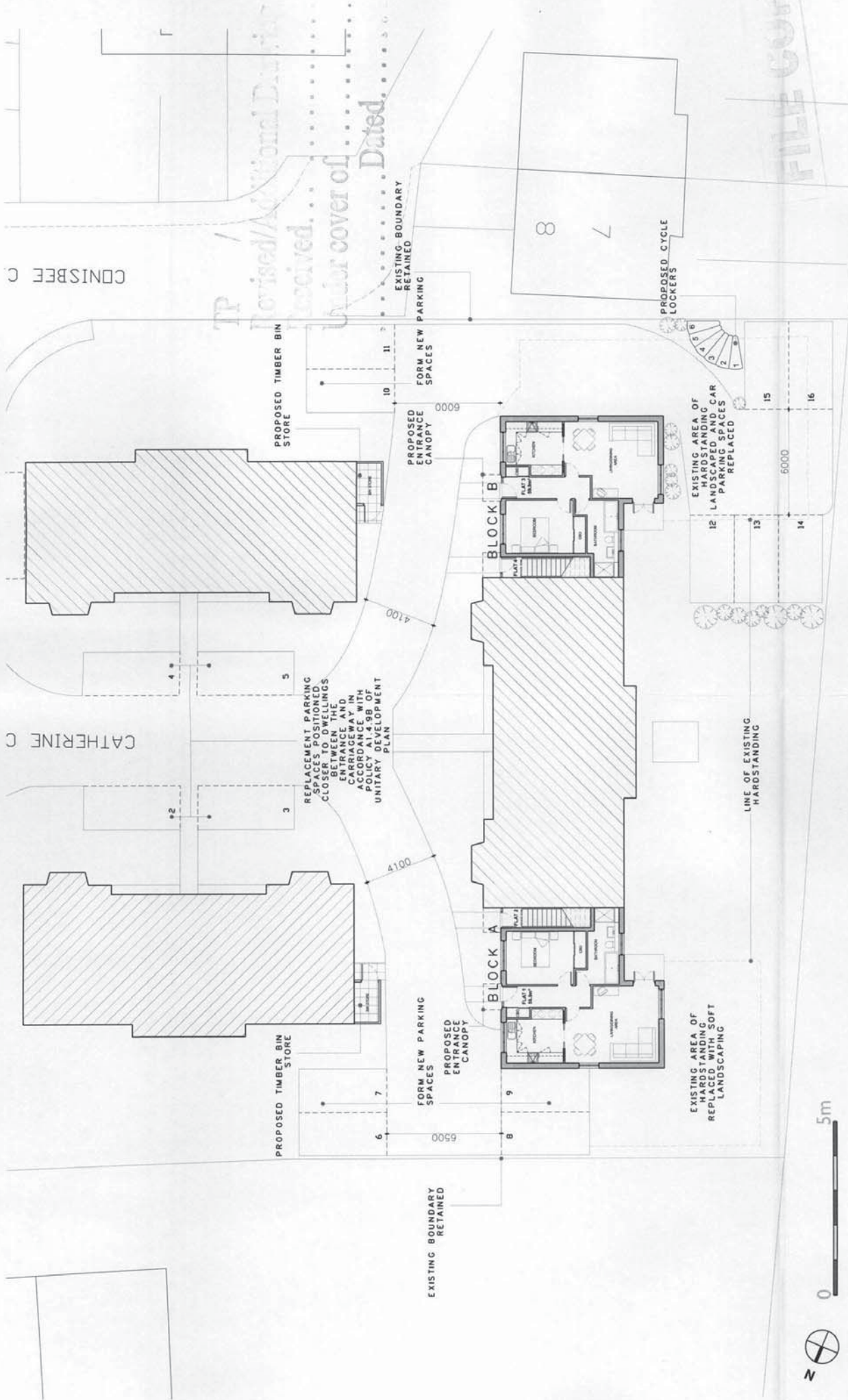
Reason: To safeguard the privacy of the occupiers of adjoining properties.

10. The development shall not commence until details of the siting, number and design of secure/covered cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

11. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.



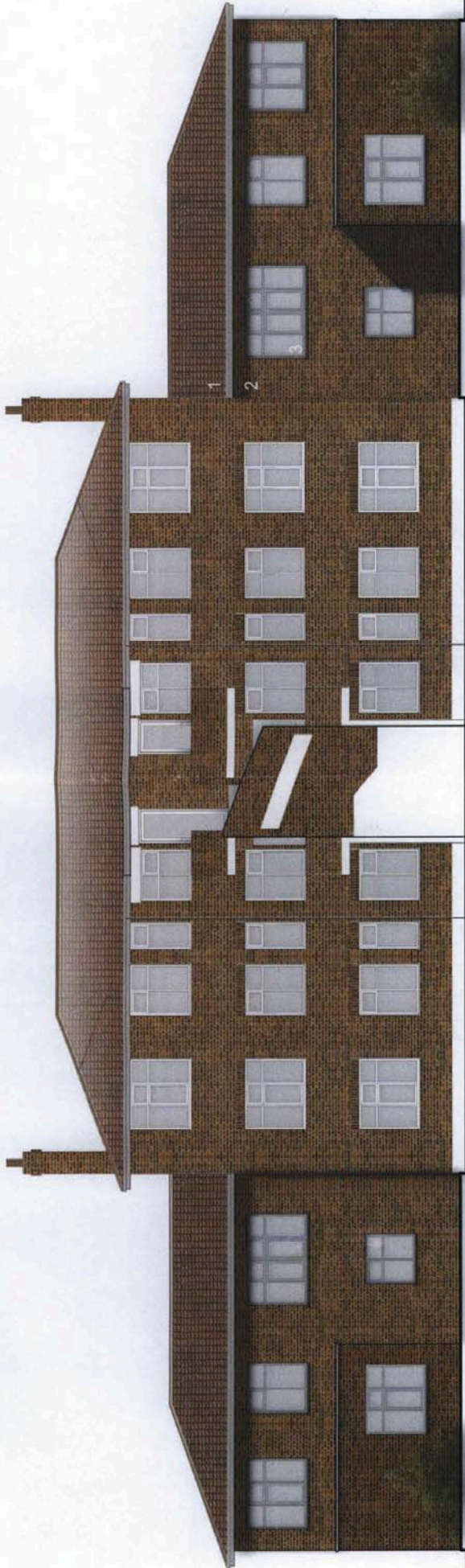
Telephone 01481 411277
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Note:

Project: Catherine Court
 Description: Proposed Ground Floor Plan
 Date: Feb. 2010
 Scale: 1:200 @ A3
 Job No: 09.294.PL102B
 Drawn: CK
 Status:

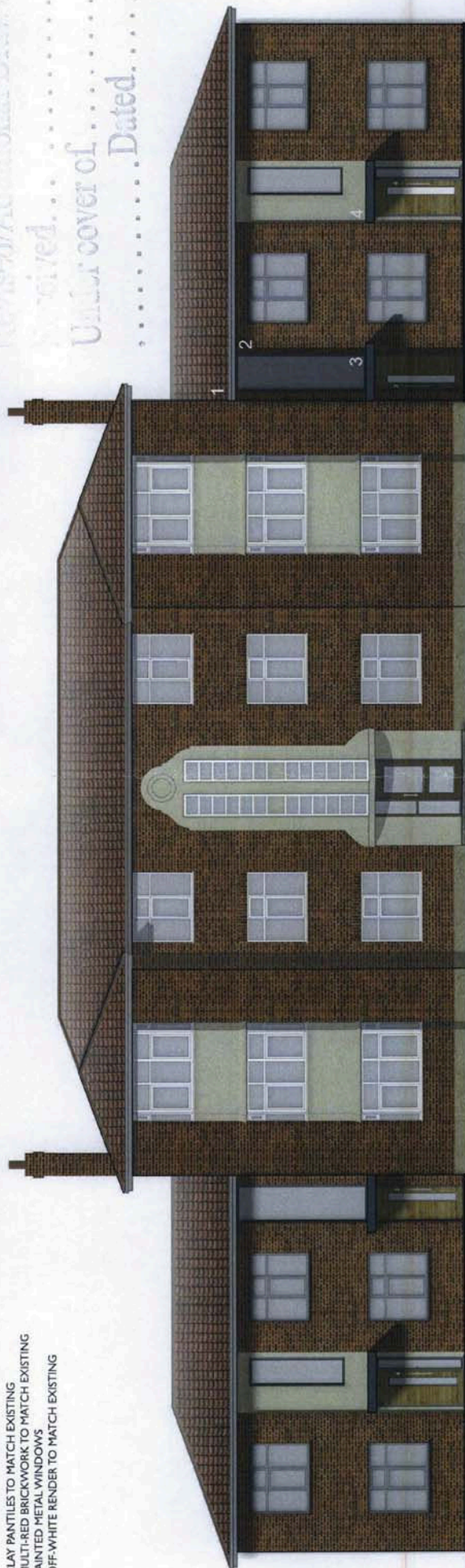
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CATHERINE COURT
WEST ELEVATION

- 1 CLAY PANTILES TO MATCH EXISTING
- 2 MULTI-RED BRICKWORK TO MATCH EXISTING
- 3 PAINTED METAL WINDOWS
- 4 OFF-WHITE RENDER TO MATCH EXISTING

TP /
Revised/Additional Details
Received.....
Under cover of.....
Dated.....



CATHERINE COURT
EAST ELEVATION

Telephone 01481 411277
spratley studios
43 Station Road
Henley-on-Thames
Oxon RG9 1AT
www.spratley.co.uk

Note

Project:
Catherine Court

Proposed East and West
Elevations

Client:
Dorrington PLC
Stage:
Planning

Drawn:
CK

Date:
MARCH 2010 1:100 @ A3
Job No:
09.294.PL105 C
Scale:
Drawing No:
Rev:

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LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 31st August 2010

Report of

Assistant Director, Planning & Environmental Protection

Contact Officer:

Aled Richards Tel: 020 8379 3857
 Andy Higham Tel: 020 8379 3848
 Mr R.W. Laws Tel: 020 8379 3605

Ward: Jubilee

Application Number : TP/10/0570

Category: Other Development

LOCATION: LUMINA PARK, 153, LINCOLN ROAD, (formally known as G E Lighting) ENFIELD, EN1 1SB

PROPOSAL: Erection of a 5-storey (plus plant room above) (132 bed) hotel C1use, with restaurant/pub uses (A3/A4) at ground floor level with associated access, parking and landscaping. (Alterations to the hotel approved as part of the redevelopment granted under ref:TP/08/1077).

Applicant Name & Address:

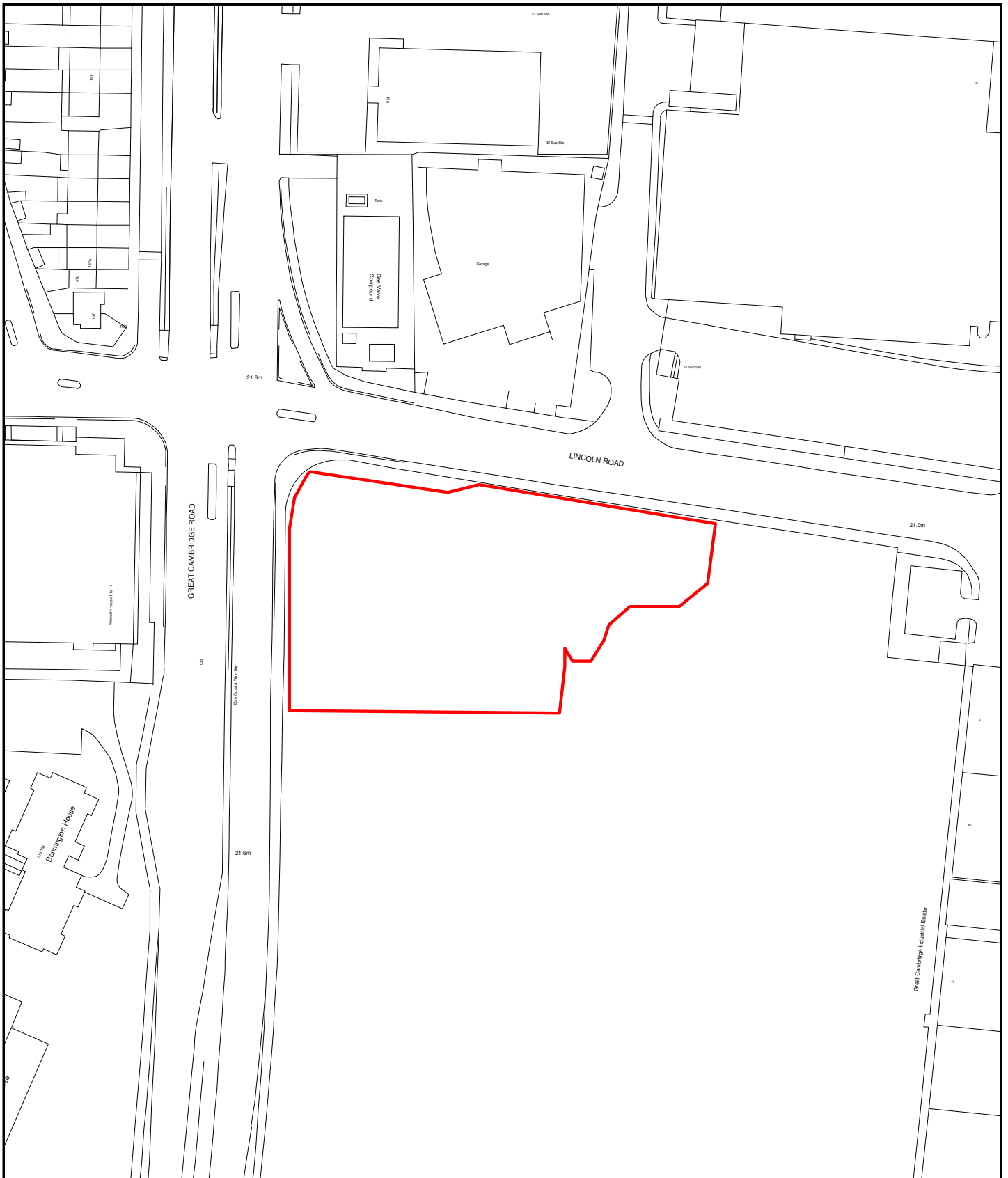
Frontier Key (Enfield) Ltd
 c/o agent

Agent Name & Address:

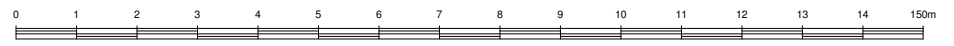
Andrea Herrick,
 Rapleys LLP
 51, Great Marlborough Street
 London
 W1F 7JT

RECOMMENDATION:

That subject to the referral of the application to the Government Office for London and variation of the 106 Agreement Planning Permission be **GRANTED** subject to conditions.



Development Control



Scale - 1:1250
Time of plot: 10:41

Date of plot: 13/08/2010

1. Site and Surroundings

- 1.1 The former GE Lighting site now known as Lumina Park is a large industrial site of approximately 8.1 Hectares. The site is bounded by the Great Cambridge Road to the east, by Lincoln Road to the north and Progress Way to the south. The site is identified in the London Plan as Strategic Industrial Land (SIL) and identified as a Primary Industrial Area within the UDP. On the opposite side of the Great Cambridge Road is residential development, a feature of which is several residential tower blocks. Vehicular access is provided from Lincoln Road, with separate vehicular exit only on the southern boundary of the site onto Progress Way. The public transport accessibility rating (PTAL) for the site ranges from 1b to 2.

2. Proposal

- 2.1 Planning permission for the redevelopment of this site has previously been approved under (Ref : TP/08/1077) and provides for employment (Class B1-B8) uses, a car show room (Sui generis), a 132 bed hotel (including meeting rooms/ conference facilities, ancillary dining and bar facilities to provide a new business park known as Lumina Park. To date only the internal site road layout, boiler plant room and security building have constructed.
- 2.2 The part of the site to which this application relates is situated in the north western corner of the site at the junction of the Great Cambridge Road / Lincoln Road and alone comprises approximately 1.2 acres. The application proposes the provision of a five storey (plus plant room above)132 bed hotel Class (C1) with separate A3/A4 use within the ground floor of the Hotel together with associated access, parking and landscaping.
- 2.3 Essentially, the key difference is the inclusion of a separate A3/ A4 uses within the ground floor of part of the development This comprises approx 612 Sqm of ground floor space and would have its own entrance. In addition there would be some outside seating area fronting the Great Cambridge road in connection with the A3/ A4 element use. The separate hotel would also contain its own basis catering facility.
- 2.4 There are also some minor changes to the footprint of the previous consented hotel, some additional new window fenestration at ground floor on the Lincoln Road and Great Cambridge frontage providing a more active frontage and on the upper levels to the fenestration. There are some slight changes to the previous approved car park layout arrangement of the hotel and an increase of approx 1m in the height of part of the roof plant enclosure on top of the hotel.
- 2.5 The need to secure additional uses within the ground floor of the hotel has arisen following the original hotel operator not completing on the purchase of the site. The proposed new hotel operator Travelodge have an alternative "standard format "in terms of hotel accommodation and do not provide for meeting/ conferencing facilities .Accordingly the developers need to secure alternative uses within the ground floor of the hotel to achieve a viable scheme.

3. Relevant Planning Decisions

- 3.1 TP/08/1077- Redevelopment of site by the erection of 20 units (2 storey) for office, light and general industrial use and storage/ distribution with ancillary trade counters (B1, B2 & B8 Use) as well as five storey self storage unit (B8), (combined total floor space of 20 units and self storage building 19,249 sqm), together with 2 storey building including roof deck parking for use as car dealership with workshop (sui generis), as well as 5 storey (132 bed) hotel (C1 use), with associated access from Lincoln Road and egress via Progress way, car parking, landscaping, lighting, security building, plant and equipment and associated works (Former Ge -lighting Site, Great Cambridge Road) Planning Permission Granted 18th May 2009. This permission was subject to a section 106 Agreement

4. Consultations

4.1 Statutory and Non Statutory Consultations

- 4.1.1 Economic Development support the proposal on economic grounds as the incorporation of the additional facilities should enhance the offer of the hotel, helping make it a more successful venture.
- 4.1.2 Environmental Health raise no object suggest conditions regarding construction management plan, details regarding any air conditioning/ ventilation systems.
- 4.1.3 London Fire and Emergency Planning Authority raises no objection
- 4.1.4 Metropolitan Police comment that the hotel should adopt secured by design principles as set out in PPS1 and the London Plan .There should be comprehensive CCTV coverage in the car park and appropriate lighting.
- 4.1.5 Planning Policy comment that the Great Cambridge Road Industrial Estate is identified as an Industrial Business Park within the Strategic Industrial Location (SIL) designation of the current London Plan and emerging Draft Replacement Plan. The site falls within the Great Cambridge Road Primary Industrial Area, as identified in the UDP. The Core Strategy which has been subject to examination in public is due to be adopted by the Council in November 2010 and sets out the Council's approach to Strategic Industrial Land. Core Policy 14 Safeguarding Strategic Industrial Locations is supported by an up to date evidence base and identifies the Great Cambridge Road Industrial Area and Martin Bridge Trading Estate as SIL, which is to be safeguarded. It is noted that considerable weight can be accorded to Core Strategy policy given its stage in the adoption process. Given that the proposed A3/A4 use is a departure from existing and emerging planning policy the applicant has assessed the proposal against the provisions of PPS4 Policy EC 14-16. It is considered that:

(i)The retail (Leisure uses) Assessment , as submitted with the planning application , demonstrates through the sequential and impact assessment, that A3/A4 use is justified at this location as part of a wider employment led proposal granted in 2009 (TP/08/1077).

(ii) The Strategic SIL designation will be safeguarded on the site as the proposed A3/ A4 use is within the footprint of the hotel use granted under

TP/08/1077, and will be complementary to it, as part of a wider employment led proposal, which was justified under PPS6 terms, and supported by a hotel marketing report and assessment of employment land availability.

- 4.1.6 Transport for London has no concerns about the traffic impact of the development and additional parking proposed. They consider the vehicular servicing of the A3/ A4 uses can be accommodated within the confines of the site.
- 4.1.7 Greater London Authority advise that the proposal development with the A3/A4 uses at ground floor does not raise any strategic planning issues. The previous hotel application included a hotel of the same scale and massing. The only difference being the insertion of A3/A4 uses at ground floor. The loss of the employment land has already been accepted and the introduction of town centre uses in this out of centre location is not of a sufficient scale to raise any strategic planning issues. TfL has advised that the new uses should comply with the relevant London Plan standards for car, electric vehicle and cycle parking. They advise that they do not need to be consulted further on the application and the Council can proceed to determine the application without further reference to the GLA.

4.2 Public

- 4.2.1 Consultation letters have been issued to 108 surrounding neighbours. In addition 4 notices have been displayed at the site.. Oneletter of objection received raising the following points:
 - Strongly object to a building of this size
 - Structure this tall would significantly impair views of residents from block of flats whose windows and balconies face Lumina Park across the A10.
 - Size of building should be limited to 3 storey plus plant room
 - Welcome the effect that a hotel would have on the area in terms of creating jobs and making good use of land.

5. **Relevant Policy**

5.1 London Plan

2A.1	Sustainability Criteria
2A.8	Town Centres
2A.10	Strategic Industrial Locations
3B.1	Developing London and Economy
3B.4	Strategic Industrial Land
3B.11	Improving employment opportunities for London
3D.1	Supporting Town Centres
3D.7	Visitor facilities
4A.1	Tackling Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.19	Improving Air quality
4B.1	Design Principles for a compact city
4B.3	Enhancing the quality of the public realm
4B.5	Creating an Inclusive environment
4B.6	Safety, security and fire prevention
3C.2	Matching development to transport capacity

3C.3	Sustainable Transport in London
3C.21	Improving Conditions for walking
3C.22	Improving conditions for cycling
3C.23	Parking Strategy

5.2 Unitary Development Plan

(I)GD1	Regard to surroundings
(I)GD2	Surroundings and quality of life
(II)GD3	Aesthetics and functional design
(II)GD1	Uses in appropriate locations
(II)GD6	Traffic Generation
(II) GD8	Servicing
(II) S18	Establishment of food and Drink uses
(II) T13, 14, 15, 16-	Transport related Policies
(II) E2	B1, B2 and B8 in Primary Industrial Areas
(I) AR2	Hotels located in acceptable and accessible locations
(II) AR7	development of hotels in appropriate locations
(II) EN22	Energy Conservation
(II) EN30	Air, Noise and water pollution

5.3 Local Development Framework

The Enfield Plan – Core Strategy has now completed its Examination in Public on the ‘soundness’ of the plan and the Inspectors report is now awaited. In the light of the matters raised, it is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

SO2	Environmental Sustainability
SO6	Maximising Economic Potential
SO8	Transport and accessibility
SO 10	Built Environment
CP 11	Recreation & Leisure
CP 14	Safeguarding Strategic Industrial Locations
CP 13	Promoting Economic Prosperity
CP 12	Visitors and Tourism
CP24	The Road Network
CP 25	Pedestrians and Cyclists
CP 20	Sustainable Energy Use and Energy Infrastructure
CP 30	Maintaining and Improving The Quality of the Built Environment

5.4 Other Material considerations

PPS1	Delivering Sustainable Development
PPS4	Planning For Sustainable Economic Growth
PPG13	Transport

6. **Analysis**

6.1 Principle

- 6.1.1 The principle of the 5 storey hotel on the site notwithstanding its Strategic Industrial Land and Primary Industrial Area designation has been accepted

under TP/08/0877. The rationale is that the hotel would serve the Borough's business and the benefits of this together with the overall benefit of the redevelopment of the site which forms part of a wider employment led proposal would offset the minor loss of strategic Industrial land to justify an exception in this instance having regard in particular to Policies 3B.4 of the London Plan and Policies (II) E2 of the UDP.

- 6.1.2 In this case, the main policy issue of consideration is the acceptability of the separate A3/ A4 use element within part of the ground floor of the development which previously formed part of the hotel. Whilst the site falls within a Strategic Industrial Location and Primary Employment Area where policies 3B.4 of the London Plan and Policy (II) E2 of the UDP are relevant, as well as Core Policy 14 Safeguarding Strategic Industrial Locations, there would be no further loss of Strategic Industrial Land as the ground floor A3/ A4 element falls within the footprint of the hotel, where the loss of employment land has already been accepted.
- 6.1.2 Whilst the proposed A3/A4 element is a departure from existing and emerging planning policy, the applicant has assessed the proposal against the provisions of PPS4 Policy EC14- EC16. It is considered that the Retail (Leisure Uses) assessment submitted with the application demonstrates through the sequential test and impact assessment, that the A3/A4 use's is justified at this location as part of the wider employment led proposal granted under TP/08/1077. The proposed A3/A4 element would also have a distinct role in providing a complementary facility for residents of the hotel and employers of Lumina Business Park.
- 6.1.3 In addition, it must be acknowledged that the GLA do not raise any strategic planning issues. The previous application included a hotel of the same scale and massing. The only difference being the insertion of A3/ A4 uses at ground floor. The loss of employment land has already been accepted and the introduction of town centre uses in this out of centre location is not of a sufficient scale to raise any strategic planning issues.

6.2 Character and Appearance of Surrounding Area

- 6.2.1 There are some minor changes to the design of the hotel from that previously approved so as to accommodate the format of the new hotel operator proposed, in addition to those alterations associated with the A3/ A4 use. These changes are not considered to have any significant impact in terms of the overall external appearance of the scheme and relate to a minor change of footprint, some additional new window fenestration on the Lincoln Road and Great Cambridge road which would provide a more active frontage, as well as some changes to the fenestration on the upper levels. There is also a 1m increase in the height of part of the plant on top of the hotel but this would have no material impact on appearance. These changes from the previous scheme are therefore considered acceptable in terms of their external appearance having regard to Policies (I) GD1, (I) GD2 and (I) GD3 and London Plan Policies 4B.1 and 4B.8. The introduction of a separate A3/ A4 element within the hotel, together with outdoor seating area is not considered to adversely impact on the character and appearance of the area.

6.3 Impact on Neighbours

- 6.3.1 A 5 storey hotel with roof plant has already been approved in this location, the introduction of an A3/ A4 element at ground floor level within the hotel element is not considered to have any significant adverse impact on the amenities of surrounding occupiers having regard to Policies (I) GD1 ,(II) GD1 and (I) GD2 of the UDP.

6.4 Access and Traffic Generation

- 6.4.1 The issue is whether the addition of the separate A3/A4 uses would have any further impact in terms of parking and traffic generation.

- 6.4.2 There is a slight change in the parking layout with an increase of 4 spaces from 86 to 90 plus 7 disabled bays. The A3/ A4 element would be mainly used by residents of the hotel although would attract some trade from outside the site. However , it is considered there is sufficient capacity within the hotel car park to accommodate any provision that would be generated and no objection have been raised from transportation or Transport for London. It is therefore not considered that the introduction of the separate A3/ A4 use within the hotel element would adversely impact on the surrounding highway network.

6.5 Sustainable Design and Construction

- 6.5.1 The sustainability and energy efficient measures proposed as part of the original application including measures specific to the hotel would remain applicable and also include the A3/A4use. Accordingly the proposal would have appropriate regard to London Plan Policies 4A.3 and 4A.4.

7. Conclusion

- 7.1 A hotel on the site has previously been approved as part of the wider redevelopment of the site under TP/08/1077, the introduction of a separate A3/ A4 element within part of the ground floor foot print of the hotel would not therefore result in the loss of any further Strategic Industrial Land and would also provide a complementary facility for residents of the hotel and employees of the Lumina Business Park, as part of a wider employment led proposal. The proposed development including the A3/A4 element would also have appropriate regard to national policy contained within PPS4.

- 7.2 The proposed development is therefore considered acceptable for the following reasons:

1. The hotel and its justification have previously been approved under TP/08/1077, the introduction of a separate A3/ A4 element within part of the ground floor footprint of the hotel would not result in the loss of any further Strategic Industrial Land and would also provide a complementary facility to the hotel as part of a wider employment led proposal. In addition the introduction of town centre uses in this out of centre location is not of a sufficient scale to raise any strategic planning issues having regard to Policies 2A.8, 2A.10, 3B.1 and 3B.4 of the London Plan, policies (II) E2, (I) AR2 and (II) AR7 of the UDP as well as having regard to National Policy PPS4.

2. The development by virtue of its siting, scale, design , height, use of appropriate materials, and landscaping would satisfactorily integrate into the

street scene of the Great Cambridge Road/ Lincoln Road frontage and industrial surroundings as well as not adversely impacting on the amenities of surrounding properties having regard to Policies (I) GD1, (I) GD2 and (II) GD3 of the UDP , London Plan Policies 2A.1, 4B.1, 4B.5, 4B.6 and 4B.8 and PPS1 Delivering Sustainable Development .

3. The proposed access arrangements (both vehicular and pedestrian), parking servicing and cycle provision levels for the Hotel with separate A3/ A4 use within part of the ground floor of the hotel would be unlikely to give rise to conditions prejudicial to the safety of traffic and pedestrians using the surrounding roads including Lincoln Road/ Great Cambridge Road as well as surrounding Industrial units having regard to PPG13, London Plan Policies 3C.23, 3C.22, 3C.21, 3C.19, and Unitary Development Plan Policies (II) GD6, (II) GD8, (II) T13, 15,16 of the Unitary Development Plan.

8. Recommendation:

8.1 That subject to the referral of the application to the Government Office for London and variation of the 106 Agreement Planning Permission be **GRANTED** subject to the following conditions.

1. C7 – Details of materials

2. C09- Details of hard surfacing

3. C10- Details of levels

4. C11- Details of enclosure

5. C19- Refuse Storage

6. C59- Cycle parking

7. C20- Fume extraction

8. C17- Landscaping

9. Conditions 19 (Construction Management Plan), Condition 32 (Delivery and Service Management Plan), Condition 33 (Sustainability Strategy), and Condition 36(Energy Strategy) imposed on TP/08/1077 are reiterated in respect of this application.

Reason: For the avoidance of doubt.

10. The separate A3/ A4 element use shown within part of the ground floor element of the hotel on drawing Figure 20 Rev A shall be limited to 612 sqm only.

Reason: To ensure the size and scale of the separate A3/ A4 element remains appropriate having regard to UDP policy, London Plan policy and National Policy.

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any amending order, the separate A3/ A4 element

use of the scheme within part of the ground floor of the hotel shall only be used for A3/ A4 use and shall not be used for any other purpose.

Reason: To prevent the introduction of inappropriate other uses having regard to the sites location as well as having regard to the Unitary Development Plan, London Plan and National Policy.

12. The separate A3/A4 element within the hotel shall only be open between the hours 7.0am to 11.30 pm.

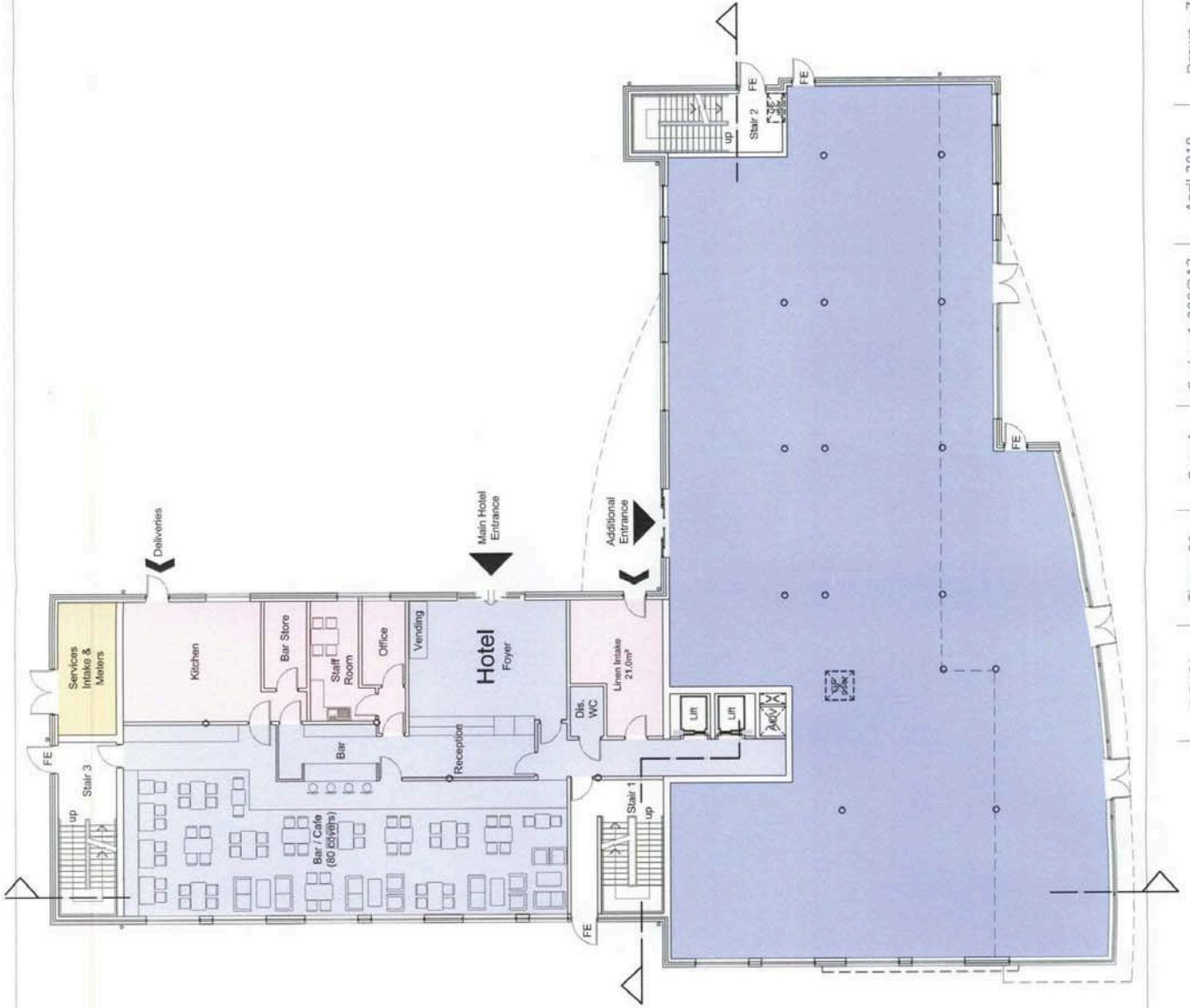
Reason: To safeguard the amenities of the surrounding area.

13. C51a- Time Limit

10/0570

132 Bed Hotel

- In-House Facilities & Hotel Lobby
- Back of House / Staff Area
- Hotel Services Intake / Plant Room
- A3 / A4 Units



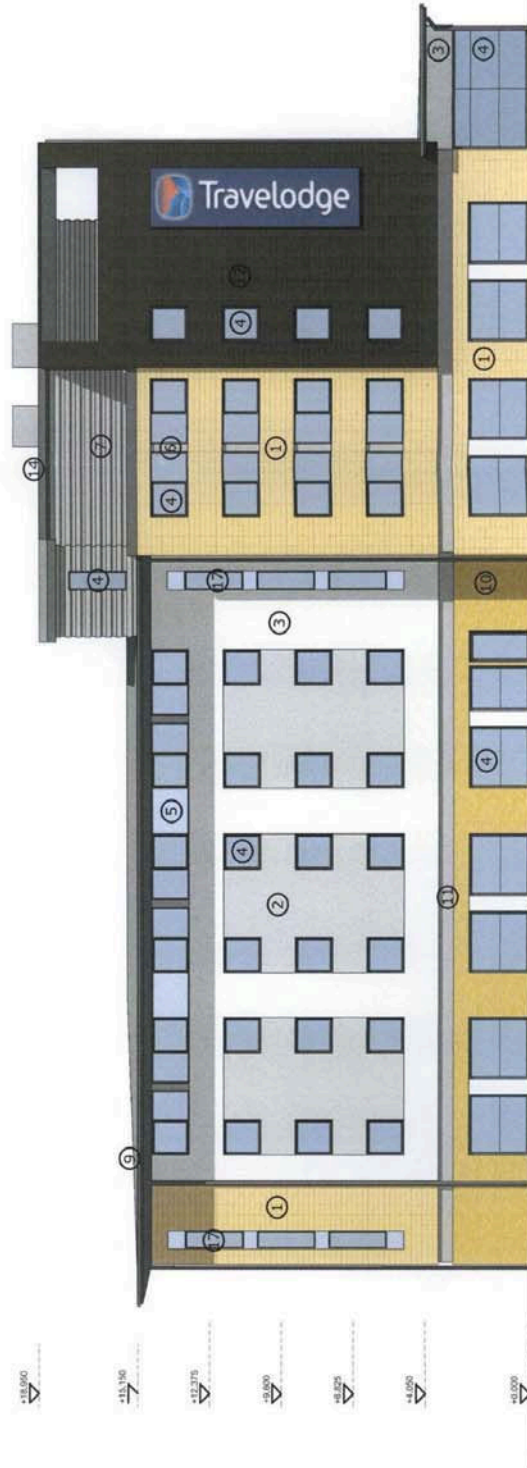
10/0570

External Finishes Legend

- 1 ARGETON RAINSCREEN CLADDING, COLOUR: 'SAND'
- 2 THROUGH COLOUR RENDER, COLOUR: MID GREY
- 3 THROUGH COLOUR RENDER, COLOUR: WHITE
- 4 PPC DOUBLE GLAZED ALUMINIUM FRAMED WINDOWS, CURTAIN WALLING, COLOUR: DARK GREY RAL 7022
- 5 GLAZED 'LOOK-A-LIKE' PANEL
- 6 METAL CLADDING, COLOUR: DARK GREY
- 7 PROFILED METAL CLADDING AND/OR LOUVRES, COLOUR: MERLIN GREY
- 8 PRESSED METAL BARGE DETAIL POWDER COATED, RAL 7022
- 9 AEROFOIL EAVES WITH HIDDEN GUTTER
- 10 BUFF FACING BRICKWORK
- 11 METAL PFC CHANNEL POWDER COATED, RAL 7022
- 12 ARGETON RAINSCREEN CLADDING, COLOUR: 'VOLCANO GREY'
- 13 FLOOR TO CEILING GLAZING WITH GLAZED 'LOOK-A-LIKE' PANELS AT FLOOR ZONES
- 14 SINGLE PLY FLAT ROOF, COLOUR: DARK GREY
- 15 PPC DOUBLE GLAZED ALUMINIUM FRAMED FE DOOR: DARK GREY RAL 7022
- 16 PPC DOUBLE GLAZED ALUMINIUM FRAMED ENTRANCE SLIDING DOOR WITH GLAZING ABOVE, COLOUR: DARK GREY RAL 7022
- 17 FULL HEIGHT 'SLOT' GLAZING ON HALF LANDINGS WITH GLAZED 'LOOK-A-LIKE' PANELS
- 18 PPC ALUMINIUM FRAMED DOOR: DARK GREY RAL 7022



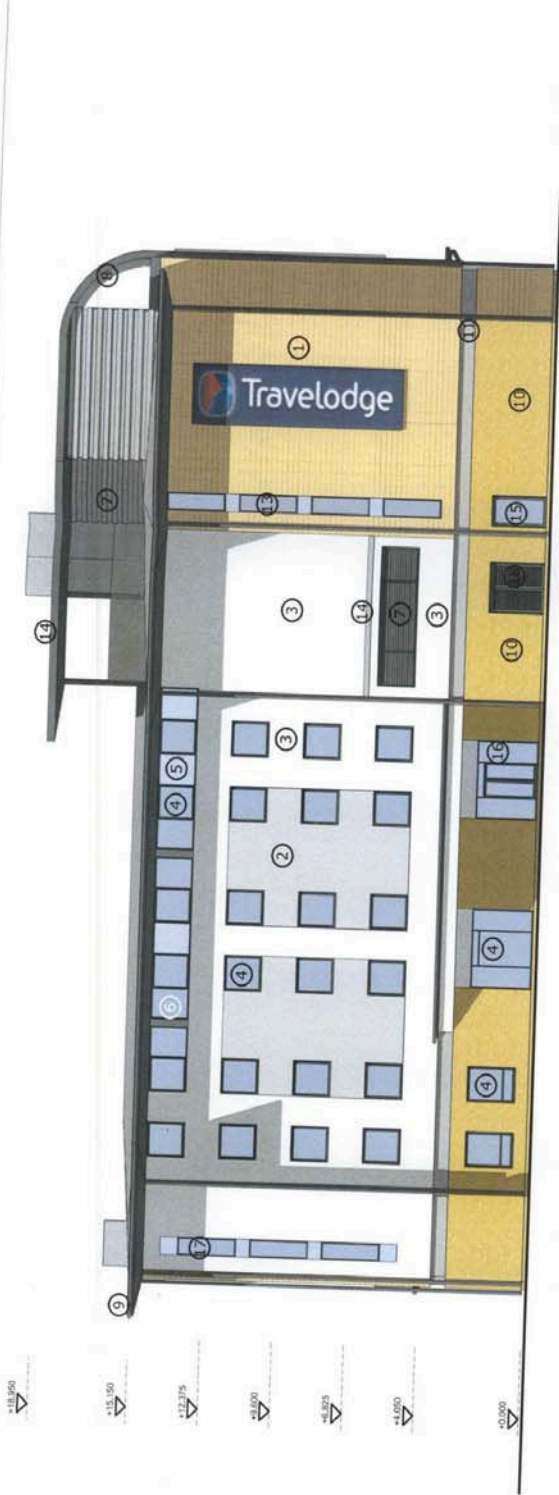
Great Cambridge Road Elevation



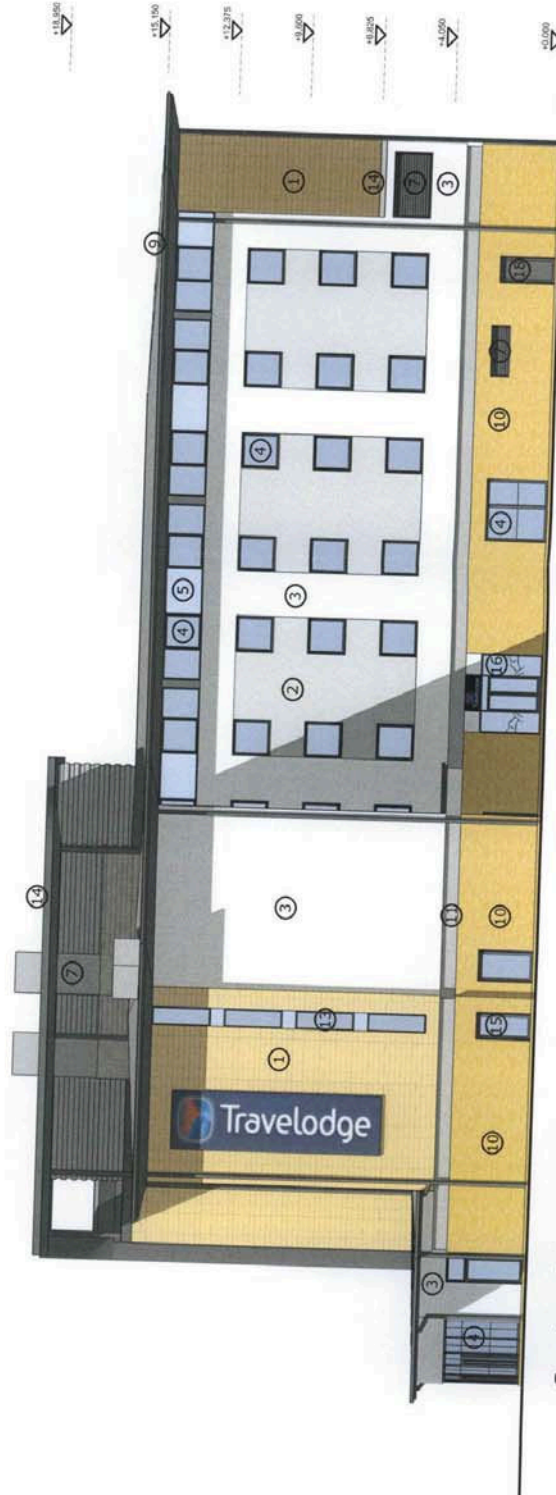
Lincoln Road Elevation

External Finishes Legend

- 1 ARGETON RAINSCREEN CLADDING, COLOUR: 'SAND'
- 2 THROUGH COLOUR RENDER, COLOUR: MID GREY
- 3 THROUGH COLOUR RENDER, COLOUR: WHITE
- 4 PPC DOUBLE GLAZED ALUMINIUM FRAMED WINDOWS, CURTAIN WALLING, COLOUR: DARK GREY RAL 7022
- 5 GLAZED 'LOOK-A-LIKE' PANEL
- 6 METAL CLADDING, COLOUR: DARK GREY
- 7 PROFILED METAL CLADDING AND/OR LOUVRES, COLOUR: MERLIN GREY
- 8 PRESSED METAL BARGE DETAIL POWDER COATED, RAL 7022
- 9 AEROFOIL EAVES WITH HIDDEN GUTTER DETAIL
- 10 BUFF FACING BRICKWORK
- 11 METAL PFC CHANNEL POWDER COATED, RAL 7022
- 12 ARGETON RAINSCREEN CLADDING, COLOUR: 'VOLCANO GREY'
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- 16 PPC DOUBLE GLAZED ALUMINIUM FRAMED ENTRANCE SLIDING DOOR WITH GLAZING ABOVE, COLOUR: DARK GREY RAL 7022
- 17 FULL HEIGHT 'SLOT' GLAZING ON HALF LANDINGS WITH GLAZED 'LOOK-A-LIKE' PANELS
- 18 PPC ALUMINIUM FRAMED DOOR: DARK GREY RAL 7022



Courtyard Elevation 1



Courtyard Elevation 2

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LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 31st August 2010

Report of

Assistant Director, Planning &
Environmental Protection

Contact Officer:

Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mr R Lancaster Tel: 020 8379 4019

Ward:

Winchmore Hill

Application Number : TP/10/0686

Category: Change of Use

LOCATION: Waiting Room Café, Palmers Green Station, Alderman's Hill, London, N13 4PN

PROPOSAL: Use of café to include take away (class A5) and installation of an extractor flue/grill at rear

Applicant Name & Address:

Mr William Hancux,
TWR Express (Palmers Green) Ltd,
252 Park Road,
London,
N8 8JX

Agent Name & Address:

Same as applicant.

RECOMMENDATION:

That planning permission be **GRANTED** subject to conditions.



ENFIELD
Council



Development Control



Scale - 1:1250
Time of plot: 09:58

Date of plot: 13/08/2010

1 Site and Surroundings

- 1.1 The premises occupy part of the Palmers Green Station building, situated on the north side of Alderman's Hill.
- 1.2 The site lies within The Lakes Conservation Area and is in between Alderman's Hill Medium Local Centre and Palmers Green Town Centre.
- 1.3 Opposite the site is Morrison's Supermarket, to the west is the access road to the station car park and a Job Centre. To the east is a terraced block with retail on the ground floor with residential above.

2 Proposal

- 2.1 Permission is sought for a change of use from café (class A3) to mixed use café and takeaway (A3 & A5).
- 2.2 The proposal also involves the installation of an extractor flue/grill at rear.

3 Relevant Planning Decisions

- 3.1 None

4 Consultations

4.1 Statutory and non-statutory consultees

- 4.1.1 Environmental Health raise no objections subject to conditions
- 4.1.2 Network Rail raise no objections subject to satisfactory litter disposal
- 4.1.3 Thames Water raise no objections

4.2 Public

- 4.2.1 Due to the proximity to neighbouring properties, consultation has comprised of a notice displayed at the site and in the local press. Three objections have been received, which raise the following points:

- Insufficient information regarding the cooking hood, ducting and flue/grill.
- Insufficient information to assess the impact and workings of the flue.
- Potential damage to historic building.
- Lack of information regarding waste and fat disposal.
- No external waste bin and therefore potential for litter.
- The external element of the extractor system should be painted black.
- Too many takeaways in area already
- Potential anti-social behaviour

5 Relevant Policy

5.1 Unitary Development Plan

- (I) GD1 New development to have appropriate regard to its surroundings
- (I) GD2 New development to improve the environment
- (II) GD1 New developments are appropriately located
- (II) GD3 Aesthetic and functional designs
- (II) GD6 Traffic implications
- (II) GD8 Access and servicing
- (I) EN1 Protect and Enhance the Quality of the Environment
- (II) EN30 Noise and air pollution
- (I) S1 Wide Range of Viable Shopping and Service Facilities
- (I) S3 Safeguard Vitality and Viability of Local Shopping Centres
- (II) S5 Change to non-retail in Town centres
- (II) S13 Loss of Neighbourhood Retail Units
- (II) S18 Food and drink uses
- (II) C27 Character in Conservation Areas
- (II) C29 Inappropriate uses in a conservation area

5.2 London Plan

- 3A.18 Protection and Enhancement of Social Infrastructure and Community
- 3D.3 Maintaining and improving retail facilities
- 2A.5 Town Centres
- 4B.7 Respect local context and communities
- 4B.8 Respect Local Context and Character

5.3 Local Development Framework

- 5.3.1 The Enfield Plan – Core Strategy has now completed its Examination in Public on the ‘soundness’ of the plan and the Inspectors report is now awaited. In the light of the matters raised, it is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

- Core Policy 30 Maintaining and improving the quality of the built and open environment

5.4 Other Material Considerations

- PPS1 Delivering Sustainable Development
- PPS4 Sustainable Economic Development
- PPG24 Planning and Noise

The Lakes Conservation Area Character Appraisal

6 Analysis

- 6.1 The site falls between Alderman’s Hill Large Local Centre and Palmers Green Town Centre. However the character of the area is predominantly commercial.

- 6.2 The current use of the premises is as a café and the applicant wishes to extend this use so that it is both a café and takeaway. The proposed hours of use are 11.00 hours to 23.00 hours Monday to Saturday.
- 6.3 Policy (II) S18 requires that food and drink uses are assessed in accordance with various criteria.

a) the effect on the character of the area

The change of use would not result in significant changes to the visual appearance of the premises. The extractor grill would be sited at the rear of the property and not visible from Aldermans Hill. A condition has been attached requiring that the extractor grill is painted black. Therefore the proposal is considered to preserve and enhance the character of the Conservation Area having regard to (II)C27, (II)C29 as well as (II)S18 .

Given the scale, nature and siting of the proposed use as well as proposed hours of use, it is not considered that the proposal would attract custom that would be detrimental to the character of the conservation area having regard to Policy (II)C27 or cause undue noise and disturbance to neighbouring occupiers.

b) effect on on-street parking

The nature and intensity use and size of premises is such that the proposal would not generate significant customer demand. Furthermore on-street parking is under significant parking controls which are regularly enforced. Therefore it is not considered that the proposal would result in undue on-street parking that would harm the free flow of traffic or highway safety.

c) impact on neighbouring amenity

The premises are located within the Palmers Green Railway Station, situated a minimum of 15m from the closest residential occupiers. The hours of use are restricted to 23.00 Monday to Saturday and none on Sunday. This would accord with the standards set out for food and drink uses in local centres in Supplementary Guidance. Furthermore Environmental Health has advised that they would not object to the proposal in this respect.

d) potential nuisance

Given the siting of the fume in relation to surrounding occupiers and the submitted information, Environmental Health are satisfied that the proposal would not result in a nuisance. (Noise and disturbance is dealt with in section A).

e) litter disposal

The station itself has a number of small litter bins and there are a numerous bins on Green Lanes and Aldermans Hill. Therefore it is considered that there is satisfactory provision for litter disposal in the surrounding area.

7 Conclusion

7.1 Given the above analysis it is recommended that planning permission be deemed to be granted for the following reasons:

1. The proposed change of use from A3 (cafe) to mixed A3/A5 (café and hot food take away) would not compromise or detract from the vitality, viability, or character of Palmers Green Town Centre or Alderman's Hill Medium Local Centre. Additionally the development would not have a detrimental impact on neighbouring amenities and would preserve the character and appearance of The Lakes Conservation Area, having regard to Policies (I) GD1, (I) GD2, (II) GD1, (II) S18, (II)C27 and (II) C29 of the Unitary Development Plan, The Lakes Conservation Area Character Appraisal and Supplementary Planning Guidance: Food and Drink Uses.

8 Recommendation

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

1. The external elements of the extractor system shall be painted black prior to commencement of the use and maintained thereafter.

Reason: To ensure a satisfactory appearance and preserve the character and appearance of The Lakes Conservation Area.

2. The extract ventilation system shall installed prior to commencement of the use and maintained thereafter in accordance with the following criteria unless otherwise agreed in writing with the Local Planning Authority:
 - a) the motor for the system shall be positioned inside the premises on anti-vibration mountings
 - b) there shall be an anti-vibration collar in the internal ducting between the canopy and the motor
 - c) the external ducting shall be supported on anti-vibration mountings
 - d) the termination of the external ducting shall be at least 1m above eaves level and any opening into the building.

Reason: To minimise the potential for noise and disturbance.

3. The premises shall only be open for business and working between the hours of 09:00 - 23:00 Monday to Saturdays and 09.00 – 22.00 Sundays (including public holidays) and all activity associated with the use shall cease within 30 minutes of the closing times specified above.

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

4. Prior to commencement of use secure lidded refuse containers must be provided for the storage of commercial waste. A commercial contract for the removal of refuse from the premises must be arranged.

Reason: In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets.

5. The hours of deliveries to and refuse collection from the premises shall be between 07:00 hours to 19:00 hours Monday to Saturday and at no other time.

Reason: To minimise the potential for noise disturbance to neighbouring residents.

6. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

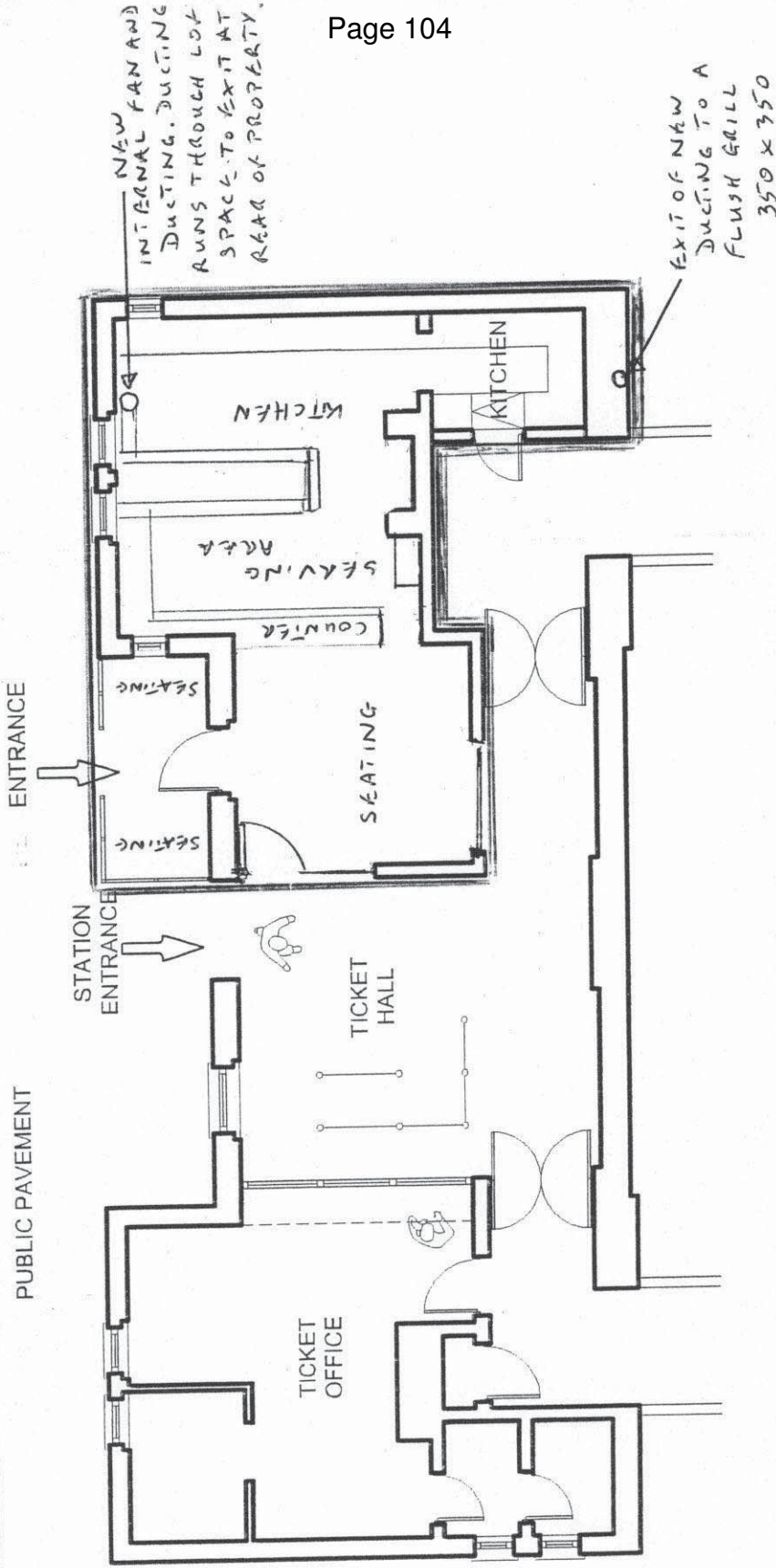
Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.



SCALE BAR

TP1.0/0686

ALDERMANS HILL



Project:	THE WAITING ROOMS PALMERS GREEN STATION
Title:	BAR/RESTAURANT LAYOUT TAKE AWAY
Scale:	1:100
Drw. No.:	014

LONDON BOROUGH OF ENFIELD
 17 MAY 2010
 DEVELOPMENT SERVICES

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 31st August 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mr R.W. Laws Tel: 020 8379 3605

Ward: Edmonton
Green

Application Number : TP/10/0859

Category: Other Development

LOCATION: Land at Smythe Close, Edmonton Green Shopping Centre, The Broadway, London, N9 0TZ

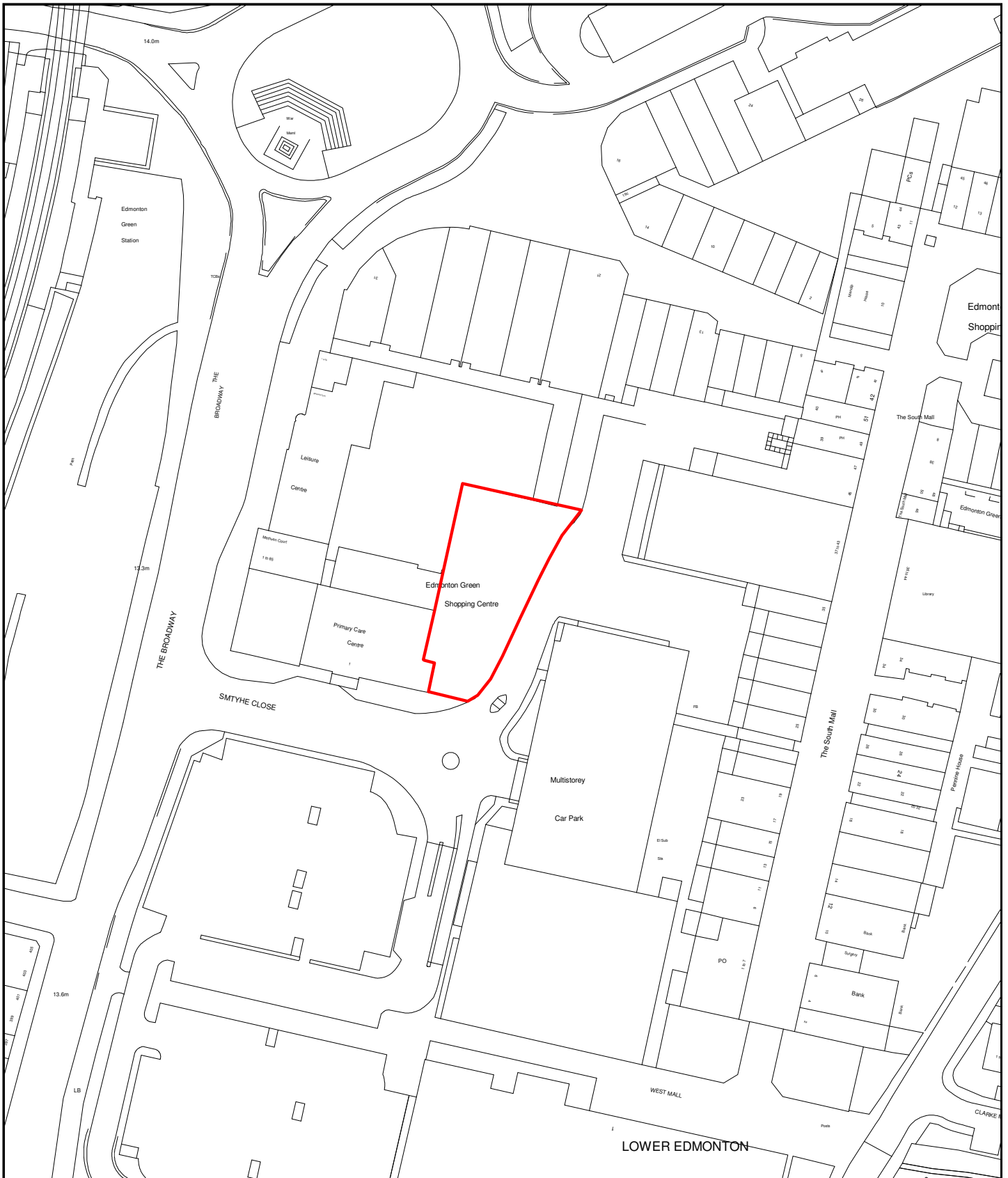
PROPOSAL: Erection of a 4-storey building comprising a 73 bed hotel (Class C1).

Applicant Name & Address:
St Modwen Developments (Edmonton) Ltd
180, Great Portland Street
London
W1W 5QZ

Agent Name & Address:

RECOMMENDATION:

That subject to the completion of a Section 106 Agreement regarding the provision of a Construction and Employment Strategy Planning Permission be **GRANTED** subject to conditions.



Development Control



Scale - 1:1250
Time of plot: 09:42

Date of plot: 13/08/2010

1. Site and Surroundings

- 1.1 The 0.1 ha site comprises a 29 space car park located immediately to the rear of the Primary Care Trust and Leisure Centre buildings which front The Broadway. Situated within the Edmonton Green Shopping Area, the site fronts Smythe Close with the Asda car park opposite. The eastern boundary is formed by a service road providing access to the precinct. Beyond this to the east lies St George's multi storey car park.

2. Proposal

2.0 Proposal

- 2.1 Permission is sought for the construction of a four storey 73 bed hotel which would be operated by Travelodge. With a gross internal area of 2012 sq.m, the hotel would include a reception, office, linen storage and staff facilities although no on site eating or drinking facility is proposed
- 2.2 The proposal does not involve any on site parking although cycle parking and a new service lay by are shown. Parking would be accommodated in the adjacent St Georges multi storey car park (460 spaces) or in the Asda car park opposite (260 spaces). With regard to the existing parking, this would be reallocated to other car parks elsewhere within the centre

3. Relevant Planning Decisions

- 3.1 None relevant to this application.

4. Consultations

4.1 Statutory and non statutory consultees

- 4.1.1 Economic Development raise no objections on economic grounds commenting that the proposal would to contribute to the vitality of the town centre, as well as generally enlivening this particular locality within the core area. It is noted however that the hotel will create minimal employment with the applicant refers to 6 full time and 12 part time jobs. It is important therefore to ensure that local residents are given the opportunity to apply for these jobs, given the particularly high levels of unemployment in the Edmonton Green Area. The developer should be strongly encouraged to engage with the Jobs net team who can provide a brokerage service at no cost. The construction of the hotel also provides an opportunity to engage local labour and local sub contractors. This would ensure that the regeneration benefits to the local area maximised. A section 106 agreement needs to be put in place to secure the delivery of these benefits.
- 4.1.2 London Fire and Emergency Planning Authority comment tat they are satisfied with the proposals.
- 4.1.3 Environmental Health raises no objection subject to conditions regarding air conditioning / ventilation units, construction Management Plan, no impact piling
- 4.1.4 Thames Water raises no objection regarding sewerage infrastructure

4.2 Public response

Consultation letters were sent to 180 surrounding occupiers together with 4 notices displayed around the site. No objections have been received.

5. **Relevant Policy**

5.1 London Plan

- 2A.1 Sustainability Criteria
- 3D.1 Supporting Town Centres
- 3C.2 Matching development to transport capacity
- 3C.23 Parking Strategy
- 3D.7 Visitor accommodation and facilities
- 4A.3 Sustainable Design and Construction
- 4A.4 Energy assessment
- 4B.5 Creating an inclusive environment
- 4B.1 Design principles for a compact city
- 4B.8 Respect local context

5.2 Unitary Development Plan

- (I) EN6 To have regard to the need to minimise the environmental impact of all development
- (I)GD1 Regard to surroundings
- (II)GD1 Appropriate location
- (I) GD2 Surroundings and quality of life
- (II) GD3 Aesthetics and functional design
- (II) GD6 Traffic Generation
- (II) GD8 Servicing
- (II) T1 To ensure development takes place in locations which have appropriate access to transport networks
- (II)T15 To improve, maintain and enhance the footways and public footpath network
- (II)T16 Adequate access for pedestrians in all new developments
- (II)T17 High priority to pedestrians where they cross traffic routes
- (II) T19 Cycle Facilities
- (I) AR2 Potential for tourist related developments and hotels located in acceptable locations
- (II) AR7 Encourage development of hotels in appropriate locations
- (I) S2 Maintain and enhance role of major shopping centres
- (II) S2 Enhance the role of Edmonton Green
- (II) S3 Coordination and management of Town Centres

5.3 Local Development Framework

The Enfield Plan – Core Strategy has now completed its Examination in Public on the ‘soundness’ of the plan and the Inspectors report is now awaited. In the light of the matters raised, it is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

- SO1 Enabling and focusing Change
- SO2 Environmental sustainability

SO6 Maximising Economic potential
SO10 Built Environment
CP12 Visitors and tourism
CP17 Town Centres
CP20 Sustainable Energy Use and energy Infrastructure
CP30 Maintaining and Improving quality of Built Environment
CP 39 Edmonton

5.4 Other Material Considerations

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport

6.0 Analysis

6.1 Principle

6.1.1 The general approach of planning policy is to encourage development in sustainable locations with good accessibility to a range of public transport options. Edmonton Green is one of the Boroughs designated town centres and has a PTAL rating of 5. As a result, the location would be consistent with this approach.

6.1.2 There is a general need for a range of hotel accommodation across the Borough which is recognised in Policy (II)AR7 of the UDP and Policy 12 of the emerging LDF Core Strategy. In addition, the proposed hotel represents a complementary use to the retail function of Edmonton Green and would add to its vitality and viability whilst also strengthen the role of the town centre and its attractiveness to a range of retail, commercial, leisure and other related uses.

6.1.3 Overall therefore, the principle of a hotel in this location is considered to be consistent with planning policy for this town centre location having regard to Policies (II)GD1, (II)AR7 (I)S1, (II)S2 of the UDP and Policies 12 and 17 of the emerging Core Strategy as well as Policy 3D7 of the London Plan and PPS4.

6.2 Integration with Character of Surrounding Area

6.2.1 In design terms the new hotel picks up on the strong design feature of the earlier phases of redevelopment of Edmonton Green along the Broadway and Smythe Close and in this regard the overall design approach is considered to have an appropriate relationship to its immediate surroundings having regard to Policies (I) GD1, (I) GD2 and (II) GD3 of the UDP as well as London Plan Polices 4B.1, 4B.5 and 4B.8.

6.2.2 The southern elevation of the hotel would be the most visible in terms of major public vantage points from the surrounding surfaced car parks. It would have vertical composition windows that have a proportion in harmony with the adjacent Primary Care Trust building and which would sit comfortably within the street scene. The other main visible elevation is that from the east which faces across the service yard towards the multi storey car park. The plan form of this elevation is broken into a number of steps that respond to the sites

configuration and together with the regular window opening, would result in a simple and functional elevation. A soft landscape bed is also proposed in front of part of the east elevation which would also help to soften the building's appearance at ground level.

- 6.2.3 The palette of materials to be used would also reflect those of the adjacent buildings to help satisfactorily assimilate its appearance within the street scene. The roofscape of the new hotel also picks up on the mono pitch and gull wing roofs that are a strong design feature of the adjacent buildings. The overall size, scale, design, height and appearance of the 4 storey hotel are therefore considered to have appropriate regard to its immediate surroundings and would contribute positively to the urban environment in this location.

6.3 Impact on surrounding developments

- 6.3.1 In terms of impact on the neighbouring developments, that closest are the Primary Care Trust and Leisure Centre Building which are directly adjacent to the west. The Primary Care Trust building has two windows on its flank elevation facing the side elevation of the proposed hotel: one at ground floor and one at first floor. The hotel building would be sited approx 2m away from these windows. However, as these are secondary windows and not serving any habitable function, the relationship is considered acceptable. There are no windows on the flank elevation of the leisure centre and therefore there would be no adverse impact.
- 6.3.2 The Primary Care Trust has windows on its rear elevation at 3 levels that face an internal courtyard also enclosed by the leisure centre. Whilst there would be angled views from some of the hotel bedroom windows towards these rear windows, the nearest of which is approx 5.5m away, it is considered with the nature of hotel room occupation and the angled views, there would not, on balance, be any significant impact prejudicial to the operation of either building. Furthermore, whilst the hotel would now enclose this end of the courtyard between the Primary Care Trust and the Leisure Centre, it is considered that this would adversely not harm the functioning of the Primary Care Trust building or result in significant loss of light/overshadowing.
- 6.3.3 The siting and height of the hotel would not impact on the residential amenities of the nearby tower block due to the intervening distance.

6.4 Traffic/parking/ servicing

- 6.4.1 The site is situated in an extremely sustainable location in terms of its transport links with a PTAL of 5 for this town centre location and has a PTAL rating of 5. The site is within approximately 250m walking distance from the new bus terminal interchange station which provides for 10 different services plus a night bus and approximately 200m from Edmonton Green Station which provides overland train services into Liverpool Street Station and on to Enfield, Cheshunt and Hertford with 2 services per hour each way. There are also numerous car parks immediately adjacent including the St Georges multi storey car park, the ASDA car park providing over approx 700 spaces.
- 6.4.2 Whilst the proposal does not provide any car parking on site, there is a substantial level of car parking provision adjacent to the site at St George's multi storey car park (460 spaces) and surface ground level car park (250)

spaces which has spare capacity to accommodate the traffic generation that would arise from the hotel development which combined with its excellent transport links and town centre location is considered sufficient to off set the fact that no parking is provided in this instance. Surveys indicate that there are always spare spaces in the adjoining car parks during the day, whilst at night, when hotel users might need them; the vast majority of spaces are empty.

- 6.4.3 The issue of no dedicated off street parking is of less concern in view of the proposed Controlled Parking Zone (CPZ) for the area. This is due to be introduced with committed S106 funding. As a result, no additional S106 is considered necessary.
- 6.4.4 Overall therefore, it is considered that the proposed hotel would not adversely impact on the surrounding on street parking situation or adversely impact on highway safety having regard to Policies (II) GD6 and (II) GD8 of the Unitary Development Plan as well as London Plan Policy 3C.23 and PPG13. The 29 spaces lost as a result of the hotel which are not public but allocated to management staff, together would be reallocated with the surrounding car parking areas.
- 6.4.5 In terms of servicing a service pull in lay-by is proposed off the service area access road which is considered acceptable in terms of providing adequate servicing arrangements for the hotel having regard to Policy (II) GD8 of the UDP. In addition satisfactory cycle parking provision and refuse storage facilities are also shown which can be appropriately conditioned.

6.5 Sustainable Design and Construction

- 6.5.1 The development achieves a satisfactory score against the Council's sustainable design and construction assessment and also incorporates a number of sustainable features in its design, construction and operation e.g. use of low energy light fittings incorporating high frequency control gear, installation of dual flush toilets, fitting of spray taps with flow restriction, heating and cooling of reception and office areas with on site renewable energy source and minimised water storage.

7.0 **Economic Impact**

- 7.1 The hotel would employ approximately 6 full time and 12 part time staff which it is hoped could be recruited and would be recruited locally. The planning statement also envisages that construction process would also be likely to generate up to a maximum of 60 jobs. In addition to the short term investment and job provision associated with construction, the location of a hotel would also generate revenue through guest spend on local goods.
- 7.2 The limited service nature of this hotel would also mean that guests will use existing facilities within the surrounding area, to the benefit of the local economy. Research indicates that the average daily spends by Travelodge guest on local goods and services is £36. Assuming an 85% occupancy rate the hotel at Edmonton Green has the potential to generate in excess of £0.8m a year of expenditure in the local economy.

8.0 **Section 106 Agreement**

- 8.1 In order to maximise the benefit of this development to the local community, a s106 agreement is proposed to ensure linkages with the Council's Jobsnet and Construction Web programs

9. Conclusion

- 9.1 It is considered that the provision of a hotel in this sustainable town centre location would help to contribute to the vitality and viability of Edmonton Green Shopping Centre and would add to the range of facilities available. It would also assist in bringing new activity to this part of the centre. In addition the development would help to attract visitors to Edmonton Green as well as creating further jobs within the local community. Notwithstanding these socio economic benefits, it is considered that the development would be appropriately located, due to its size and design and would sympathetically integrate into the existing built environment.
- 9.2 Accordingly, it is recommended that planning permission be granted for the following reasons:
1. The proposed hotel is an appropriate use for this sustainable town centre location with good access to a range of public transport option and would both add to the range of facilities on offer while also strengthening the role, vitality and viability of Edmonton Green town centre having regard to Policies (II) AR7, (I) S2, (II) S2, (II) S3 of the Unitary Development Plan and London Plan Policies 2A.1, 3C.2 and 3D.7 of the London Plan
 2. The proposed hotel building due to its siting height and design, would sympathetically relate to existing surrounding development and have an acceptable appearance within the street scene and the surrounding area having regard to Policies (I) GD1, (I) GD2, (II) GD3, (II) GD1 of the Unitary Development Plan and London Plan Policies 4B.1, 4A.3, 4B.5 and 4B.8 of the London Plan.
 3. The proposed hotel building would not have any undue impact on the amenities and operation of the neighbouring commercial and leisure buildings having regard to Policies (I) GD1, (I) GD2, (II) GD3, (II) GD1 of the Unitary Development Plan and London Plan Policies 4B.1, 4A.3, 4B.5 and 4B.8 of the London Plan.
 4. The development, notwithstanding the absence of any on site parking, would not have any adverse effect on the free flow and safety of traffic and pedestrians using the adjoining highways due to the town centre location, the availability of nearby car parks, good access to public transport and the on site cycle parking having regard to having regard to Policies (II) T1, (II) GD6, (II) GD8 of the Unitary Development Plan and London Plan Policies 2A.1, 3C.2, and 3C.23.
 5. The loss of the existing parking area, would not have any adverse effect on the free flow and safety of the adjoining highways due to the reallocation of car parking spaces elsewhere within the town centre car parks and is therefore acceptable, having regard to having regard

to Policies (II) T1, (II) GD6, (II) GD8 of the Unitary Development Plan and London Plan Policies 2A.1. 3C.2, and 3C.23.

- 6 The sustainability measures identified in the sustainability assessment form submitted with the application are considered to be sufficient to achieve a suitable level of sustainable design and construction
- 7 The proposed development, subject to the completion of a s106 agreement to ensure engagement with the Council's Jobs net and Construction Web initiatives, would contribute to the continued regeneration of the area and employment opportunities available having regard to the aims of Policy CP39 of the emerging Core Strategy of the Local Development Framework.

10. Recommendation

10.1 That subject to the completion of a Section 106 Agreement regarding the provision of a Construction and Employment Strategy Planning Permission be GRANTED subject to the following conditions:

1. C7- Details of materials
2. C9- Hard Surfacing
3. C11- Details of enclosure
4. C10- Levels
5. That development shall not commence on site until a Construction Management Plan has been submitted to and approved in writing by The Local Planning Authority. The Plan shall set out arrangements for construction vehicle access to and egress from the site, arrangements for the loading, unloading and turning of delivery, service and construction vehicles within the site, details of facilities for the cleaning of wheels of construction vehicles leaving the site, details of hours of construction work, arrangements for parking contractors vehicles, arrangement for storage of materials, measures to prevent noise and dust pollution.

Reason: To safeguard the amenities of the surrounding area and to prevent the transfer of site material on to the public highway.

6. C17- Landscaping
7. C41- Details of external lighting
8. C19- Refuse Storage
9. C59- Cycle Parking
10. C57 – Sustainability assessment
11. Details of any air conditioning or non passive ventilation systems shall be submitted to and approved in writing by the local Planning Authority, prior to installation.

Reason: To ensure the submission of satisfactory details as well as appearance and to safeguard amenity.

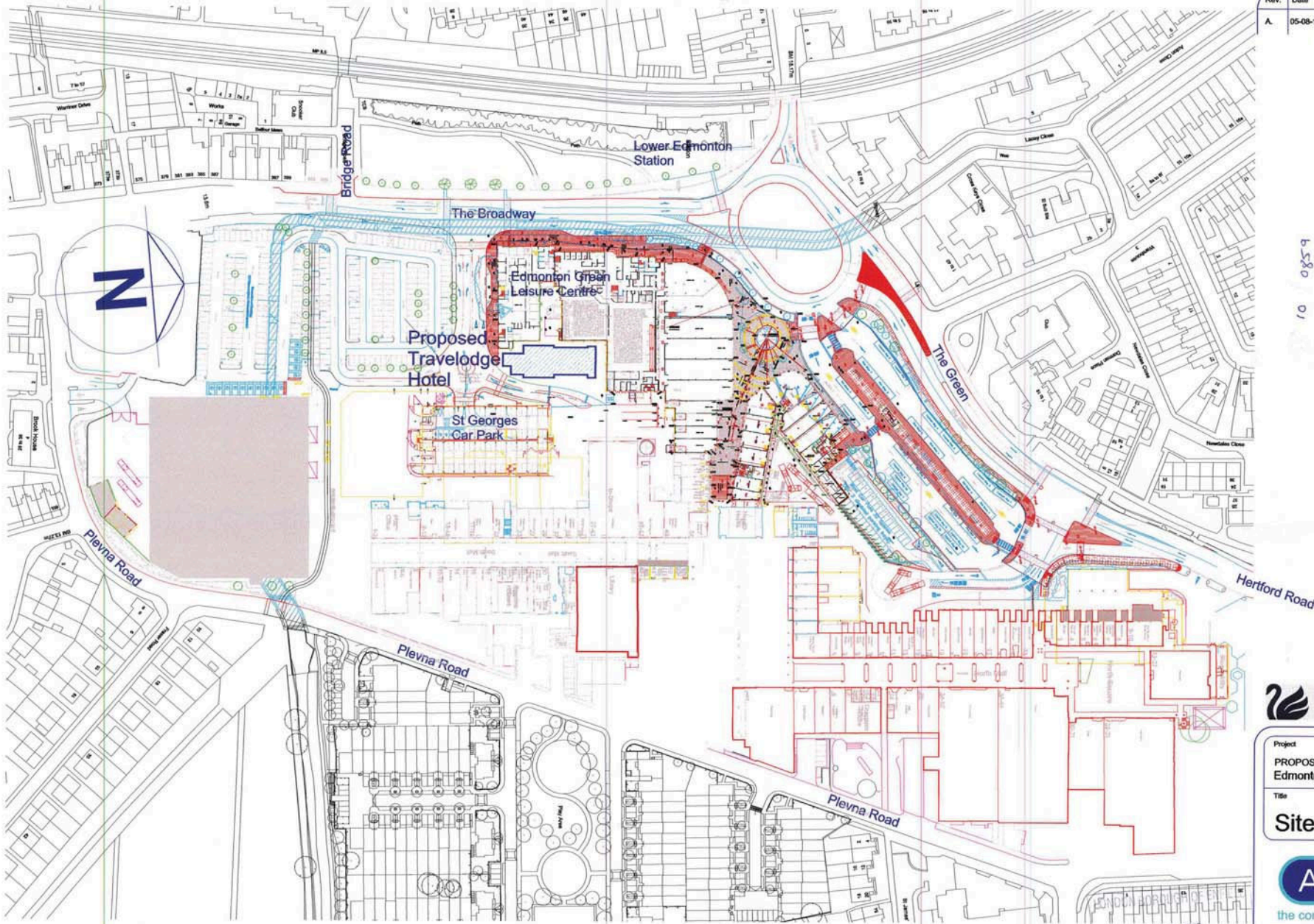
12. No impact piling shall take place without the prior written approval of the Local Planning Authority and shall only take place in accordance with the terms of any such approval.

Reason: In order to protect the amenities of the surrounding area.

13. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any amending Order the building shall only be used as a hotel and shall not be used for any other purpose within Use Class C1, or for any other purpose.

Reason: For the avoidance of doubt and in order to assess the appropriateness of any other alternative use having regard to the sites location within Edmonton Green Town Centre as well as having regard to the transport and parking requirements of any other alternative use having regard to the Unitary Development Plan.

14. C51A- Time Limit



Rev.	Date	Description	Ints.
A.	05-08-10	Adjusted to correspond with drawing 6212-PL-001	SJB

10 0859
 Received 11/4 August
 Undercover of Agents
 letter 10 August

Site Location Plan



Project
**PROPOSED TRAVELODGE DEVELOPMENT
 Edmonton Green**
 Title
Site Location Plan



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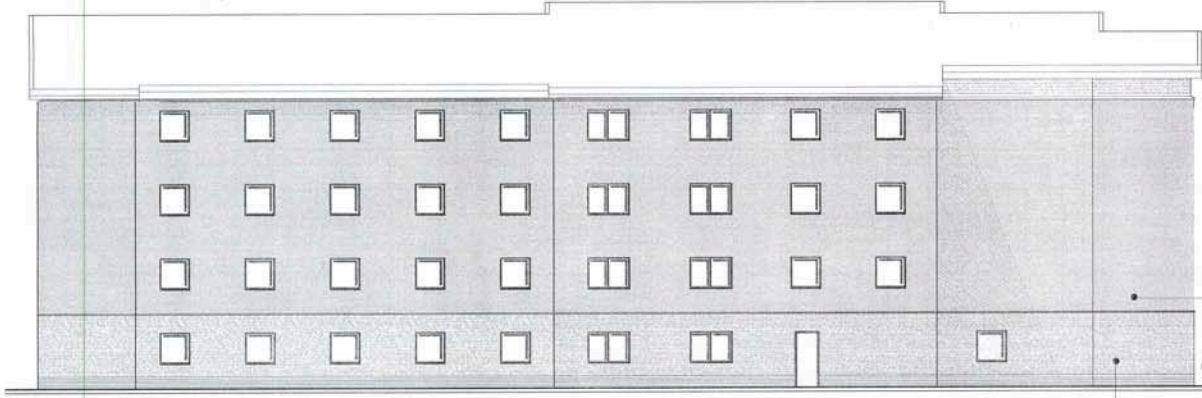
Scale	Date	Drawn	Authorised
1:1250(A2)	May 2010	SJB	CIS
Contract No.	Drawing No.	Revision	
6212	SL.001	A	

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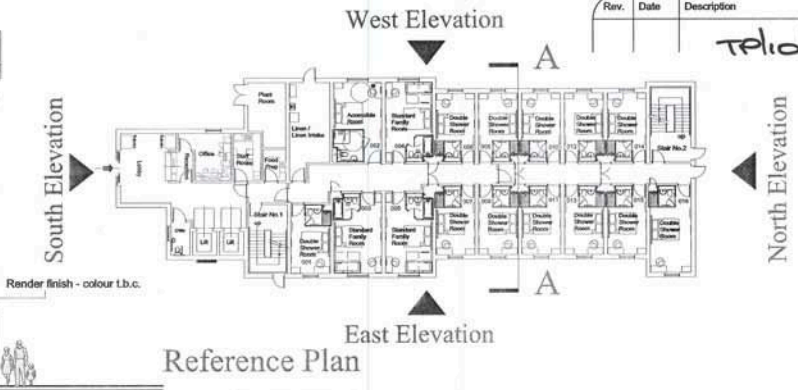
Travelodge Hotel Development, Edmonton Green

Rev.	Date	Description	Ints.

TPI10059

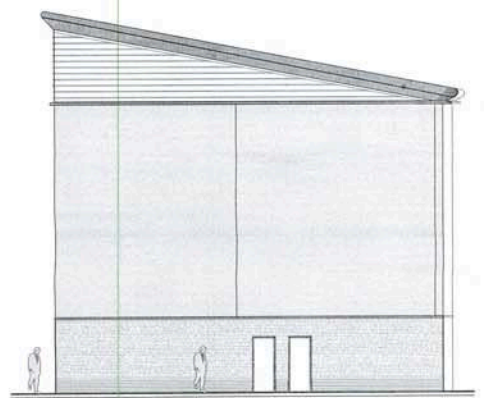


West Elevation



Reference Plan

Render finish - colour t.b.c.
Buff facing brickwork to approved sample with blue engineering brickwork to low level to match existing building



North Elevation

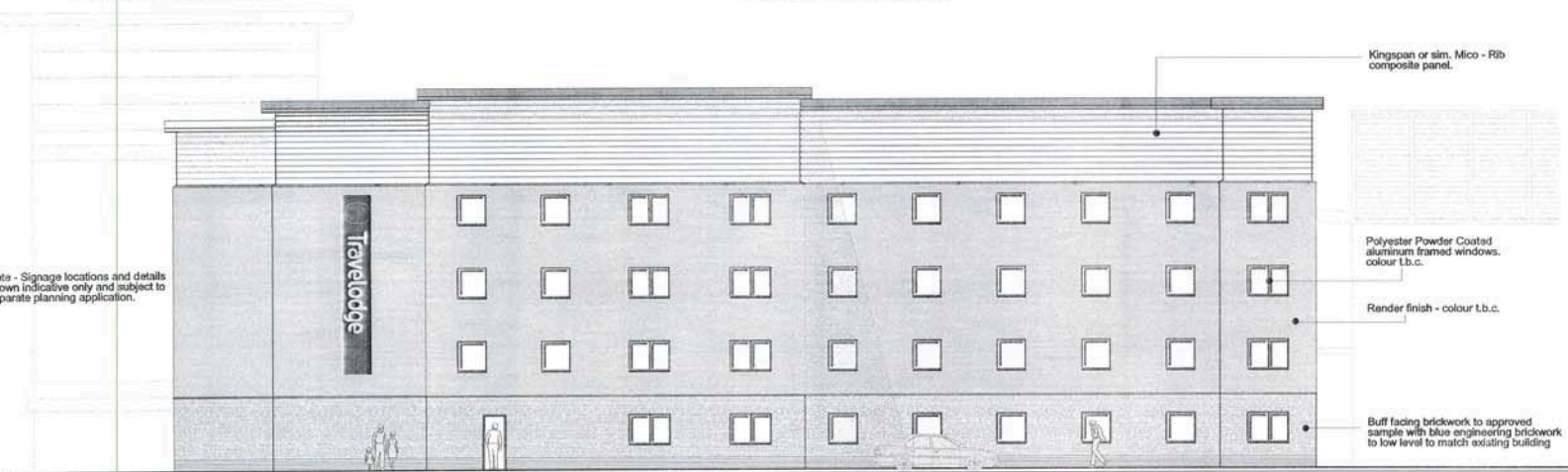


South Elevation

Note - Signage locations and details shown indicative only and subject to separate planning application.



Typical Section A - A



East Elevation

Kingspan or sim. Mico - Rib composite panel.

Polyester Powder Coated aluminum framed windows, colour t.b.c.

Render finish - colour t.b.c.

Buff facing brickwork to approved sample with blue engineering brickwork to low level to match existing building

Note - Signage locations and details shown indicative only and subject to separate planning application.

Elevations & Typical Section

Page 116



Project
PROPOSED TRAVELODGE DEVELOPMENT
Edmonton Green

Title
Proposed Elevations & Typical Section
18 JUN 2010



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Scale	Date	Drawn	Authorised
1:100 (A1)	Apr 2010	JOB	JOB
Contract No.	Drawing No.	Revision	
6212	PL.003		

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Travelodge Hotel Development, Edmonton Green

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 31st August 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mr S. Newton Tel: 020 8379 3851

Ward: Enfield
Highway

Application Number : TP/10/0882

Category: Dwellings

LOCATION: 1, MEADOW CLOSE, ENFIELD, EN3 5PE

PROPOSAL: Subdivision of site and conversion of detached building at rear into a 2-bed single family dwelling (RETROSPECTIVE).

Applicant Name & Address:

Mr Ozcan Hassan
1, MEADOW CLOSE
ENFIELD
EN3 5PE

Agent Name & Address:

Mr David Snell
89, Bengo Street
Hertford
Herts
SG14 3EZ

RECOMMENDATION:

That Planning Permission is **REFUSED**.



Development Control



Scale - 1:1250
Time of plot: 10:14

Date of plot: 13/08/2010

1. Site and Surroundings

- 1.1 The application site comprises the side/rear garden of 1 Meadow Close: a 2-storey end of terrace dwelling located at the junction of Meadow Close and Bell Lane.
- 1.2 The site has been enclosed by boundary treatments comprising of a 1.84m high fence along the common boundary of 1 Meadow Close, a 1.95m high boundary wall fronting Bell Lane with 2.04m high brick piers on either side of 2.05m high vehicular access gate. Along the boundaries with those properties fronting Redlands Road, the boundary treatments have been damaged but at one time comprised of mostly fences. Towards the rear, a damaged wall approximately 2m in height is formed, and along the rear boundary, the boundary treatment varies in height from 1.64m to 1.84m.
- 1.3 The surrounding area is characterised by 2-storey terraced dwellings on the southern side of Bell Lane and those side streets running from Bell Lane, playing fields to the north of Bell Lane, and Albany School, Community Centre and Children's Centre immediately east of the playing fields.
- 1.4 Bell Lane is a busy non-classified road, with a traffic island bollard approximately 1m east of the site boundary

2. Proposal

- 2.1 Retrospective planning permission is sought for the subdivision of site and conversion of detached building into a 2-bed single family dwelling.

3. Relevant Planning Decisions

- 3.1 An application for the sub-division of site and erection of a detached 2-storey 3-bed house at side/rear (ref: TP/07/0622) was refused planning permission in July 2007 because the proposal was considered to be an overdevelopment of the site and would result in an incongruous and cramped form of development out of keeping and character with the surrounding pattern of development as well as being visually detrimental to the appearance of the street scene and the surrounding area. In addition, there were concerns on the impact, in terms of overshadowing and loss of outlook to the occupiers of 1 Meadow Close.
- 3.2 A revised application for the sub-division of site and erection of a detached 2-storey 3-bed house at side/rear (ref: TP/07/1593) was refused in October 2007 for the same reasons given previously. A subsequent Appeal was dismissed in June 2008 because the Inspector considered that:
 1. The proposed dwelling would stand out as an isolated element in the street scene unrelated to the surrounding terraces, especially when viewed from the playing fields opposite and along Bell Lane, thereby harming the character and appearance of the street scene.
 2. The Inspector also considered that the lack of space around the proposed house (including amenity space) would lead to an overdevelopment of the site and would be harmful to the character

and appearance of the area and to the living conditions of future occupiers.

3. There would not be an unacceptable impact on the living conditions of the future residents of 1 Meadow Close.
 4. There is sufficient distancing between the site and the resident of Redlands Road to not have an unacceptable impact on the amenities of those residents.
- 3.3 A retrospective application (ref: TP/07/1774) for the erection of a part single, part 2-storey rear extension was granted planning permission in October 2007.
- 3.4 A two storey side extension was granted planning permission (TP/09/1554) in December 2009.

4. Consultations

4.1 Statutory and non-statutory consultees

- 4.1.1 Thames Water advise that with regard to water and sewerage infrastructure, there are no objections.

4.2 Public

Four letters of objection have been received from three nearby or adjoining properties, raising some or all of the following points:

Impact on amenity

- Loss of sunlight from the properties it backs onto.
- The building has been built right on my boundary wall.
- Occupiers can be heard talking when we are at the bottom of our garden.

Traffic and safety

- A vehicle has been parked in the property, in a dangerous position to enter the public highway.
- How can the driver of the property see children as they reverse out?

Other

- The applicant has always built first and then applied for planning permission.
- The building has no footings, no damp proofing and the wall facing Nos.117-123 (odd) Redlands Road has never been rendered.
- Applicant informed neighbours at the time of construction that he was building a bungalow but then changed it to a 'playhouse' when we objected.
- Many complaints were made to the Council but these fell on deaf ears as we were told that it was allowed under "permissible build".
- Planning Enforcement were given assurances by the applicant that was a playhouse.

- A 6 foot wall with sliding gate was erected next to the public highway but was again told that this was “permissible build”.
- How can this building have been allowed to be built?
- Previous applications have been refused to lack of space and proximity to other properties.
- How can the foreign influxes of rouge [sic] builders able to build this monstrosity with no regards to the rules and regulations get away with this under the Enfield Council?
- It appears that the Council are happy to turn a blind eye to some residents, letting them do as they please and then a complete opposite rule book is used for others.
- There are people living in the building which is surely breaking the law?
- The building should be destroyed and a no build order be placed on the land.

5. Relevant Policy

5.1 The London Plan

Policy 2A.1	Sustainability criteria
Policy 3A.1	Increasing London’s supply of housing
Policy 3A.2	Borough housing targets
Policy 3A.3	Maximising the potential of sites
Policy 3C.22	Improving conditions for cycling
Policy 3C.23	Parking strategy
Policy 4A.3	Sustainable design and construction
Policy 4B.1	Design principles for a compact city
Policy 4B.8	Respect local context and communities

5.2 Unitary Development Plan

(I)GD1	Regard to surroundings
(I)GD2	Surroundings and quality of life
(II)GD3	Aesthetics and functional design
(II)GD6	Traffic
(II)GD8	Site access and servicing
(II)GD12	Resist development in areas at risk from flooding
(I)H1	Contribute to strategic housing needs of Greater London
(II)H6	Range in size and tenure of housing stock
(II)H8	Privacy
(II)H9	Amenity Space
(II)T16	Adequate access for pedestrians and people with disabilities
(II)T19	Needs and safety of cyclists

5.3 Local Development Framework

- 5.3.1 The Enfield Plan – Core Strategy has now completed its Examination in Public on the ‘soundness’ of the plan and the Inspectors report is now awaited. In the light of the matters raised, it is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

SO1: Enabling and focusing change
 SO4: New homes

- SO5: Education, health and wellbeing
- SO8: Transportation and accessibility
- SO10: Built environment
- CP2: Housing supply and locations for new homes
- CP4: Housing quality
- CP5: Housing types
- CP21: Delivering sustainable water supply, drainage and sewerage infrastructure

5.4 Other Material Considerations

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPG13: Transport
- PPS25: Development and Flood Risk

Enfield Strategic Housing Market Assessment (2010)

6. **Analysis**

6.1 Principle

- 6.1.1 In broad terms, the proposal is consistent with the aims of PPS3, The London Plan and with Policies (I)H1 and (II)H6, all of which seek to contribute to the strategic housing needs of Greater London and to maintain an appropriate range in the size and tenure of the housing stock. However, whilst the residential use is consistent with the existing residential use of the site, the subdivision needs to be assessed in terms of its impact on form and pattern of prevailing development and the character and appearance of the surrounding area. A further consideration is the recently revised PPS 3 Housing which removes any presumption in favour of supporting development on existing residential gardens as brownfield land.
- 6.1.2 The broad thrust of policy therefore must have regard to the relevant policies within the Development Plan that seek to, in particular, protect the residential amenities of the neighbouring and future occupiers, the character and appearance of the surrounding area and to ensure it has appropriate regard to highway issues.
- 6.1.3 In addition, there are relevant refused planning applications and an appeal decision relating to the subdivision of this site which are material to the assessment of this proposal..

6.2 Impact on Character of Surrounding Area

- 6.2.1 The site falls within an area with a Public Transport Accessibility Level (PTAL) rating of 1b. The London Plan suggests that a density of 150-200 habitable rooms per hectare (hrph) may therefore be appropriate for this location. Three habitable rooms are proposed on a site of approximately 0.012627sqm, providing a density of 237.59hrph. This would suggest that in terms of density, the proposed development would represent an overdevelopment of the site and thus, may not be acceptable.
- 6.2.2 The assessment of density must acknowledge PPS3 and the London Plan, which encourage greater flexibility in the application of policies to promote

higher densities but it is also recognised that this must not be to the detriment of the character and appearance of the locality.

- 6.2.3 With regards to amenity space provision, dwelling houses should provide 100% of the gross internal area (GIA) of the dwelling or 60sqm, whichever is the greater. The proposed GIA is 77.5sqm and the proposed amenity space as provided is 27.4sqm, thus providing a ratio of 35%. On this basis, the level of amenity space provision would not be acceptable and again, is an indication of the overdevelopment of the site and one that is out of keeping with the prevailing form of development.
- 6.2.4 The resulting amenity space provision for the existing dwelling must also be considered, as it would be unacceptable to compromise provision or quality for the existing dwelling. Approximately 108sqm of amenity space will be retained for the existing dwelling, which, due to the approved extensions, has a GIA of approximately 101.92sqm. The proposed level of amenity space for the existing dwelling would not meet with the minimum standard in terms of provision. It should be noted that the submitted plans do not show an existing single storey rear extension, which has been accounted for in terms of the amenity space calculation, nor is the correct scale shown.
- 6.2.5 The use of the outbuilding as a dwelling results in a residential development that relates more poorly to adjoining developments than the previously refused schemes. The inspector, when considering the scheme for a detached 2-storey, 3-bed house commented that the dwelling would stand out as an isolated element in the street scene unrelated to the surrounding terraces. This was particular evident when viewed from the playing fields opposite and from views along Bell Lane.
- 6.2.6 Whilst the building may not be as prominent in terms of overall height, as the previously considered schemes, as a separate dwelling it is still an isolated element in the street scene. It would however become more prominent should the front boundary walls be reduced, as discussed below.
- 6.2.7 It is still considered that a detached dwelling in this locality does not relate satisfactorily to the surrounding development or the existing pattern of development in the locality. The proposal still presents an incongruous form of development within the street scene.
- 6.2.8 Living conditions for occupiers is very poor. Due to the very contrived nature of the scheme, the building is partly sunk below ground level, resulting in window ledges not more than 0.3m above ground level and low ceiling heights. Whilst this may be acceptable in terms of building regulations, the outlook for the occupiers of the building is onto boundary treatments which would not ordinarily tower above 'ground floor windows'. For example, the wooden fence separating the site from 1 Meadow Close is within the normally permitted height of up to 2m, yet it rises a further 0.6m above the top of those windows which are within 1m of that fence. This also severely limits the amount of natural light entering the building.
- 6.2.9 In addition, there is only a single source of light for the bedroom within the roof space – a roof light on the north elevation, and no ventilation or windows provided for the bathroom.

6.2.10 The height of the building does not accord with any of the 2-storey dwelling houses throughout the immediate area. As a dwelling, its height is therefore out of context, out of keeping and out of character with the surrounding pattern of development.

6.2.12 As an outbuilding, its massing in close proximity to side boundaries (rear boundaries of the adjoining properties on Redlands Road) would not present too many issues. However as a dwelling house, the proximity to those side boundaries is out of character with the general rhythm of development as there is a general open spacious gap between and around properties. The Inspector also considered that the lack of space around the Appeal scheme (including amenity space) would lead to an overdevelopment of the site and would be harmful to the character and appearance of the area and to the living conditions of future occupiers.

6.3 Impact on Neighbouring Properties

6.3.1 Whilst the structure is visible above the existing boundary treatment of those properties fronting Redlands, there is less impact on the amenities of the adjoining occupiers fronting Redlands Road than the previously considered 2-storey schemes. In relation to the scheme dismissed at Appeal (ref: TP/07/1593) the Inspector considered that the proposal would not unduly impact on the outlook or amenities of those adjoining occupiers.

6.3.2 There is no overlooking arising from this single storey structure.

6.3.4 A point of objection raised by one of the neighbouring occupiers was when standing in their rear garden, being able to hear the occupiers of the building. It is considered that there would be no more additional noise arising from the occupation of the building than there would already be experienced from surrounding residential developments.

6.4 Housing Need

6.4.1 The Core Strategy, currently with Secretary of State for consideration, seeks to ensure new developments offer a range of housing sizes to meet housing need. In particular, it seeks to ensure 20% of market housing is for four or more bedroom houses. The Core Strategy policy is based on evidence from the research undertaken by Ecotec.

6.4.2 The findings of Ecotec's research, Enfield Strategic Housing Market Assessment (February 2010), demonstrates a shortage of houses of all sizes, particularly houses with three or more bedrooms across owner occupier, social and private rented sectors. The greatest requirement in the owner occupied market housing sector is for family sized housing (ie 3+ bedrooms). This is equivalent to a need for 1,667 family sized homes of which nearly 40% is for four bedroom homes over a period of two years.

6.4.3 The earlier findings of Fordham's Research, Enfield Council Housing Study (September 2005) corroborate Ecotec's findings. The research showed there was an absolute shortage of four bedroom properties in the owner occupied sector, which is unique to that sector. The report modelled the potential demand and supply for different sized properties from 2003-2011 and found the greatest relative shortfall is for three or more bedroom properties for owner occupation.

6.4.4 The conversion of the building into a 2-bed dwelling would not accord with the housing needs of the Borough as there is an overprovision of 1- and 2-bed dwellings.

6.5 Access and Highway Safety

6.5.1 There is an existing vehicular access onto Bell Lane which served the former garage. Whilst there is a traffic island bollard in close proximity to the access point, there are no objections to the re-use of the access point.

6.5.2 There are however, safety concerns due to the height of the boundary treatment not allowing for suitable visibility splays. Should planning approval be given, the front boundary treatment would have to be reduced to no more than 1m in height in order to provide for sight splays. However, it is also recognised that there would still remain a potential issue in terms of visibility for traffic/ pedestrians approaching from the east, as the boundary fence for No. 123 Redlands Road is 1.63m in height.

6.6 Parking

6.6.1 Due to the low PTAL level, it would not be appropriate to relax parking standards, therefore the provision of one parking space is required. However, the parking space is slightly deficient in depth as measurements taken on site (from the wall of the building to the inside of the closed gate) confirm that the average depth of this forecourt is 4.72m, when it should be at least 4.8m.

6.6.2 Measurements taken on site with the vehicular gate closed (4.725m by 3.2m), indicate that the proposed parking area would be slightly deficient in terms of meeting with adopted standards and could result in a vehicle overhanging onto the public footway, should the gate be removed altogether.

6.7 Sustainable Design and Construction

6.7.1 The building has not been designed to meet with lifetime home standards as there is no level threshold for disabled access as the entrance door is set 0.42m below ground level, with steps leading down. Inside the entrance area, there is a further 0.17m step down into the living areas. To gain access to the rear courtyard / amenity area from within the building requires a 0.5m step up.

6.7.2 In addition, the very confined nature of the living space would make it very difficult for a wheelchair user to manoeuvre.

6.7.3 Insulation, particularly within the roof space would not meet with current standards and would need to be upgraded, however this is would be an issue to be addressed under Building Regulations. Should soundproofing and / or additional insulation be required this would further reduce the amount of liveable space.

6.8 Other Matters

6.8.1 Objectors have raised concerns that the footings are inadequate, there is no damp proofing and that the external wall facing the properties on Redland Road has not been rendered.

- 6.8.2 In relation to the footings and damp proofing, these are not Planning issues but instead are considered under Building Regulations. Building Control has confirmed however, that these elements are acceptable.
- 6.8.3 With regards to the exposed brickwork, as discussed above, should planning permission be granted, a condition would be imposed to ensure that the wall is rendered to match. This is not only required for aesthetic purposes but to also ensure that the wall is weather proof. Access over the properties of third parties to finish the wall is not a planning consideration.
- 6.8.4 In terms of Building Regulations, the building has only been approved as a playhouse with no sleeping accommodation.

7. Conclusion

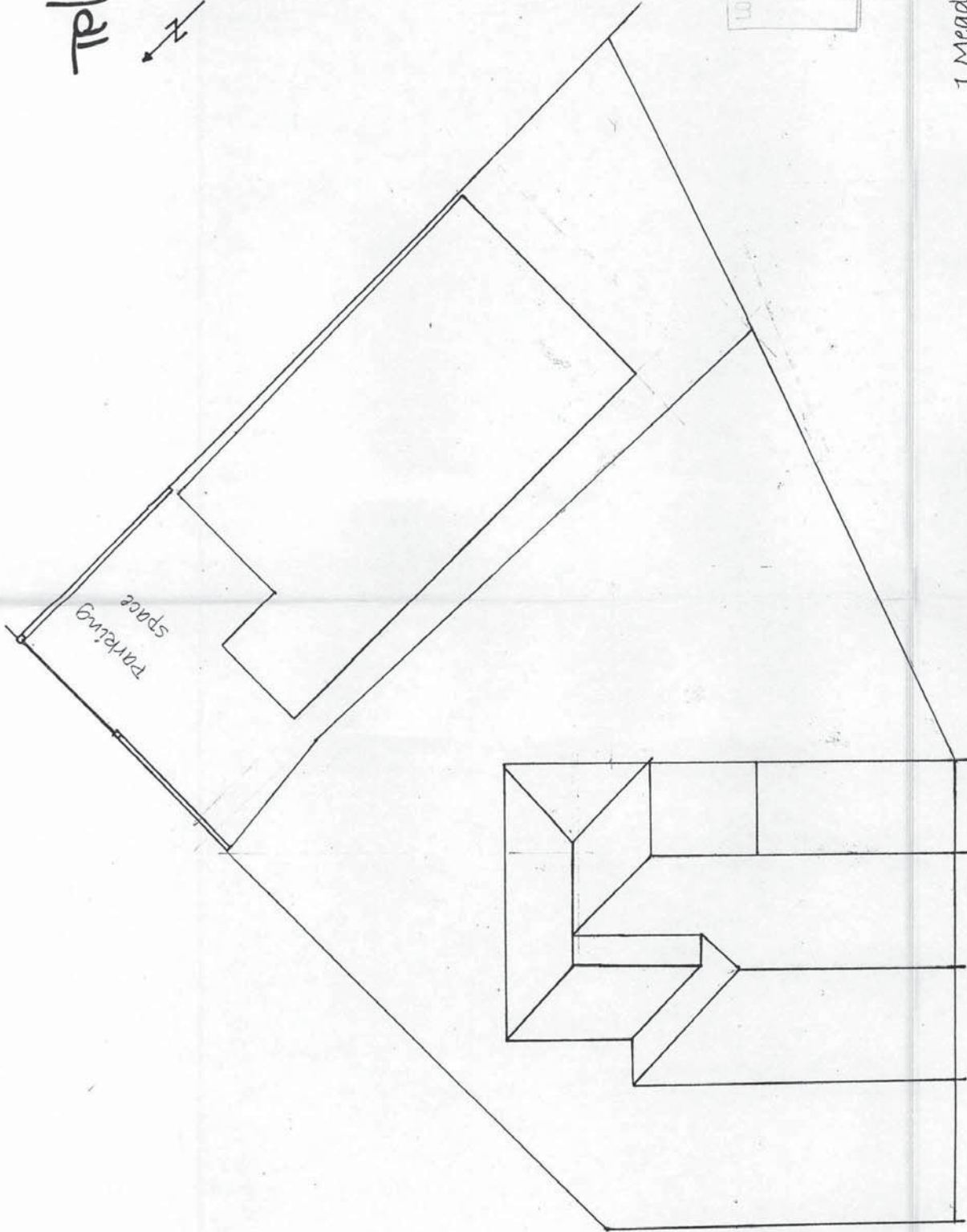
- 7.1 It is considered that the scheme has not overcome all of the objections raised by the Local Planning Authority when determining earlier subdivision schemes at the site, nor has it overcome the concerns of the Inspector in relation to one of those schemes being dismissed at Appeal.
- 7.2 The scheme results in a development that is out of keeping and character with the surrounding pattern of development, is harmful to the appearance of the area, provides inadequate parking facilities, and results in poor living conditions for occupiers.

8. Recommendation

- 8.1 That Planning Permission is REFUSED for the following reasons:
1. The development by virtue of its overall size, scale, appearance, design and close proximity to boundaries is considered to be an overdevelopment of the site and would result in an incongruous and cramped form of development out of keeping and character with the surrounding pattern of development as well as being visually detrimental to the appearance of the street scene and the surrounding area and leading to poor living conditions for occupiers, contrary to Policies (I)GD1, (I)GD2, (II)GD3 and (II)H9 of the Unitary Development Plan and with Policies 3A.3, 3A.6, 4B.1 & 4B.8 of the London Plan and with PPS1: Delivering Sustainable Development and PPS3: Housing..
 2. The proposed dwelling, by virtue of its size, scale, appearance, design and close proximity to boundaries does not maintain sufficient separation to boundaries resulting in unacceptable harm to the rhythm of development, detrimental to the appearance of the property, to the street scene and the wider area. This is contrary to Policies (I)GD1, (I)GD2, (II)GD3, (II)H9 of the Unitary Development Plan and with Policies 3A.3, 3A.6, 4B.1 & 4B.8 of the London Plan and with PPS1: Delivering Sustainable Development and PPS3: Housing.
 3. The development does not accord with the identified housing needs of the Borough and would therefore lead to a greater imbalance in the size of dwellings in the Borough, contrary to policy (II)H6 of the Unitary Development Plan, policies 3A.2 and 3A.3 of the London Plan and with PPS1: Delivering Sustainable Development and PPS3: Housing.

F880/0197

TP/10/0882



LONDON BOROUGH OF ENFIELD
22 JUN 2010
DEVELOPMENT SERVICES

1 Meadow Close, Enfield

Site layout

Scale: 1-100

Drawing No. MC/2

No.1 Meadow Close

F880/0197

TP10/0882

1 Meadow Close, Enfield

Drawing No. MC/1

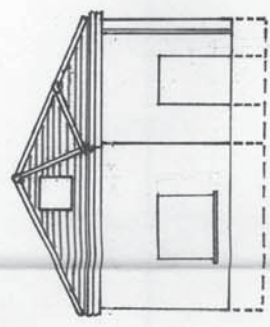
Plans and elevations

Scale: 1-100

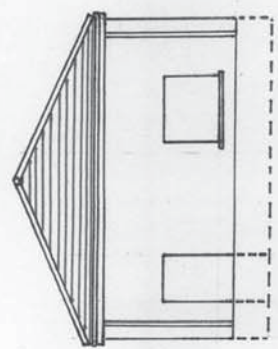
LONDON BOROUGH OF ENFIELD

22 JUN 2010

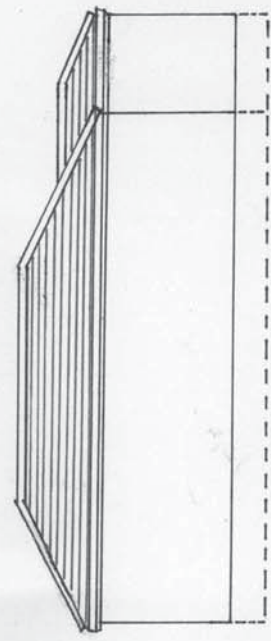
DEVELOPMENT OF



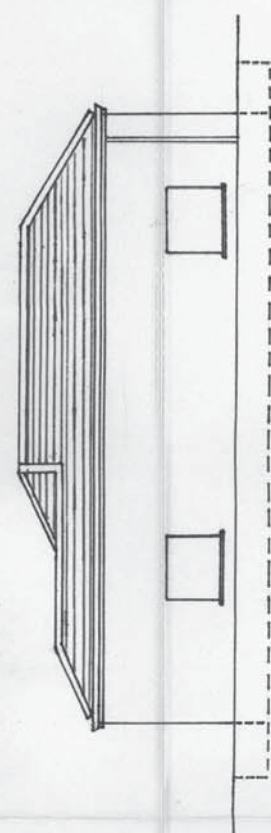
Front elevation



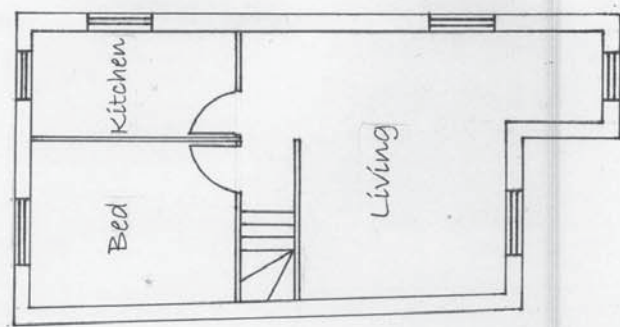
Rear elevation



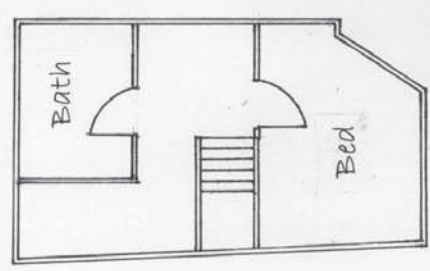
East side elevation



West side elevation



Ground floor



First floor

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 31st August 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mr R. Singleton Tel: 020 8379 3837

Ward: Bowes

Application Number : TP/10/0893

Category: Dwellings

LOCATION: 154 PALMERSTON ROAD, LONDON, N22 8RB

PROPOSAL: Conversion of single family dwelling into 2 self-contained flats (1 x 2-bed and 1 x 3-bed) involving single storey rear extension nwith external staircase and walkway over and rear dormer

Applicant Name & Address:

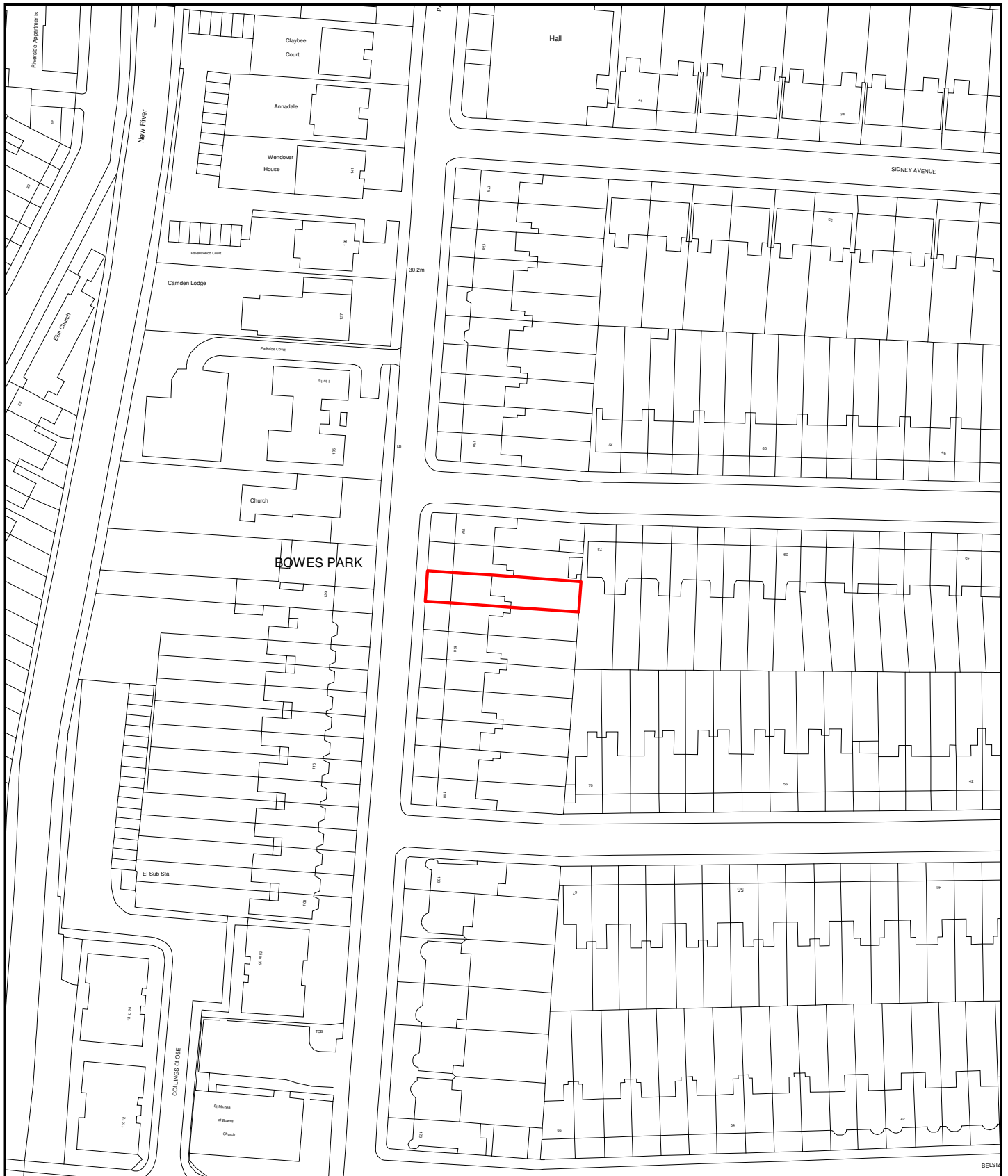
Mr Gareth Stockbridge
18 FRIERN PARK,
LONDON,
N12 9DA

Agent Name & Address:

Anastasi Estates
29 ST MARKS RISE
LONDON,
E8 2ML

RECOMMENDATION:

That planning permission be **GRANTED** subject to conditions



Development Control



Scale - 1:1250
Time of plot: 10:19

Date of plot: 13/08/2010

1. Site and Surroundings

- 1.1 The subject site comprises a two-storey mid-terrace dwelling house currently with an established use as a House of Multiple Occupation (HMO) situated on the east side of Palmerston Road. The surrounding area is residential in character, comprised predominantly of similar terraced dwellings and is serviced by the Green Lanes Large Local Centre.

2. Proposal

- 2.1 Permission is sought for the conversion of a single family dwelling into 2 self-contained flats (1 x 2-bed and 1 x 3-bed) involving a single storey rear extension with external staircase with walkway over and a rear dormer.

3. Relevant Planning Decisions

- 3.1 TP/07/2182 – Conversion of single family dwelling into 2 self-contained flats (comprising 1 x 2-bed and 1 x 3-bed) – Approved for the following reasons and subject to conditions (19/12/07):
1. The proposed conversion of the dwelling into one 2 bed flat and one 3 bed flat would contribute to increasing the Borough's Housing Stock, as well as providing units of an acceptable size and stacking having regard to London Plan Policy 3A.1 and policies (I)GD1, (I)GD2 and (II)H16 of the Unitary Development Plan and Supplementary Planning Guidance for flat conversions.
 2. The proposed conversion of the dwelling into one 2 bed flat and one 3 bed flat would not give rise to conditions prejudicial to the free flow and safety of traffic on the adjoining highways having regard to Policies (II)GD6 of the Unitary Development Plan and Planning Policy Guidance Note 13.
- 3.2 TP/09/1567 – Conversion of single family dwelling into 3 self contained flats (comprising 2 x 1-bed and 1 x 2-bed) involving a single storey rear extension, rear dormer and external staircase with walkway at rear – Refused by reason of:
1. The conversion of the single family dwelling into 3 self-contained flats (comprising 2 x 1-bed and 1 x 2-bed) by virtue of the substandard internal floor area of flat C and poor internal configuration and stacking, would result in the over-intensive use of the property and give rise to poor living conditions to occupiers of the property and together with the increased activity and additional vehicle movements associated with the proposed level of occupation, would detract from the residential character and amenities of the surrounding area and in particular the amenities of neighbouring residential properties. This would be contrary to Policies (I)GD1, (I)GD2 and (II)H16 Appendix A1.9 of the Unitary Development Plan, the Supplementary Planning Guidance on flat conversions and Policy 3A.6 of the London Plan (2008).

4. Consultations

- 4.1 Statutory and non-statutory consultees

4.1.1 Traffic and Transportation raise no objections to the scheme subject to conditions and note that the principle for development has been established under ref: TP/07/2182.

4.2 Public

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

5. Relevant Policy

5.1 London Plan

- Policy 3A.1 Increasing London's supply of housing
- Policy 3A.2 Borough housing targets (see also table 3A.1)
- Policy 3C.23 Parking strategy (see also Annex 4)
- Policy 4B.3 Maximising the potential of sites (see also Table 4B.1)
- Policy 4B.8 Respect local context and communities

5.2 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)H6 Size and tenure of new developments
- (II)H8 Privacy
- (II)H9 Amenity space
- (II)H12 Residential extensions
- (II)H15 Roof extensions
- (II)H16 Residential conversions

5.3 Local Development Framework

5.3.1 The Enfield Plan – Core Strategy has now completed its Examination in Public on the 'soundness' of the plan and the Inspectors report is now awaited. In the light of the matters raised, it is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

CP30: Maintaining and improving the quality of the built and open environment

5.4 Other Relevant Policy

- PPS1: Delivering Sustainable Communities
- PPS3: Housing
- PPG13: Transport

Supplementary Planning Guidance

6. Analysis

6.1 Principle

- 6.1.1 Under ref: TP/07/2182 the principle of converting the property into 2 self-contained flats was accepted under the premise that the proposed scheme resulted in a less intensive use of the property when compared with its current and established use as a House of Multiple Occupation. The property remains in use as a House in Multiple Occupation comprising a total of 6 individual 'units' of accommodation sharing key facilities including a communal kitchen and bathroom area. Moreover, the extant consent does not expire until 27th December 2010 allowing the applicant to convert the property in lieu of the determination of this application.
- 6.1.2 To revoke the principle of development established under ref: TP/07/2182, the burden of proof falls to the Local Planning Authority to demonstrate a clear material change in the circumstances of the site and/or the status of emerging documents and existing policies.
- 6.1.3 To this end, the statutory plan for the Borough remains the Unitary Development Plan (UDP) adopted March 1994. Under Section 38 of the Planning and Compulsory Purchase Act, the Council's existing UDP policies were automatically saved for a three period. This ended on 27th September 2007. However, as from that date, the Local Planning Authority has received a Direction from the Secretary of State confirming the policies that have been retained are not considered to be in conflict with any more subsequent planning policy or guidance. The policies referred to in this application and in the previous approval are covered by this Direction and remain material considerations to be taken into account when determining planning applications i.e. there has been no change in relevant UDP policy.
- 6.1.4 Notwithstanding the above, regard has also been given to recent Government advice (PPS3) as well as policies in the London Plan in connection with the residential development and the general need to safeguard residential amenity, the cumulative impact on surrounding highways and the character of the surrounding area as a whole. It is considered that there are no policies or guidance at a national or regional level which given the current status of its saved Unitary Development Plan policies, conflicts with the objectives of the Council's policies regarding the proposed development.
- 6.1.5 Moreover, the context and wider circumstances of the site remain unchanged. Under ref: TP/07/2182, the proportion of conversion in the area already significantly exceeded the 20% threshold stipulated by Policy (II)H16. However, it was considered on balance that as the property was already in use as a HMO and the sheer proliferation of similar types of development in the area the character of the subject property and indeed the surround has materially and irrevocably been altered in favour of smaller converted units. Moreover, as an existing HMO, there was no loss of single family accommodation involved. Thus, in this respect, it is considered that it would be difficult to justify a retreat from the established principle.
- 6.1.6 With regard to minimum floor areas stipulated by Supplementary Planning Guidance, in light of the fact that the current scheme seeks to extend the property to the ground floor rear and loft areas, the size of the respective flats has increased and thus would serve to provide an improved living environment over and above both the previous approved scheme and in excess of Unitary Development Plan standards.

6.2 Impact on Character of Surrounding Area

- 6.2.1 In terms of the external work covered by this application, the proposed extension and dormer will be located to the rear of the property and will not therefore be discernible from the street scene. The overall appearance of the building therefore would remain unchanged.
- 6.2.2 In relation to rear additions, they are considered to be of an appropriate scale to ensure subordinate to the main dwelling and are of a design that does not unduly detract from the character and visual amenity of the surrounding area.

6.3 Impact on Neighbouring Properties

6.3.1 *Single Storey Rear Extension*

- 6.3.2 As submitted the proposed single storey rear extension will partially infill an area to the north of the existing single storey projection and would incorporate a flat roof. From ground level this creates a rear extension measuring a maximum of 2.7m in height. From the main rear wall the extension would measure 5.2m deep and project some 1.5m from the side of the existing extension.
- 6.3.3 There are no discernible differences in ground levels and given the particulars of the site, it is considered that any potential impact is limited to No.156 Palmerston Road.
- 6.3.4 As submitted, the proposed extension will have a depth of 5.2m significantly in excess of specified standards. However, given the presence of the existing projection to the subject property coupled with a single storey extension of a similar depth to No.156, it is considered that the extension is acceptable.
- 6.3.5 The proposed flank wall would contain patio doors. Given the particulars of the site and the relationship to an existing extension to No.156 it is considered that the presence of the windows would not affect the privacy to this neighbouring property having due regard to Policy (II)H8 of the Unitary Development Plan.
- 6.3.6 To gain access to the segregated rear garden from the first floor, the scheme proposes to install an external staircase. While it would be standard for the authority to resist the formation of such a staircase to the rear of the property, I found evidence of similar types of development on the adjoining properties and thus in this instance the formation of a staircase is acceptable.
- 6.3.7 From submitted plans the proposed rear dormer window is 3.85m wide by 1.4m high and would project a maximum of 1.9m from the roof plane. 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:
- a) Dormer is appropriate size and design within the roof plane;
 - b) Dormer is in keeping with the character of the property; and
 - c) Dormer is not dominant when viewed from the surrounding area.
- 6.3.8 The proposed rear dormer would be set up from the eave by 900mm and down from the ridge by 500m. It would be built to the property boundary with

No.156, but given the particulars of the original built form with a partial third storey, the dormer would be set off of an existing projection from the roof plane. While it is obvious that one of the specified insets fall short of reaching the minimum standards normally required, it is considered that on balance that given the relatively modest proportions of the dormer that the degree of separation from the ridge and the eaves would be sufficient to ensure that the proposed dormer would constitute a visually dominant feature on the roof plane thereby complying with Policy (II)H15 of the Unitary Development Plan.

6.3.9 The proposed rear dormer would serve a loft bedroom and living area. Given the existing relationship of the subject dwelling with partial third floor and rear facing window, it is not considered that the imposition of the rear dormer would give rise to conditions prejudicial to the privacy of neighbouring properties in excess of levels currently experienced consistent with Policy (II)H8 of the Unitary Development Plan.

6..4 Flat Sizes

6.4.1 With regard to minimum floor areas stipulated by Supplementary Planning Guidance, in light of the fact that the current scheme seeks to extend the property to the ground floor rear and loft areas, the size of the respective flats have marginally increased, and thus would serve to provide an improved living environment over and above the previous approved scheme.

6..5 Parking

6.5.1 The proposed development seeks to provide 3 off-street car parking spaces servicing the flats. In consultation with Traffic and Transportation and in mind of the previous approval for the conversion of the property that showed 2 off-street spaces, it is considered that such provision is acceptable.

7. **Conclusion**

7.1 The principle for the conversion of the property has been established and there are no grounds under which the Local Planning Authority to rescind consent for the scheme. Subsequent alterations to include a single storey rear extension and rear dormer were also accepted in principle under ref: TP/09/1567 and serve consequently to enhance the living conditions of the respective flats to accord with the stipulations of Supplementary Planning Guidance.

7.2 It is considered, therefore, that the proposals are acceptable for the following reasons:

1. The conversion of the single family dwelling into two self-contained flats (comprising 1 x 2-bed and 1 x 3-bed) would contribute to increasing the overall housing stock of the Borough and contribute to London-wide strategic housing targets having regard to Policies 3A.1, 3A.2 and 4B.3 of the London Plan.
2. The conversion of the single family dwelling into two self-contained flats (comprising 1 x 2-bed and 1 x 3-bed), having regard to the floor areas of the two flats provides a satisfactory level of accommodation and does not unduly detract from the residential character and amenities of the surrounding area and in particular, the amenities of neighbouring

residential properties, in keeping with Policies (I)GD1, (I)GD2, (II)GD3, and (II)H16 (Appendix A1.9) of the Unitary Development Plan and Supplementary Planning Guidance on flat conversions.

3. The conversion of the single family dwelling into two self-contained flats (comprising 1 x 2-bed and 1 x 3-bed) does not give rise to conditions prejudicial to the free flow and safety of traffic on the adjoining highways having regard to Policies (II)GD6 of the Unitary Development Plan, 3C.23 of the London Plan and PPG13.
4. The proposed single storey rear extension, external staircase and rear dormer due to their size, design and siting does not affect the character and appearance of the existing property and would not unduly affect the amenity value or privacy of the surrounding properties having regard to Policies (I)GD1, (I)GD2, (II)GD3, (II)H8, (II)H12 and (II)H15 of the Unitary Development Plan.

8. Recommendation

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

1. The external finishing materials shall match those used in the construction of the existing building and/or areas of hard surfacing.

Reason: To ensure a satisfactory appearance.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no balustrades or other means of enclosure shall be erected on the roof of the extension(s). No roof of any part of the extension(s) shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

4. The parking area(s) forming part of the development shall 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.

5. The development shall not commence until details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the London Borough of Enfield – Waste and Recycling Planning Storage Guidance ENV 08/162, have been

submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

Reason: In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets.

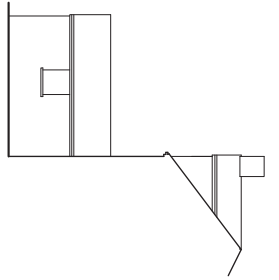
6. The development shall not commence until details of the surfacing materials to be used within the development including footpaths, access roads and parking areas and road markings have been submitted to and approved in writing by the Local Planning Authority. The surfacing shall be carried out in accordance with the approved detail before the development is occupied or use commences.

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

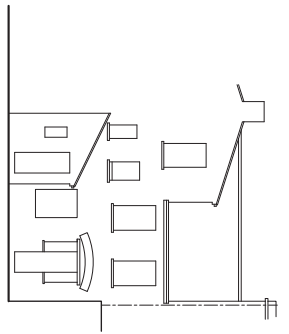
7. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.

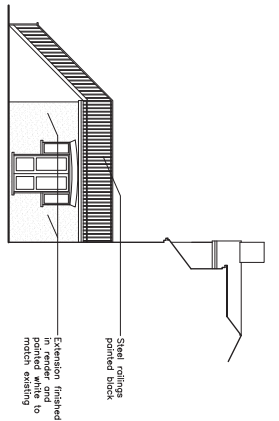
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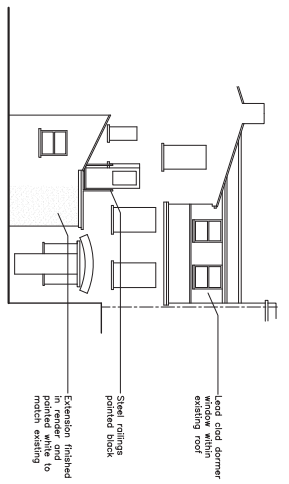
Existing Rear Elevation



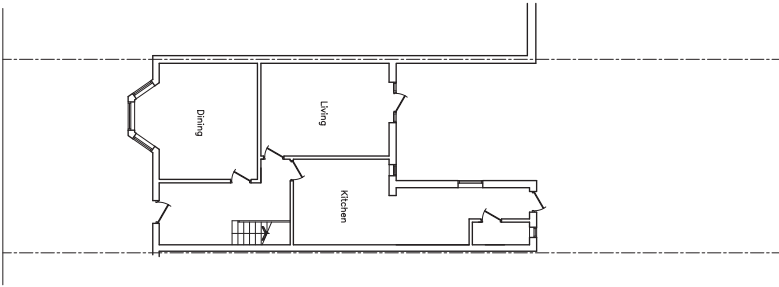
Proposed Side Elevation



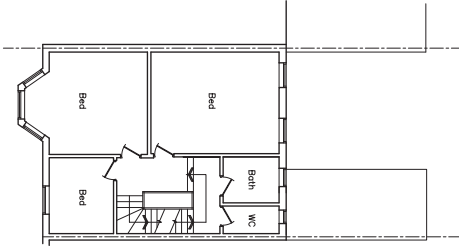
Proposed Rear Elevation



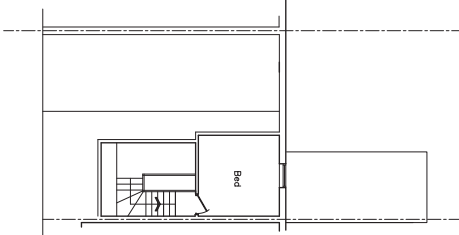
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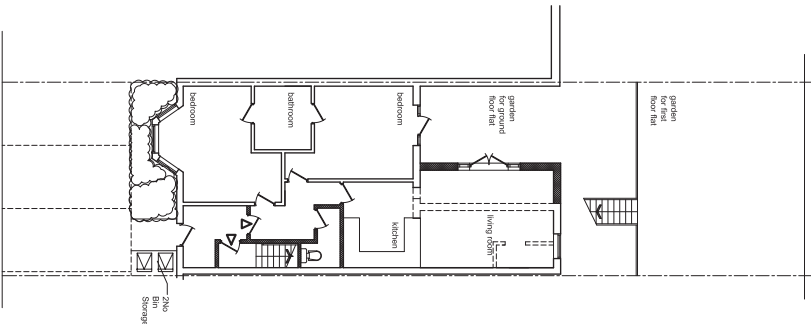
First Floor Plan Existing



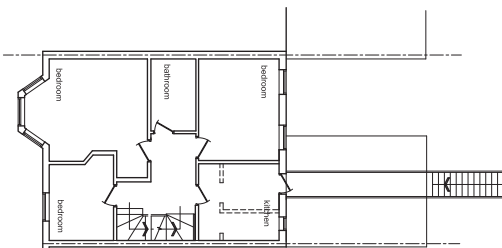
Second Floor Plan Existing



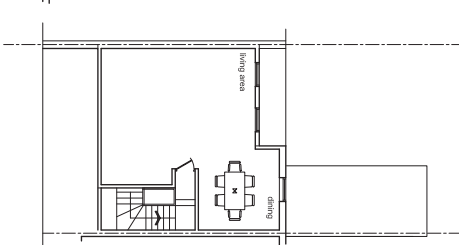
Ground Floor Plan Proposed



First Floor Plan Proposed



Second Floor Plan Proposed



STUART HENLEY & PARTNERS
Chartered Surveyors & Planning Consultants

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e: info@stuarthenley.com
w: www.stuarthenley.com

Drawing Title:
Existing and Proposed Floor
Plans and Elevations
Project:
Conversion and Extension

Location:
154 Palmerston Road
London N22 8RB

Rev: A 14/04/2010 1st fl floor fill revised
B 16/06/2010 1st fl revised to 2 No flat scheme
1st fl floor fill revised

Scale: 1:100@A1
Dwn: tdp
Date: Oct 2009

Drawing No:
3881 01 B

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LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 31st August 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mr S. Newton Tel: 020 8379 3851

Ward: Turkey
Street

Application Number : TP/10/1035

Category: Other Development

LOCATION: AYLANDS SCHOOL, KESWICK DRIVE, ENFIELD, EN3 6NY

PROPOSAL: Erection of a detached temporary classroom with access ramp to north of site.

Applicant Name & Address:

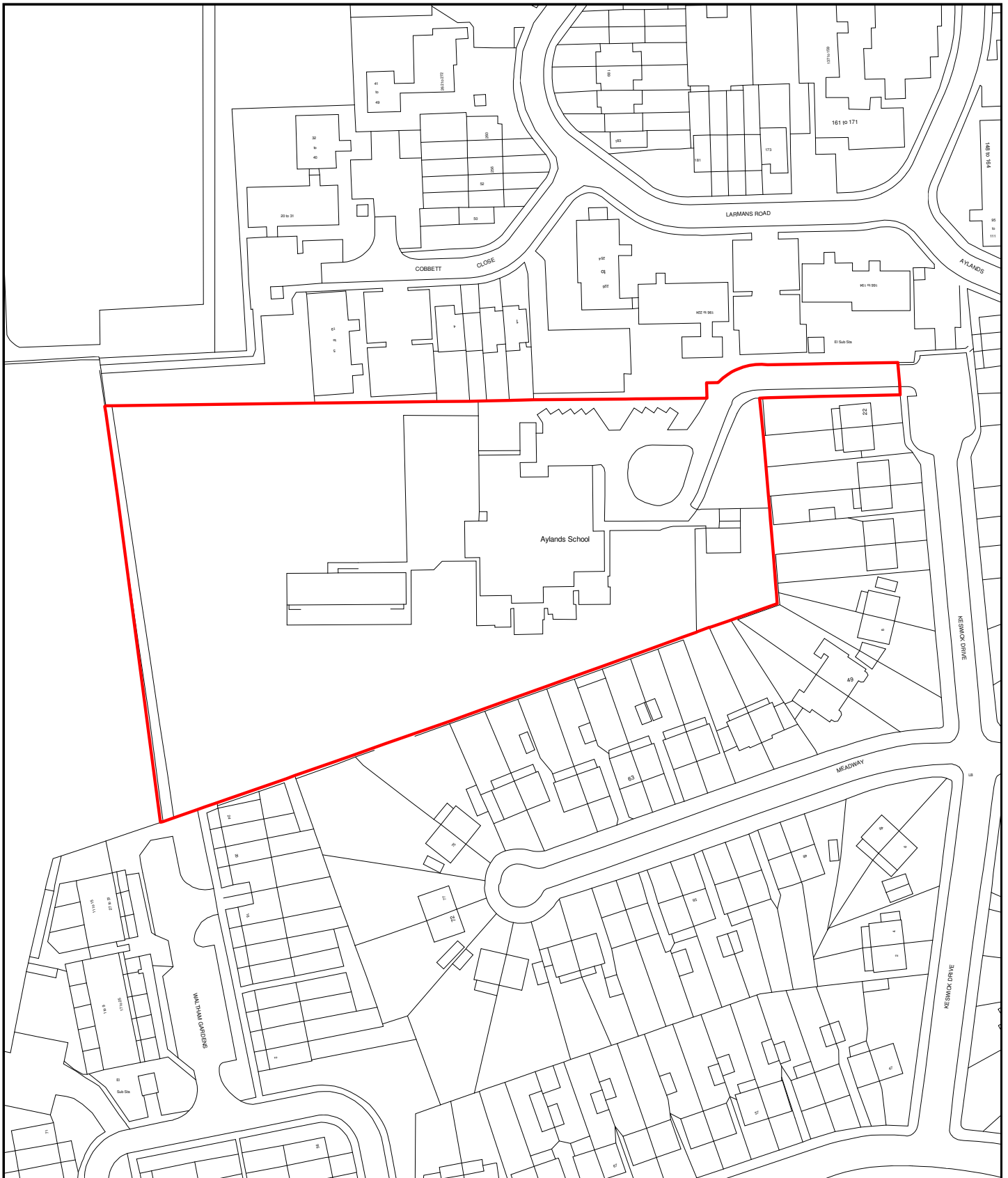
Steve Swinhoe
AYLANDS SCHOOL
KESWICK DRIVE
ENFIELD
EN3 6NY

Agent Name & Address:

Tahir Ditta,
Architectural Services
CIVIC CENTRE
SILVER STREET
ENFIELD
EN1 3XA

RECOMMENDATION:

That following the expiration of the consultation period and following the receipt of no new material planning considerations, planning permission be deemed to be **GRANTED** in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992, subject to conditions.



Development Control



Scale - 1:1250
Time of plot: 10:25

Date of plot: 13/08/2010

1. Site and Surroundings

- 1.1 The Special School is located within a residential area, bounded by 2-storey terraces and 3-storey flats to the north, and 2-storey semi-detached dwellings to the east and south.
- 1.2 The existing development is predominantly single storey with a flat roof. A courtyard extends to the west of the buildings, with the playing field beyond.

2. Proposal

- 2.1 Permission is sought for the installation of a detached classroom building to the north of existing buildings, near to the school's northern boundary.
- 2.2 The proposed building will measure approximately 12.5m x 4.5m and to a height of approximately 2.9m to the ridge of a shallow pitch roof. A wheelchair / disability ramp will be affixed to the front elevation and will be 1.5m wide and 8.6m in length.
- 2.3 The building will be a permanent solution to the accommodation needs of the school.

3. Relevant Planning Decisions

- 3.1 An application for the installation of a temporary building to provide 1 classroom with ancillary facilities (TP/06/1838) was granted planning permission on 30th November 2006.
- 3.2 An application for the extension of existing playground by the erection of additional hard landscape areas and removal of existing mound. (LBE/97/0014) was granted planning permission on 24th July 1997.
- 3.3 An application for the Installation of a temporary building to accommodate 2 additional classrooms and ancillary facilities, together with provision of an additional 4 car parking spaces (LBE/95/0010) was granted planning permission on 26th September 1995.

4. Consultations

- 4.1 Statutory and non-statutory consultees
 - 4.1.1 Any comments received will be reported to Committee.
- 4.2 Public
 - 4.2.1 Consultation letters have been sent to 2 neighbouring properties. In addition, a notice has been displayed at the site. Any comments received will be reported at Committee.

5. Relevant Policy

- 5.1 London Plan
Policy 2A.1 Sustainability criteria

- Policy 3A.17 Addressing the needs of London's diverse population
- Policy 3A.18 Protection and enhancement of community infrastructure and community facilities
- Policy 3A.24 Education facilities
- Policy 3C.23 Parking strategy
- Policy 4A.3 Sustainable design and construction
- Policy 4B.1 Design principles for a compact city
- Policy 4B.5 Creating an inclusive environment
- Policy 4B.8 Respect local context and communities

5.2 Unitary Development Plan

- (I)CS1 Provision of community services
- (II)CS2 Community services and the effective use of land
- (I)GD1 Regard to surroundings
- (II)GD1 Appropriate location
- (II)GD3 Aesthetic and functional design
- (II)GD6 Traffic generation

5.3 Local Development Framework

- 5.3.1 The Enfield Plan – Core Strategy has now completed its Examination in Public on the 'soundness' of the plan and the Inspectors report is now awaited. In the light of the matters raised, it is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

- SO1: Enabling and focusing change
- SO2: Environmental sustainability
- SO3: Community cohesion
- SO5: Education, health and wellbeing
- SO8: Transportation and accessibility
- SO10: Built environment
- CP8: Education
- CP9: Supporting community cohesion
- CP25: Pedestrians and cyclists
- CP30: Maintaining and improving the quality of the built and open environment
- CP40: North east Enfield

5.4 Other Material Considerations

- PPS1: Delivering sustainable development
- PPG13: Transport

6. **Analysis**

6.1 Impact on Character and Appearance of Surrounding Area

- 6.2.1 The proposed building, a log cabin, will stand out in stark contrast to the existing school buildings. However, whilst it is generally preferable for new buildings to match, those existing school structures are not of any architectural merit, therefore on balance, the proposal will not further harm the character and appearance of the school.

6.2.2 Moreover, in terms of height, size and siting, all elements of the proposal are appropriate to the context of the site and surroundings.

6.3 Impact on Neighbouring Properties

6.3.2 The nearest affected dwelling to any part of the proposed building is approximately 13m distant. Whilst this would not create any issues in relation to loss of light and outlook, the elevated floor level will result in the potential for overlooking of those rear gardens above the garden fences. The two windows proposed on the northern elevation of the building serve a WC and an office. It would normally be expected that the WC window would be obscure glazed, however a condition will be imposed to ensure this. The office is also served by windows on the west and south elevations, therefore should obscure glazing be sought for the window on the north elevation, it is considered that this would not detrimentally impact upon the user(s) of that office space.

6.4 Highway Safety

6.4.1 The development should not generate additional school traffic movements as the proposal is not for the expansion of the school but for improved teaching space. In addition, given that the development does not increase staff or pupils attending the school, the development does not impact on parking provision.

7. **Conclusion**

7.1 The development is considered acceptable and approval is recommended for the following reasons:

- 1 The proposed classroom due to its design, size, siting, does not unduly detract from the character and appearance of the surrounding area having regard to policies (I)GD1, (I)GD2, (II)GD3, (I)CS1 and (II)CS2 of the Unitary Development Plan, policies 3A.17, 3A.18, 3A.24, 4B.1, 4B.8 of The London Plan, and with PPS1: Sustainable Development.
- 2 The proposed classroom having regard to its design, size and siting does not unduly affect the amenities of adjoining or nearby residential properties having regard to policies (I)GD1, (I)GD2, (II)GD3 and (II)H8 of the Unitary Development Plan and with Policy 4B.8 of The London Plan.

8. **Recommendation**

8.1 That following the expiration of the consultation period and following the receipt of no new material planning considerations, planning permission be deemed to be **GRANTED** in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992, subject to the following conditions:

1. C08 Materials to match

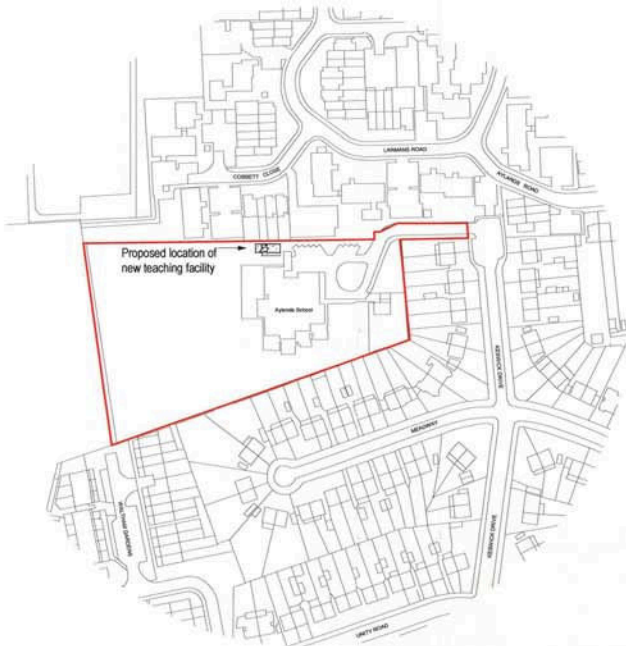
The external finishing materials to be used on the building and/or areas of hard surfacing shall match those as annotated on Drawing No.002583-1AL(0)/01, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance.

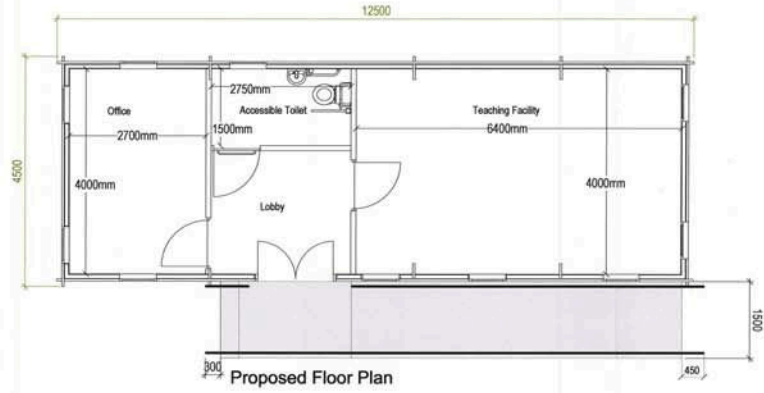
2. C24 Obscure glazing (north elevation)
3. C25 No additional fenestration
4. C57 Sustainability
Prior to development commencing, a Sustainability Assessment shall be completed and submitted to the Local Planning Authority for approval in writing. The development shall then be carried out in accordance with the approved measures identified in the sustainability assessment form. Before the development is first occupied, the developer shall submit to the Local Planning Authority a statement confirming that the development hereby approved has been so carried out.

Reason: in order to promote sustainable construction practices in the interests of the wider built and natural environment and to comply with the requirement of adopted Council policy.

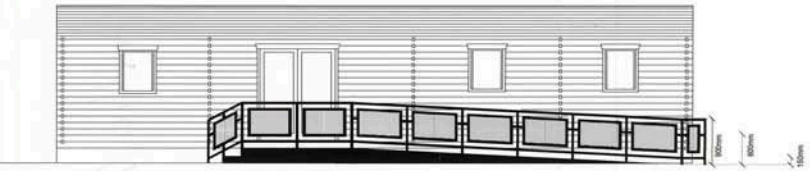
5. C51 Time limited permission



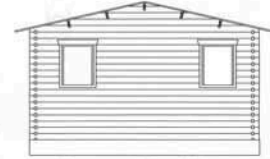
Location Plan
Scale 1:1250



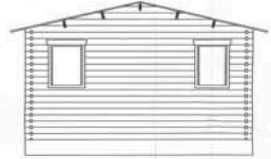
Proposed Floor Plan



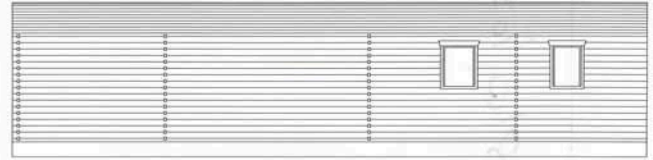
Proposed South Front Elevation



Proposed East Side Elevation

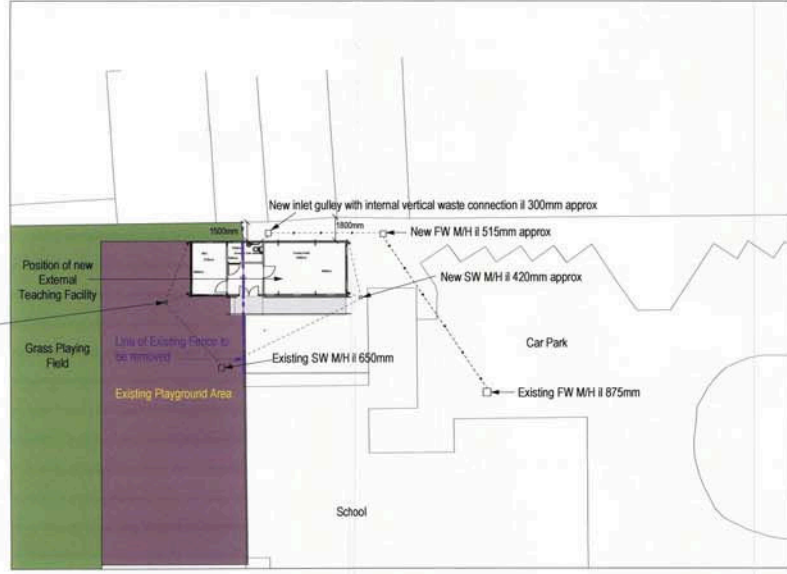


Proposed West Side Elevation



Proposed North Rear Elevation

Twin Skin Log Cabin 5343
 Kilm dried double layer 45mm thick logs with 50mm cavity
 Dimensions: 12.0m wide x 4.5m
 Windows + double doors all double glazed
 28mm thick T&G floor boards
 Double layer roof- 19mm T&G over 19mm T&G preformed panels with 100mm cavity
 Felt shingles to be red Hexagonal
 Insulation to be Cellulose supplied and fitted to all walls, roof and floor.
 All to be supplied and fitted by Hortons Portable buildings.
 Decoration / Electrics etc. to be done by main contractor.
 Metal accessible ramp, steps, handrails and skirt to be fitted by main contractor.
 Lighting and power to be run to Cabin with 14 No D/S/O installed and Energy Efficient Lighting controlled by PIR
 Cabin to be sealed and finished with three coats of water based sealer (Colour TBC)
 Cabin windows and door locks to be upgraded as specified.



Detailed Location Plan Scale 1:200

LONDON BOROUGH OF ENFIELD
 22 JUL 2010
 DEVELOPMENT CONTROL

Architect 1 & 2
 Drawn
 Checked
 Date
 Project

ENFIELD Council
 Drawing No. 10/1035
 Date 21/06/2010
 Project Proposed External Teaching Facility

Architectural
 20 New St, Chislehurst,
 Essex Street, South, Middlesex E91 3AA
 Tel: 020 8778 9700

JJD	Aylands Special School
1:50 & 1:1250	Proposed External Teaching Facility
21/06/2010	Proposed and Existing Plans
JJD	Elevations and Location Plan
Text here	002583 - 1 AL (0) / 01

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MUNICIPAL YEAR 2010/2011 REPORT NO. 45

MEETING TITLE AND DATE:
Planning Committee 31st
August 2010

REPORT OF:
 Director of Finance &
 Corporate Resources

Agenda – Part: 1	Item: 17
Subject: Application to Register Land Adjacent to 68 Weir Hall Avenue, N18 as a Town or Village Green	
Wards: Upper Edmonton	
Cabinet Member consulted:	

Contact officer and telephone number:

Metin Halil – Ext: 4125

email: metin.halil@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The Council is the Registration Authority for the purposes of registering and maintaining a register of Town and Village Greens.
- 1.2 An application was received under Section 15 of the Commons Act 2006 for an area of open land adjacent to 68 Weir Hall Avenue, London, N18 1EE (“the Application Land”), to be registered as a Town or Village Green. The Council, in disposing of their duties under the Act decided to hold a Non – Statutory Inquiry for an independent assessment of the evidence by an Inspector. The findings of the Inquiry are set out in the Inspectors report annexed hereto which sets out the legal requirements for land to be registered as a Town or Village Green, as well as the evidence produced.

2. RECOMMENDATIONS

To accept the recommendations of the independent Inspector that neither the whole nor any part of the Application Land should be added to the Register of Town and Village Greens because on the evidence it does not meet the statutory tests required for such registration.

3. BACKGROUND

- 3.1 The Application Land is situated within the London Borough of Enfield although the former registered proprietor is the London Borough of Haringey. The Council is the Registration Authority for the purpose of registering town and village greens and must determine an application to register land situated within the borough.
- 3.2 Under s.15(2) of the Commons Act 2006, Mrs Jobson, a local resident, submitted an application to the Council in November 2009. Notifications were sent out by the Council (LBE) informing all relevant parties, of the application. Objections were received from St. Pancras and Humanist Housing Association as owners of the land.
- 3.3 Given that the Council had previously granted planning permission for development on the Application Land it was felt appropriate to hold an Inquiry with an independent Inspector. The Inspector appointed was Ms Anne Williams, Barrister at Law of 6 Pump Court who has considerable experience of acting as an Inspector at Non-Statutory Inquiries in respect of Town or Village Green applications.
- 3.4 A successful application under s.15(2) of the Commons Act 2006 would need to demonstrate that (a) *'a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports or pastimes on the land for a period of at least 20 years and that (b) 'they continue to do so at the time of the application'.*

Therefore under subsection 15(2)(a) of the 2006 Act the Applicant must demonstrate with evidence that all the limbs of the legal tests have been met i.e. that:

- i) a significant number of inhabitants
- ii) of any locality or of any neighbourhood within a locality
- iii) indulged in lawful sports or pastimes
- iv) as of right
- v) for a period of not less than 20 years,
- vi) that use is continuing at the time of the application

The Inspector was not satisfied that the application to register the Application Land as a town or village green met all the legal tests. In summary the findings of the Inspector are as follows:-

Neighbourhood within a locality

The Inspector accepted the Applicant's request to amend the application to clarify that the application related to the second limb of the test i.e. 'a neighbourhood within the locality'. The Inspector did not consider that the neighbourhood put forward by the Applicant lacked a sufficient degree of

cohesiveness took the view the application should fail on this ground. Furthermore, the locality must have been substantially the same throughout the 20 year period and the claimed locality, being the local government ward of Upper Edmonton, had only existed for 12 years. Again the Inspector considered the application failed on this ground

Significant number of the inhabitants of the neighbourhood

The Inspector took the view that application failed on this ground as oral evidence came from only 4 addresses within the claimed neighbourhood and had difficulty in identifying names and addresses of other users of the Application Land. The written evidence submitted was vague.

Lawful sports and pastimes

The Inspector accepted that the types of activities described by the witnesses as having taken place on the Application Land are lawful sports and pastimes.

'As of right'

The Inspector considered given the failure of the Applicant to satisfy the above tests there is no requirement for the Registration Authority to form a view in respect of this test. However it was felt by the Inspector that the use of the Application Land was 'by right' as oppose to 'as of right' as permission for residents use could be implied due to the 'open space' status of the Application Land whilst it was in the ownership of the Tottenham UDC and later L. B. Haringey

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 As Registration Authority the Council must determine the application made by Mrs Jobson.
- 4.2 It would be usual for the Council as Registration Authority, having appointed an Inspector to inquire and report, to follow the recommendations of that inspector. However, the Committee is not obliged as a matter of law to follow the recommendations although it would only lawfully be able to reject the recommendation on the basis that the legal test for establishing a village green had been made out by the Applicant.

To reject the findings of the independent Inspector and for the Committee sitting as Registration Authority to reconsider the evidence and make it's own finding.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The Council acting as Registration Authority, appointed an independent Inspector to inquire and report, on the evidence submitted by Mrs Jobson and objection raised by the land owner. Having reviewed the evidence and heard submissions from all interested parties the Inspector found that the application to register the Application Land as a Village Green did not satisfy the statutory tests contained within the Commons Act 2006.
- 5.2 Given the considerable experience of the Inspector in presiding over Town and Village Green Inquiries and the detailed reasoning set out in her report annexed, there is no reason why the Inspector's recommendation should not be approved.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

There are no financial costs associated with this decision save for the legal costs which have been met from within existing budgets.

6.2 Legal Implications

The Council has a duty to keep and maintain a register of all Town and Village Greens within its borders. Under Section 15 of the Commons Act 2006 any person may apply to the Commons Registration Authority to register land as a Town or Village Green.

As a Commons Registration Authority the Council has a duty to determine applications made under Section 15 of the Commons Act 2006 in accordance with the regulations contained within Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007.

6.3 Property Implications

As the land in question is owned by St Pancras and Humanist Housing Association, it appears that there are no significant property implications that may affect Enfield Council.

7. KEY RISKS

No significant risks have been identified. The decision is heavily dependent on the professional opinion of the Inspector.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

8.2 Growth and Sustainability

8.3 Strong Communities

The acceptance of the recommendations of the Inspector regarding the application of the area of open land adjacent to 68 Weir Hall Avenue to be registered as a Town or Village Green, will mean that the land cannot be legally used in this way by the local community.

9. PERFORMANCE MANAGEMENT IMPLICATIONS

N/A

10. HEALTH AND SAFETY IMPLICATIONS

N/A

Background Papers: Inspectors Report (undated)

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**RE: AN APPLICATION TO REGISTER LAND ADJACENT TO
68, WEIR HALL AVENUE, LONDON N18 1EE,
AS A TOWN OR VILLAGE GREEN**

*Commons
Registration Authority* : *London Borough of Enfield*

Applicant : *Patricia Lillian Jobson*

Objector : *St. Pancras and Humanist
Housing Association*

R E P O R T

**on a non-statutory public inquiry held
19th and 23rd July 2010**

**Inspector: Anne Williams
Barrister at Law
6 Pump Court, Temple,
London EC4Y 7AR**

**Application Ref: 002/2009
Date of Report:**

INDEX

	page	paragraph
Preliminary matters	3 - 4	1 - 7
Statutory provisions	4	8 - 16
The application	6	17
<i>The application date</i>	6	18 - 20
<i>Identification of the locality or neighbourhood with the locality on the form</i>	6	21 - 23
The application land		
<i>Description of the site</i>	7	24 - 25
<i>History of the application land</i>	7	26
<i>Future proposals</i>	7	27
The evidence		
<i>Documents submitted in support of the application</i>	7	28 - 30
<i>Documents submitted opposing the application</i>	8	31 - 32
<i>General approach to the evidence</i>	8	33
<i>Evidence of use from inquiry witnesses</i>	9	34 - 43
<i>Evidence of use from other claimants</i>	11	44 - 45
<i>The Petition</i>	11	46
<i>Photographs</i>	12	46
<i>The Objector's evidence</i>	12	48
<i>The Applicant's submissions</i>	12-14	49
<i>The Objector's submission</i>	14-17	50
Conclusions	17-18	51-57
Recommendation	19	59
Appearances at the inquiry	20	
List of documents	21 - 23	
List of cases referred to in this report	24	

Case Details

- The application was made by Patricia Lilian Jobson and is dated 10th November 2009. (It was received by London Borough of Enfield on 18th November 2009.)
- It is made under the provisions of Section 15 of the Commons Act 2006.
- The application is for land known as land adjacent to 68, Weir Hall Avenue, London N18 1EE to be registered as a village green.

Recommendation: That the application to amend both the application and objection be permitted and the application to register the land as village green be dismissed.

Preliminary Matters

1. I have been appointed by The London Borough of Enfield, the commons registration authority (hereinafter referred to as the LBE or the registration authority), to hold a non-statutory public inquiry and to write a report in respect of an application to register land known as land adjacent to 68, Weir Hall Avenue, London N18 1EE a village green and to make a recommendation as to whether or not the application should be granted.
2. The main issue to be considered is whether the requirements of Section 15 of the Commons Act 2006 (the 2006 Act) have been met such that the application to register the land adjacent to 68, Weir Hall Avenue, London N18 1EE as a town village green (TVG) should be granted. In this case these requirements are set out in subsection 15(2) of that Act¹: that a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and they continue to do so at the time of the application. If the evidence supports this, Section 24 (4) of the 2006 Act provides that the application shall be granted.
3. An application was submitted on 10 November 2009 by Mrs Patricia Lilian Jobson. The application (dated 10 November 2009) enclosing a statutory declaration (dated 10 November 2009) (there was no name on the statutory declaration but it was signed) and letters from Mr and Mrs B Jobson dated 21st September 2009, Mrs King dated 5 November, Mrs Julie Bean dated 4th November 2009, Mr and Mrs Frutuosa dated 6th November 2009 and an undated letter from Mr Bullen and a Response to Questions raised on the potential developments, a petition produced by the Weir Hall Avenue Action Group and map purporting to identify the locality or neighbourhood within the locality (although no boundary was delineated) and 9 undated photos of children playing on the green were submitted to LBE, received and stamped with a valid date of receipt of 18th November 2009.
4. One objection was received to the application from the landowner, St. Pancras and Humanist Housing Association. A draft amendment was produced the week before the inquiry which I recommend be allowed. Skeleton Arguments on behalf of the Applicant and the Objector were helpfully submitted prior to the Inquiry.
5. To examine the evidence relating to the application, I held a public inquiry in the offices of LBE on 19th July and 23rd July 2010.
6. At the inquiry Miss Celina Colquhoun presented the case in support of the application on behalf of Mrs Jobson, calling a number of witnesses including the applicant herself. The objector – St. Pancras and Humanist

¹ The relevant statutory provisions are set out more fully in paragraphs 8 to 16 below.

Housing Association - was represented by Mr Vivian Chapman QC of Counsel, instructed by Trowers & Hamlins. I would like to express my gratitude to both Counsel and to their respective Instructing Solicitors for the considerable assistance which they all gave me throughout the public inquiry. I should also like to thank Mr John Hood and Miss Elizabeth Paraskera who made all the practical arrangements for the public inquiry and gave me excellent administrative support throughout.

7. I visited the site and the surrounding area alone during the afternoon of 5th July 2010, and carried out a formal inspection of the application land on 23rd July 2010. I was accompanied by Mr and Mrs Bonfield, Karen Chamberlain, Mrs Frutuosa and Gillian Palmer (on behalf of the Objector). I also went into Mrs Frutuosa's house and viewed the field from there.

I requested that the Applicant clarify the extent of the neighbourhood and the locality. It is important that the appropriate area is claimed as rights attend upon registration. To do that, the Applicant applied to amend the application to make it clear that it related to the second limb of the section i.e. 'a neighbourhood within the locality' and produced 2 amended plans which showed the claimed neighbourhood to be (a) Weir Hall Avenue E of Weir Hall Road (b) both sides of Amersham Avenue E of Weir Hall Road (c) both sides of Barclay Road E of Weir Hall Road and (d) both sides of Weir Hall Road between Amersham Avenue and Barclay Road and the claimed locality of the local government ward of Upper Edmonton.

Statutory Provisions

8. Section 15(1) of the 2006 Act provides that any person may apply to the commons registration authority to register land as a town or village green if certain specified circumstances pertain.

The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007² ('the 2007 Regulations') brought these provisions into force on 6 April 2007 and set out the procedures to be followed.

9. The application was made in November 2009 and therefore falls to be determined in accordance with the provisions of the 2006 Act. The application form indicates that it has been made in accordance with the provisions of Section 15(2) of the 2006 Act which provides that an application can be made where:

(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and

(b) they continue to do so at the time of the application.

10. In determining the 20 year period of use, Section 15(6) states that any period during which access to the land was prohibited to members of the public by reason of any enactment is to be disregarded and treated as though use was continuing. This is intended to allow for situations such as that experienced during outbreaks of Foot and Mouth Disease, where

² Statutory Instrument 2007 No. 457

access to land is temporarily prevented. No such circumstances have been raised as an issue in this case.

11. Where subsection 2(a) is satisfied, Section 7 provides that for the purposes of subsection 2(b):
 - (a) where persons indulge as of right in lawful sports and pastimes immediately before access to the land is prohibited as specified in subsection (6) those persons are to be regarded as continuing so to indulge; and*
 - (b) where permission is granted in respect of use of the land for the purposes of lawful sports and pastimes, the permission is to be disregarded in determining whether persons continue to indulge in lawful sports and pastimes on the land "as of right".*
12. An application must be made in accordance with the 2007 Regulations. These are set out at paragraph (3) and state that an application must:
 - (a) be made in Form 44;*
 - (b) be signed by every applicant who is an individual, and by the secretary or some other duly authorised officer of every applicant which is a body corporate or unincorporated;*
 - (c) be accompanied by, or by a copy or sufficient abstract of, every document relating to the matter which the applicant has in his possession or under his control, or to which he has a right to production;*
 - (d) be supported:*
 - (i) by a statutory declaration as set out in Form 44, with such adaptations as the case may require; and*
 - (ii) by such further evidence as, at any time before finally disposing of the application, the registration authority may reasonably require.*
13. The statutory declaration made in support of the application must be made by either:
 - (a) the applicant, or one of the applicants if there is more than one;*
 - (b) the person who signed the application on behalf of an applicant which is a body corporate or unincorporated; or*
 - (c) a solicitor acting on behalf of the applicant.*
14. Paragraph 5(4) of the 2007 Regulations states that:

Where an application appears to the registration authority after preliminary consideration not to be duly made, the authority may reject it ... but where it appears to the authority that any action by the applicant might put the application in order, the authority must not reject the application under this paragraph without first giving the applicant a reasonable opportunity of taking that action.
15. The task of proving the case in support of registration of the land as a village green rests with the person making the application, and the burden

of proof is the civil standard: the balance of probabilities. Each element of the qualifying criteria must be satisfied.

16. However, Section 24(4) provides that an application made for the purposes of Section 15 (and others) shall, subject to any relevant provision of the 2006 Act, be granted. Therefore if the evidence is found to satisfy the statutory tests such that a village green can be shown to exist, the application must be granted and the village green registered.

The application

17. The application was made in accordance with the 2007 Regulations on Form 44 and the attached statutory declaration was signed before a solicitor and Commissioner for Oaths. A number of supporting documents were submitted; five letters from users to support registration; a response to questions raised on the potential developments, a petition produced by the Weir Hall Avenue Action Group, a map purporting to identify the neighbourhood or locality and 9 undated photos of children playing on the green.

The application date

18. The application date is important insofar as subsection 15(2)(b) requires that use of the claimed green must be continuing "at the time of the application". In effect it sets a marker before which the required minimum of 20 years use must have been completed. However there is no clear guidance as to how this term is to be interpreted.
19. Regulation 4³ requires that, on receiving an application, a registration authority must allot a number to it and stamp the application form indicating the date it was received. This application was numbered 002/2009 and date-stamped 18th November 2009.
20. I have taken the relevant period as 18th November 1989 to 18th November 2009. This period is agreed to be the relevant period between the parties.

Identification of the locality or neighbourhood with the locality on the form

21. On the application form question 6 states "*Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked.*" The attached note advises: "*It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.*" A box is provided which is to be ticked if a map is attached.

³ Of the 2007 Regulations

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22. The Applicant responded to this question by stating "Weirhall Avenue, Upper Edmonton" and attaching a map of a wider area with the title "planning issue".
 23. At the inquiry, Miss Colquhoun applied to amend the application and submitted 2 amended plans showing the amended claimed neighbourhood to be Weir Hall East situated within the locality of Upper Edmonton.

The application land

Description of the site

24. The application form identifies the land in question as 'Playing field land situated between nos 68 & 69 Weirhall Avenue' and describes its location as land between nos 68 & 69 Weirhall Avenue, London N18 1EE.
25. Weir Hall Avenue consists of two cul-de-sacs in the centre of a housing estate built on land acquired by Tottenham UDC in 1933. The eastern part of Weir Hall Avenue contains about 30 houses arranged around an oval central area. At the south-west corner of the road around the oval, there is an area of open land fenced on 3 sides (the application land hereinafter referred to as "AL "). It is approximately 0.12 Ha. It is a grassed area surrounded by residential properties.

History of the application land

26. In 2008 the application land was sold and transferred by the London Borough of Haringey to the objector, St. Pancras and Humanist Housing Association, which wishes to develop the land for social housing.

Future proposals

27. On 22nd October 2009 LBE granted planning permission for the "redevelopment to provide a 2 storey block of 4x 3 bed terraced dwelling houses" on the application site. Mrs Jobson together with other residents objected to this development. This issue is not relevant to the determination of this application although it appears from the Applicant's case that it prompted the VG application.

The evidence

Documents submitted in support of the application

28. With her application submitted in November 2009, Mrs Jobson included a statutory declaration from herself, five letters from users of the claimed village green in support of registration and nine undated photographs of residents gathered on the application land, a petition produced by the Weir Hall Action Group, a Response to questions raised on the potential developments and a map purporting to show the neighbourhood/locality.

-
29. Witness Statements from J Bean, K Chamberlain, B King, Councillor Andreas Constantinides, Mr and Mrs Frutuosa, Ms Brewer, Mr Bonfield, Mrs Bonfield and 5 undated photos were submitted 3 weeks prior to the start of the inquiry. Early in July 3 further Witness Statements from Mrs P Jobson, dated 25th June 2010, Mr B Jobson, dated 29th June 2010, Mrs J Thoires dated 24th June 2010 and 4 undated photographs were submitted.
30. At the inquiry a revised map showing the "claimed neighbourhood", a map delineating the boundaries of the "claimed locality" of "Upper Edmonton" and the Design and Access Statement accompanying the application were submitted. All the documents submitted in support of the application are listed at the end of this report.

Documents submitted opposing the application

31. In response to the application, on 19th February 2010 the objector - St. Pancras and Humanist Housing Association submitted a detailed statement in its capacity as landowner objecting to the registration of the land adjacent to 68 Weir Hall Avenue as a village green. An application for a further amendment to the objection to add the "as of right" point and 2 Witness Statements from Gillian Palmer and Michael Donnellan dated respectively 9th and 12th July 2010 with exhibit folders respectively exhibiting 1) extracts from historical records of the Health and Housing Committee of Tottenham UDC dating between 1931 and 1940, and 2) copies from HM Land Registry showing titles to properties neighbouring the AL, a copy of the conveyance dated 21st August 1933 and copies of contemporary maps of the site were received the week before the commencement of the inquiry. I recommend that the Registration Authority allow this amendment.
32. In addition, a number of other documents were tendered at the inquiry and are included in the full list at the end of this Report. In brief these included:

A copy of the Land Registry title dated 22nd January 2009 to 68 Weir Hall Avenue;

A conveyance of 28 acres of land dated 21st August 1933 between David Howells and Tottenham UDC.

General approach to the evidence

33. I have taken all of the above documents into consideration in addition to the oral evidence given by all witnesses at the inquiry, apportioning weight as appropriate in reaching my conclusions.

Evidence of use from inquiry witnesses

What follows is not intended to be a verbatim transcript of all that was said, but a brief account of the main points addressed by each witness.

-
34. I heard from 8 users of the green and Councillor Constantinides at the inquiry all of whom gave evidence on oath. The following is a brief note of the main points I have noted from the evidence of each witness.
35. **Mrs Jobson** – the Applicant - has lived at 67 Weir Hall Avenue for 41 years. She produced a witness statement dated 25th June 2010 and a letter dated 21st September 2009 and photographs probably taken last Summer with a view to making this application although she explained that she did not take them. They were taken by Karen Chamberlain. She told the inquiry that the local community was close-knit in the cul-de-sac. She gave examples of events which had taken place on the field last year – a party for Nanny Bullen, St George’s Day celebrations which started 2 years’ ago, BBQs and quite a few childrens’ birthdays. Her children had played on the field and her son had ridden his first bike on there although this was not during the relevant period. Now when her grandchildren come, they use the field. She explained other children had played there but was unable to provide names. She told the inquiry that the field was used on most days in the Summer. She described trampolines, swings, goal posts which had been on the field at one time or another. She said that whilst the Council had always maintained the field Karen Chamberlain would ‘finish it off’. She said her understanding was that the application land was created as part of the Council Estate for recreation. When asked by Mr Chapman to explain what holds the claimed neighbourhood together, she explained that there were two schools. She was not able to distinguish the claimed neighbourhood from the remainder of Weir Hall Estate. Mr Chapman put the Registered title of her property to her and asked her to confirm that it was a former council house bought under the Right to Buy scheme which she did.
36. **Mr Jobson** is married to the Applicant and also lives at 67 Weir Hall Avenue where he has lived for 41 years. He produced a letter dated 21st September 2009 and a Witness Statement dated 29th June 2010. He described events including parties and picnics but could not give precise details. He referred to St George’s Day celebrations which only happened recently. He confirmed that the Council maintains the application site by cutting the grass. He explained that he and his wife were not as involved in the field as they had been when their children were young and in the last few years they had got involved again. He mentioned dog walkers using the field and children but did not know their names. When asked by Mr Chapman to describe the cohesive quality of the claimed neighbourhood he referred to the Tenants Association which represented the whole of the Weir Hall estate and not specifically the claimed neighbourhood.
37. **Ms Chamberlain** has lived at 68 Weir Hall Avenue for 16 years. She produced a Witness Statement dated 24th June 2010. She has a stepdaughter in her 20’s and a grandson aged 5. She told the inquiry that she saw children on the field all the time but was unable to identify any specific children. She occasionally walked her dogs and ferrets on the field. She explained that Mrs Bullen walks her dogs on the field every day. She accepted that the Council has always mown the grass in the field but she has always tidied the edges. She confirmed what others had said that her street was a very close-knit community. She took the photographs
-

submitted with the application in the Summer of 2009. She mentioned the two schools as the special feature of the claimed neighbourhood but accepted that they serve the whole of Weir Hall Estate.

38. **Mr Bonfield** lives at 68 Weir Hall Avenue and has done for 16 years. He produced a Witness Statement dated 24th June 2010. He has a daughter – Nicola Bonfield who is 25 and he told the inquiry she used to come every Saturday and played in the field but she stopped playing when she got a flat aged 18. He explained that he helped to monitor children playing in the field when he came home from work. He identified users as Miss Bean and Miss King. He also mentioned that Miss Bean walked her dog on the field. He said that BBQs and birthday parties took place on the field and everyone was invited. Over 16 years, there were approximately 5 parties a year. He could not identify any particular factor which was cohesive about the claimed neighbourhood.
39. **Miss Bean** has lived at 55 Weir Hall Road for 24 years. She produced a witness statement dated 22nd June 2010 and a letter dated 4th November 2009. She identified various children aged between 5 and 12 who lived in Weir Hall Road who use the field. She said she went to the field all the time with her daughter, Lisa, who is aged 9. She also told the inquiry that she had been to 15 or 16 parties on the field. She was unable to identify any cohesive factor in the claimed neighbourhood.
40. **Mr Frutuosa** who has lived at 74 Weir Hall Avenue for 24 years produced a Witness Statement dated 22nd June 2010 and letter dated 6th November 2009. He bought the house from former council tenants. He has four grandchildren (aged 12 – 18). In particular, his wife used to look after their grandson who used the field when he was young so that his parents could work. He saw children on the field over the years but did not know where they came from. As to parties on the field, he was invited but didn't go. He confirmed what others had said that the Council had always cut the grass until recently. He was asked by Mr Chapman whether there was any 'cohesive factor' in the claimed neighbourhood and he told the inquiry that the community is the cul-de-sac and not the other roads such as Weir Hall Road which is part of the rest of the Weir Hall Estate.
41. **Mrs Frutuosa** who has lived at 74 Weir Hall Avenue for 24 years. She produced a Witness Statement dated 22nd June 2010 and a letter dated 6th November 2009 and also lives at 74 Weir Hall Avenue with her husband. Her house is situated opposite the field and she can see the field from her window. She had seen children playing but did not know where they came from. She did not know the area outside the cul-de-sac. She did know Miss Bean. She said that she did go to parties on the field sometimes but usually they were in Portugal. I asked how long they spend there and she explained that over the last 10 years, she had spent about 4 months there mainly during the Summer.
42. **Councillor Constantinides** who has lived at 49 Rylston Road (some distance from the AL) since 1986 and is the ward councillor. He produced a Witness Statement dated 23rd June 2010. He represents the ward of Upper Edmonton which was formed about 12 years ago – before that there was no such ward but rather a smaller ward called Weir Hall ward. He had

been to a number of events on the field over the years – he specifically remembered two – a 50th wedding anniversary during which the couple were presented with a huge pumpkin and another occasion at which there was a bouncy castle and he had seen children playing there and a huge trampoline. When asked to describe any cohesive factor in the claimed neighbourhood, he said the cul-de-sac was the distinctive part which had a sense of community and also the local school but he accepted that children went to the school from the whole of the Weir Hall Estate.

43. **Mrs J Thoires** who is Mr and Mrs Jobson's daughter, produced a Witness Statement dated 24th June 2010. She now lives at 37 Hawkdene and is aged 44. She has two children who often go to her parents. She sees her parents every week. When she was a child (pre 1989 – the 'relevant period'), children came to play on the field from the surrounding roads. Now Karen's grandchildren next door to her parents and Joanne Brewer's children, play in the field. She did not indicate the level of frequency. She confirmed that the Council had always cut the grass. She explained that it was very rare to have such a good neighbourhood feeling and that everybody looks out for each other. She did use the 'other field' to the north of the cul-de-sac when she was a child but now it is fenced off. She had not been to any event on the field herself. She was unable to describe any cohesive factor in the claimed neighbourhood.

Evidence of use from other claimants

44. In addition to the 8 witnesses who gave evidence at the inquiry, there is **written evidence** in various forms from a further 4 people provided by the applicant to support the application.
45. This evidence, being untested through cross-examination, attracts less weight since the answers to some questions are missing and some essential details are unclear. However I find nothing in these letters, questionnaires and statements to conflict in any significant way with the evidence given by the applicant's witnesses at the inquiry.

The Petition

46. The Petition, submitted with the Application has 130 signatures from Weir Hall Avenue, Weir Hall Road, Amersham Avenue and Barclay Road. It is clear that the Petition was gathered in response to a planning application made in relation to the AL. The terms are as follows:

"It has come to our notice that Origin Group are to build four houses on the land our children play on.

Our children play safe in this area and are in sight of constant watch from all who live here. We have been given notice of these plans from the council or consultation meeting regarding any plans. The first we knew of these plans was the letter we received through our doors (copy attached). We have previously written to you opposing a Mosque on the children play area. There was a representative that

come around from the above company. She asked questions and said why can't the children play in their back gardens, but this area lets all children play safely in a friendly community, unless its raining you will always see children playing outside and not sitting in front of a television. As the media are always advertising that children need to play, exercise and interact with peers **THIS PLAY AREA MEETS ALL OF THIS**. We are a close knit community with people from all ethnic backgrounds and would like you to take the signed petition into consideration against these plans.

Photographs

47. 3 sets of undated photographs were produced showing children playing and play equipment.

The Objector's Evidence

48. The Objector produced 2 Witness Statements from a partner and a barrister from Trowers & Hamblins. Gillian Palmer's Witness Statement dated 9th July 2010 exhibited 21 extracts from the Minutes of the Health and Housing Committee of Tottenham UDC. Michael Donnellan's Witness Statement dated 12th July 2010 exhibited: copies from HM Land Registry showing titles to properties neighbouring the AL, a copy of the conveyance dated 21st August 1933 and copies of contemporary maps of the site.

Applicant's Submissions

49. Miss Colquhoun on behalf of the Applicants produced a written closing statement which is attached to this Report. I briefly summarise the main points:
1. The minutes of Tottenham UDC produced by the objector do not refer to any specific power pursuant to which the UDC made an agreement to purchase the AL. This is a significant omission.
 2. The plans attached to Mr Donnellan's Witness Statement do not show how the development was formally laid out and whether the AL was specifically laid out as recreation or open land. The history is entirely speculative.
 3. The statutory test is met and the following propositions are put:
 - a) a locality need not have an administrative boundary (para 88 Behrens J in *Leeds*)⁴ and in any event the test does not require any precision
 - b) when deciding the issue of neighbourhood within a locality the principal quality it must have is one of cohesiveness.

⁴ *Leeds Group plc -v- Leeds City Council [2010] EWHC 810 (Ch)*

Housing estates in themselves can be such neighbourhoods (Sullivan J at para 85 in *Cheltenham Builders*)⁵. The evidence showed what made this neighbourhood special were:

- i) the way that the houses are laid out in the cul-de-sac but also that they backed onto the houses in the surrounding roads
- ii) there is nowhere else like the green which provides a safe overlooked environment
- iii) there is a distinct character to Weir Hall East compared with the 1930's houses on the west.

c) Significant number

It is clear from the petition that at least 130 people who live in the neighbourhood wish to see the AL protected. Evidence presented by residents have referred to children from around the neighbourhood who use the field although it was accepted that generally their names and addresses were not available but it is not always a question of names but of recognition. It is clear from the judgment of Sullivan J in (*McAlpine*)⁶ at para 77 that it is not a question of a considerable or substantial number but

"the number of people using the land in question has to be sufficient to indicate that their use of land signifies that it is in general use by the local community ..."

d) have indulged in lawful sports and pastimes on the land

The evidence presented shows that the application land has been used for such activities as dog walking, social activities, children playing and various events which amount to 'lawful sports and pastimes' (per Hoffman LJ in *Sunningwell*⁷).

e) as of right

user qualifies under s15 "as of right" if it has been "*nec vi, nec clam, et nec precario*" ("without force, without secrecy, and without permission"). L J Bingham makes clear at para 7 of his judgment in *Beresford*⁸ that mowing of the grass by the Council is not sufficient to imply a licence. If it could be shown that use was pursuant to a specific statutory right then the position may be different (para 52 Scott LJ).

The AL cannot have been used 'by right' as

⁵ *R(oao Cheltenham Builders Ltd) -v- South Gloucestershire DC* [2003] EWHC 2803 (Admin)

⁶ *R(McAlpine v Staffordshire CC* [2002] EWHC 76

⁷ *R v Oxfordshire County Council and others ex parte Sunningwell Parish Council* [2000] 1 AC 335 (at 357 D) OB TAB 18

⁸ *R(Beresford) v Sunderland City Council* [2004] 1 AC 889

- i) the AL is not and cannot be treated as open space within the meaning of *the Open Spaces Act 1906*.
 - ii) there is no evidence as to the intentions of LB Haringey and Mrs Jobson's letter of 21st September 2009 erroneously quoted LB Haringey's 'answer' that the land had been laid out for "use for the people of the estate" when in fact that was the question asked of them.
- f) for a period of at least 20 years
There is clear evidence for the relevant period.
- g) They continue to do so at the time of the application.
The evidence demonstrates this.

The Objector's Submissions

50. Mr Chapman, on behalf of the Objector, submitted his Closing in writing and this is attached to this Report. I briefly summarise his submissions:

- (1) The effect of registration confers rights on local people⁹ and effectively sterilizes the land¹⁰. The onus of proof lies on the Applicant, and all elements must be "properly and strictly proved".¹¹
- (2) "Significant" does not mean considerable or substantial. What matters is that the number of people using the land in question has to be sufficient to indicate that their use of the land signifies that it is in general use by the local community.¹²
- (3) There are 203 houses and it is reasonable to assume 3 inhabitants per house and therefore to calculate approximately 600 inhabitants within the claimed neighbourhood. The witnesses who gave oral evidence came from only 4 addresses within the neighbourhood and only 3 claimed 20 years' user. There were only 7 other witnesses who submitted written evidence which was vague and untested. The witnesses who gave oral evidence found great difficulty in identifying the names and addresses of other users of the AL. The evidence was contradictory as to whether the photographs were taken with a view to the TVG application. Councillor Constantinides was giving moral support to his constituents but had little personal knowledge of AL. Consequently the Applicant has failed to prove her case.

⁹ *R(Lewis) v Redcar & Cleveland Council [2010] 2WLR 653 (the Redcar case)* Lord Walker at paras 42-47, Lord Hope at para 72.

¹⁰ *Oxfordshire County Council v Oxford City Council & Anor [2006] 2 AC 674 (the Trap Grounds case)* per Lord Hoffman at paras 3 - 16 & 37, 39. Lord Rodger at para 115 & Lord Walker at paras 124 - 128 (Lord Scott dissenting at paras 71 - 83)

¹¹ *R v Suffolk CC ex p Steed (1996) 75 P + CR 102 at p111 per Pill L*

¹² *R v (McAlpine) v Staffordshire CC [2002] EWHC 76 (Admin) (the McAlpine case)* at para 77

- (4) A "neighbourhood" need not be a recognised administrative unit. A housing estate can be a neighbourhood. A neighbourhood must have ascertainable boundaries because only the inhabitants of the relevant neighbourhood have recreational rights over the land¹³. However a neighbourhood must have some degree of cohesiveness¹⁴. None of the witnesses could think of anything which gave the claimed neighbourhood the required cohesiveness and thus the application fails on the ground that the claimed neighbourhood is not a neighbourhood in law.
- (5) It is submitted that a limb (ii) locality must be substantially the same throughout the relevant 20 year period. In the present case, Councillor Constantinides' evidence was that Upper Edmonton ward had existed only for the last 12 years. The application fails on this ground.
- (6) Qualifying user must be "as of right" i.e. without force, secrecy or permission (*nec vi, nec clam, nec precario*). In the present case, there is no evidence that the use has been forcible or secret. There is no evidence of express permission.
- (7) "Lawful sports and pastimes" (LSP) include informal recreation such as walking, with or without dogs, and childrens' play¹⁵. It is accepted that the types of activities described by the witnesses as having taken place on the AL are LSP.
- (8) The evidence of user for at least twenty years is very weak.
- (9) The "by right/as of right" point. Although the discussion was obiter, there is strong guidance from the House of Lords in *Beresford*¹⁶ that user which is under a legal right is not user "as of right". The registered title to the AL makes it clear that the title derives from a conveyance dated 21st August 1933 (TAB 2 Mr Donnellan's Witness Statement). The Conveyance Plan can be examined against subsequent OS maps and the Design and Access Statement (the maps are listed in the list of evidence at p 21). The registered titles are to houses in Weir Hall Avenue and other streets on the estate (listed at TAB 1 Mr Donnellan's Witness Statement) disclose that title derives from the 1933 Conveyance and that title is based on the right to buy under the Housing Acts.
- (10) The researches of Gillian Palmer in the Tottenham UDC minutes show that the 1933 Conveyance was a purchase of land by Tottenham UDC under the Housing Acts for the purposes of building a council estate. Mr Chapman's written closing sets out the extracts from the Minutes in full. There is reference to the proposal to build a recreation ground before the War but it is possible that the plan changed after the War. It is not

¹³ *Trap Grounds* para 69(i)

¹⁴ *Cheltenham Builders*

¹⁵ *Sunningwell* at pp 356F - 357E

¹⁶ *Beresford* - Lord Bingham paras 3 & 9, Lord Hutton para 11, Lord Scott paras 29 - 30, Lord Rodger para 62

suggested that the AL was laid out as a recreation ground but rather as open space. All the witnesses were agreed that the AL had been set out and maintained by the Council as an open space as part of the Weir Hall Estate.

- (11) At the date of the 1933 Conveyance the relevant housing legislation was the *Housing Act 1925*. The power to acquire and develop land for housing purposes was in sections 57 & 58. Under s59(1)(b) the Council could lay out "open spaces" on land acquired for housing under s107(1) the Council might, with the consent of the Minister, provide "recreation grounds" in connection with housing provided under the housing legislation. No evidence of Ministerial consent has yet been found in relation to the AL. It is submitted that the legislation probably had in mind a distinction between formal recreation grounds and small open spaces. The draftsman no doubt considered the precedent of the *Open Spaces Act 1906* which envisaged open spaces as being held on trust for public enjoyment (s.10). The AL is therefore an "open space" laid out under the Housing Acts. Mr Chapman's second submission (in the alternative) was that the AL is to be regarded as a recreation ground.
- (12) It is well settled that where a statute empowers a local authority to acquire and lay out land for public recreation, the public have a legal right to use it. This point was explored in relation to *Public Health Act 1875 s 164*¹⁷. The same principle must apply to an open space (or recreation ground) laid out under statute as an area for recreation on a council estate.
- (13) The fact that non-council tenants are not barred from using the land does not involve an excessive exercise of statutory power¹⁸.
- (14) An alternative analysis is that although permission cannot be inferred from mere acts of toleration (*Beresford*) permission can be inferred where open space is laid out under statutory powers. The statutory power provides the element which was missing in *Beresford*. The right of local people to use the AL is revocable because the local authority can dispose of it under the *Local Government Act 1972 s 122*.
- (15) The provisions of the *Housing Act 1925* have been preserved substantially unchanged in subsequent consolidations of legislation.
- (16) Accordingly recreational use of the AL by local people has been "by right" and not "as of right" and the application fails on this ground also.

¹⁷ *A-G v Loughborough Local Board Hall v Beckenham Corporation Sheffield Corporation v Tranter Blake v Hendon Corporation The Times 31st May 1881*

¹⁸ *Green v Minister of Health [1948] 1 KB 34*

Conclusions

51. I set out my conclusions applying the facts to the law:

52. **The burden of proof**

There is general agreement between the parties that the onus of proof lies on the Applicant on the balance of probabilities.

53. **Significant number**

I turn to the elements of the definition. First "a significant number". Both Counsel referred me to the *McAlpine* case and set out the test as "*what matters is that the number of people using the land in question has to be sufficient to indicate that their use of land signifies that it is a general use by the local community for informal recreation, rather than occasional use by individuals as trespassers*" (per Sullivan J at para 77). I adopt this approach.

In my view the Applicant has failed to show that a significant number of the local community has used the field. The witnesses who gave oral evidence came from only 4 addresses within the claimed neighbourhood and only 3 claimed 20 years' user. The written evidence was sometimes vague. The witnesses who gave oral evidence found considerable difficulty in identifying the names and addresses of other users of the AL. Furthermore I give limited weight to the petition which was clearly produced in relation to the planning application. I was provided with a number of photographs but they were undated and the evidence suggests that they may have been taken to support this application. Consequently I attach little weight to the petition and photographs. Overall the Applicant has failed to prove her case.

54. **"or of any neighbourhood within a locality"**

Both Counsel referred me to the *Leeds* case. In particular, they both referred me to the fact that Behrens J took into account the guidance of Lord Hoffman in the *Trap Grounds* case in which he pointed out the "*deliberate imprecision*" of the expression. However a neighbourhood cannot be any area drawn on a map. It is clear that it must have some/sufficient degree of cohesiveness¹⁹. I adopt this approach.

There was insufficient evidence available to identify the necessary cohesiveness within the claimed neighbourhood and in my view the application should fail on this ground.

55. **"The locality"**

¹⁹ R -v- (oao Cheltenham Builders Ltd. -v- South Gloucestershire DC [2003] EWHC 2803 (Admin))

Mr Chapman submits that a limb (ii) locality must be substantially the same throughout the relevant 20 year period. I adopt this approach as the correct one.

The claimed locality is the local government ward of Upper Edmonton and it is evident on the facts that this ward has only just existed for 12 as opposed to 20 years and again the application fails on this ground.

56. **"Lawful sports and pastimes"**

Both Counsel referred me to *Sunningwell*. It is clear that the expression includes informal recreation such as walking and children's play.

I accept that the evidence shows that the types of activities described by the witnesses as having taken place on the AL are LSP.

57. **"As of right"**

If the registration authority accept my conclusions on the main issue in this case i.e. whether the Applicant has met the test i.e. "a significant number of the inhabitants of the claimed neighbourhood within the locality" then the registration authority do not need to form a view on this submission. However, I comment on the 'as of right' submission as follows. I accept that there is guidance from the House of Lords in *Beresford* that the user which is under a legal right is not user "as a right" but that the matter has not yet been determined by the Courts. The 1933 conveyance at TAB 2 of Mr Donnellan's Witness Statement shows the land which became the Weir Hall Estate. The registered titles at TAB 1 disclose that title is derived from the 1933 conveyance and that title is based on the right to buy under *Housing Acts*. Both parties agree that the estate was laid out as a council estate. The witnesses agreed that the AL had been maintained by the Council. Whilst I accept that the historical evidence is not conclusive, in my view the Minutes attached to Gillian Palmer's Witness Statement indicate that it is likely the AL may have been laid out as "open space" but probably not a recreation ground and it is accepted by the Objector that no Ministerial consent has been found. The provisions of the *Housing Act 1925* have been preserved substantially unchanged. In these circumstances, in my view, it is likely that the AL was laid out as 'open space' and on the basis of the analogy of the provisions of the *Public Health Act 1875 s164* the same principle should apply to land laid out as a council estate. If not, Mr Chapman's alternative submission would apply.

Recommendation

58. I recommend that the amendments to both the application and the objection be permitted and the application to register the AL as a village green be dismissed.

ANNE WILLIAMS

INSPECTOR

**6 PUMP COURT,
TEMPLE,
LONDON EC4Y7AR**

APPEARANCES

For the Applicant:

Miss Celina Colquhoun of Counsel instructed by OJN Solicitors

Who called:

Mrs P Jobson
Mr B Jobson
Ms K Chamberlain
Mr Bonfield
Miss Bean
Mr Frutuosa
Mrs Frutuosa
Councillor Constantinides
Mrs Thoires

For the Objectors:

Mr Vivian Chapman QC Of Counsel; instructed by Trowers and Hamlins

**DOCUMENTS SUBMITTED IN SUPPORT OF
APPLICATION**

Application dated 10th November 2009 (received 18th November 2009)

Accompanying the application:

Statutory Declaration of Mrs P Jobson dated 10th November 2009
Petition produced by the Weir Hall Action Group
Response to questions raised on the potential development
Letters from:

Mr and Mrs B Jobson dated 21st September 2009
Mrs King dated 5th November
Mrs Julie Bean dated 4th November 2009
Mr and Mrs Frutuosa dated 6th November 2009
Mr Bullon

A map identifying the locality
9 photos of children playing on the green.

Submitted prior to the inquiry:

Witness Statements from:

Mr Jobson dated 29th June 2010
Mrs P Jobson dated 25th June 2010
Mrs J Thoires dated 24th June 2010
J Bean dated 22nd June 2010
K Chamberlain dated 24th June 2010
B King dated 23rd June 2010
Councillor Constantinides dated 23rd June 2010
Mr and Mrs Frutuosa dated 22nd June 2010
Mr Bonfield dated 24th June 2010
Undated letters from Ms Bonfield, Ms Brewer, Mr Bonfield, Ms Chamberlain

9 further undated photographs

Skeleton Argument on behalf of the Applicant

A revised map showing the claimed "neighbourhood"
A map delineating the boundaries of the claimed locality of "Upper Edmonton"
A Design and Access Statement accompanying the application

Closing submissions on behalf of the Applicant

DOCUMENTS SUBMITTED ON BEHALF OF OBJECTOR

1. Statement of Objection
2. Amendment to the Objection
3. Witness Statement with exhibits from Gillian Palmer dated 9th July 2010

List of exhibits to Gillian Palmer's Witness Statement

Div No.	Date	Description	Reference
1	5/6/31	East and West of Weir Hall Road Extension decided most suitable for council house. Engineer to acquire land either by negotiation or compulsorily	Vol 30 Page 194 Para 393
2	10/07/31	Land acquired compulsorily under s64, HA 1925	Vol 30 p.321 Para 635
3	4/09/31	Owner wants to negotiate for sale; council will consider the advantages of negotiation	Vol 30; p.450 Para 893
4	27/11/31	Report of public inquiry held on 25/11/31	Vol 30; p.763 Para. 1491
5	15/03/32	Tottenham UDC (Weir Hall) Housing Confirmation Order 1932, dated 6/4/32 will become operative on 11 June 1932	Vol 31; p.324 Para 638
6	7/06/32	Notices to treat are served	Vol 31; p429
7	10/3/33	Notices of Entry & Engineer instructed to draw up plans	Vol 31; p1043 Para. 2104
8	08/09/33	Amended lay-out plan. Refers to one large recreation ground instead of four open spaces. Names of streets.	Vol 32 p.458 Para 929
9	8/12/33	New layout plan of section 1; Names of streets	Vol 32; p.791-2 Para. 1651/2
10	9/02/34	Nomenclature of estate	Vol 32; p.997 para. 2081
11	1934	Reference to sum of £190 for general estate fencing and layout of open space	Vol 33. P64 Para 109
12	6/10/36	Reference to gardens in inspection of estate and general layout	Vol 2 p1479; Para
13	1/10/35	Contract for section 3 of estate	Vol 2 p.1261;

		begins early	Para 2452
14	1/02/38	First reference to recreation ground	Vol 4 P376; para 873
15	5/04/38	Reference to permanent recreation ground	Vol 4 p.779; para 1582
16	29/11/38	Deferral for three months to consider Edmonton's suggestion of retaining an option to purchase public open space at Weir Hall House Estate	Vol 5 p.40; para 99
17	10/01/39	Direction to Engineer to prepare joint report permanent recreation ground	Vol 5 P264; para 647
18	3/01/39	Council Resolution that Weir Hall Road not to be appropriated into permanent allotments	Vol 5 P371; para 852
19	7/02/39	Note that Engineer and Parks Superintendent submit a joint report on Rec. Ground.	Vol 5; P379; para 877
20	4/4/39	Approval of plan for Rec Ground	Vol 5 P884; para 1666
21	5/3/40	Proposed houses on site	Vol 6; P166; para 304

4. Witness Statement with exhibits from Michael Donnellan dated 12th July
Exhibits are:

Copies of office copies obtained from HM Land Registry, showing titles to properties neighbouring the land the subject of the application.
A copy of the Conveyance dated 21st August 1933 between David John Howells and the Urban District of Tottenham.
Copies of contemporaneous maps of the site. These are:

- Map 1 : a copy of an Ordnance Survey map dated 1935, described as Middlesex Sheet XII 3.
- Map 2 : a copy of an Ordnance Survey map dated 1838, described as Middlesex Sheet VII 5.
- Map 3 : a copy of an Ordnance Survey dated 1957.

5. Skeleton Argument on behalf of the Objector
6. A copy of the Land Registry title dated 22nd January 2009 to 68 Weir Hall Avenue.
7. A conveyance of 28 acres of land dated 21st August 1933 between David Howells and Tottenham UDC.
8. Written closing on behalf of the Objector.

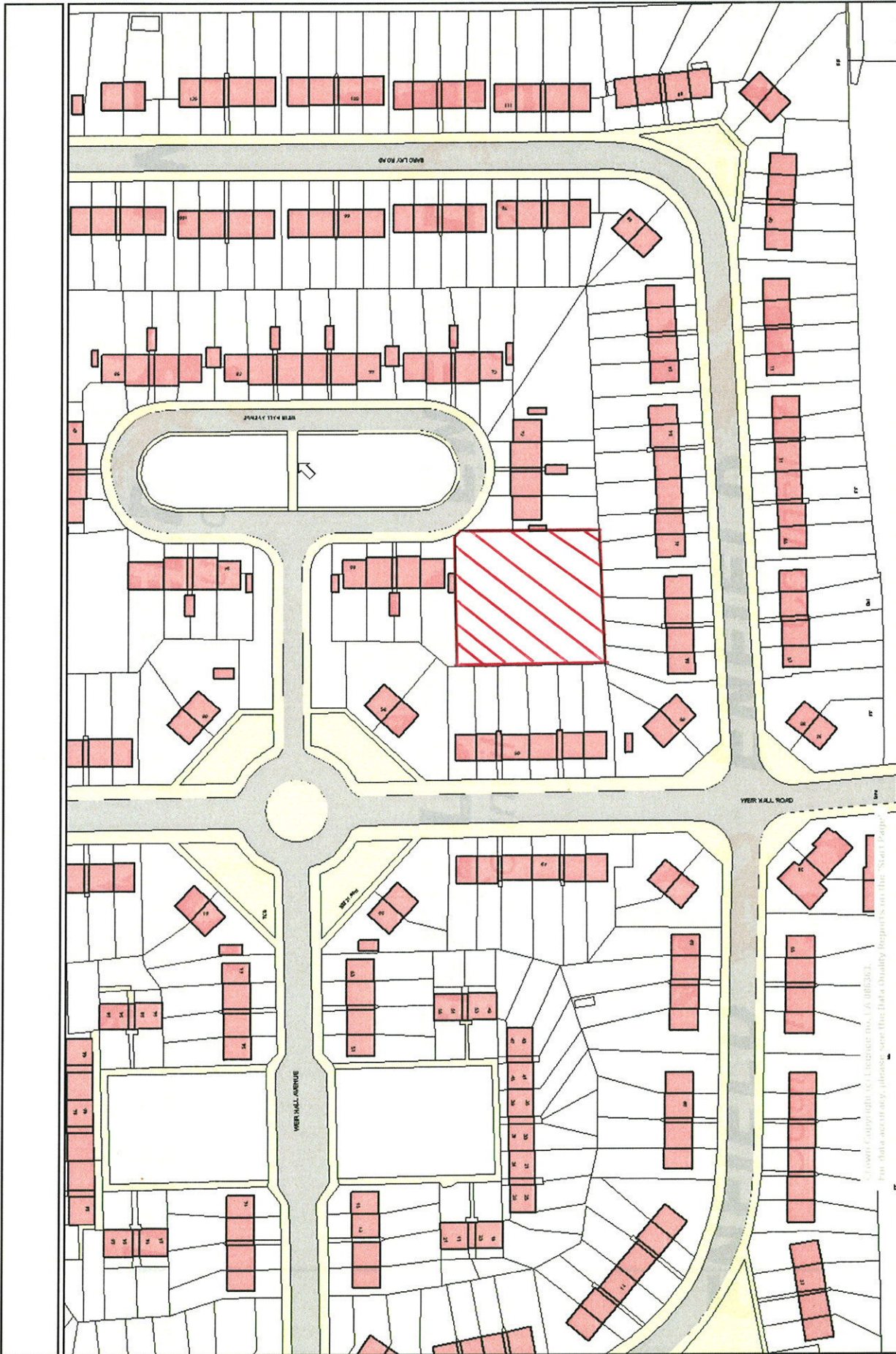
Authorities referred to in this Report

Statutes

Section 15(1) of the Commons Act 2006
Section 15(2) of the Commons Act 2006
Public Health Act 1875
Housing Act 1925
Open Spaces Act 1906
Housing Act 1936 ss 57,59 & 107
Housing Act 1957 ss 91,93 & 107
Housing Act 1985 s9, 12 & 13
Local Government Act 1972 s122

Cases

Leeds Group plc -v- Leeds City Council [2010] EWHC 810 (Ch)
Oxfordshire County Council -v- Oxford City Council and another
2 AC 674 (The 'Trap Grounds' case)
R (oao Cheltenham Builders Ltd) -v- South Gloucestershire DC [2003]
EWHC 2803 (Admin)
R -v- Oxfordshire County Council and Others ex parte Sunningwell Parish
Council [2000] 1 AC 335;
Reg v. Suffolk Council Council ex parte Steed (1995) 70 P & C.R. 487
R(Lewis) -v- Redcar and Cleveland BC (No.2)[2010]2 WLR;
UKSC 11
R (McAlpine) v Staffordshire CC [2002] EWHC 76 (Admin)
A-G v Loughborough Local Board *The Times* 31st May 1881
Green v Minister of Health [1948] 1 KB 34
R(Beresford) v Sunderland City Council [2004] 1 AC 889



Date 9/8/2010

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John Hood
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REPORT CONSULTATION

Please tick Departments/Teams Consulted		From: John Hood / Linda Dalton	Ext.: 6451	Department: Legal
	To:	Date:		
	Chief Executive (Personal)	Meeting Title:	Date of Meeting:	
	Chief Executive: - Human Resources - Other	Planning Committee	31 st August 2010	
		Subject:		
		Land adj to 68 Weir Hall Avenue, London, N18		
x	Finance and Corporate Resources: - Legal*	Name of Consultee: John Hood		
x	- Democratic Services*	As set out in report		
x	- Property	No Comments As set out in report		
x	- Finance*	As set out in report		
	Education, Children's Services and Leisure	No Comments		
x	Environment and Street Scene			
	Health and Adult Social Care			
	Place Shaping and Enterprise			
	Trade Unions (Please specify):			
	Cabinet Member/s if applicable (please specify):			
A minimum of 5 working days should be allowed for				

consultation (10 working days for Trade Unions)	
* Copy to be sent in all cases	Signed: Department: Legal Extn: 6451 Date: 12 th August 2010

TOWN PLANNING APPEALS

Appeal Information for Period: 13/07/2010 to 17/08/2010

Section 1: New Town Planning Application Appeals

Section 2: Decisions on Town Planning Application Appeals

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Page 183
SECTION 1
NEW TOWN PLANNING APPLICATION APPEALS

Application No.: TP/09/1399

Ward:Enfield Highway

Appeal Type: Written Evidence

Appeal Received date: 11-Aug-2010

Location: 437, ALMA ROAD, ENFIELD, EN3 7RT

Proposal: Conversion of first floor maisonette into 2 self contained flats comprising a 1-bed and a 2-bed flat (RETROSPECTIVE).

Application No.: TP/09/1779

Ward:Cockfosters

Appeal Type: Written Evidence

Appeal Received date: 28-Jul-2010

Location: THE ORCHARD, BRAMLEY ROAD, LONDON, N14 4HB

Proposal: Erection of a detached 2-storey block of 5 flats (comprising 2 x 2-bed and 3 x 1-bed) to north of site and 8 additional parking spaces.

Application No.: TP/09/1858

Ward:Enfield Highway

Appeal Type: Written Evidence

Appeal Received date: 28-Jul-2010

Location: THE BARN HALL, BROADLANDS CLOSE, ENFIELD, EN3 5AE

Proposal: Conversion of existing building into 6 self contained flats (comprising 4 x 1-bed and 2 x 2-bed) together with a single storey side extension to south elevation and off street parking at front.

Application No.: TP/09/1875

Ward:Southgate

Appeal Type: Hearing

Appeal Received date: 16-Aug-2010

Location: CHASE SIDE WORKS, CHELMSFORD ROAD, LONDON, N14 4JN

Proposal: Redevelopment of site to provide 65 residential units comprising 8 x 4-bed houses and 57 flats (3 x 1-bed, 35 x 2-bed and 19 x 3-bed) with 62 parking spaces and new vehicular access to Linden Way and Chelmsford Road (OUTLINE - access, landscaping, layout and scale with some matters reserved).

Application No.: TP/09/1882

Ward:Southgate

Appeal Type: Written Evidence

Appeal Received date: 16-Jul-2010

Location: 100A,102A, CROWN LANE, LONDON, N14 5AA

Proposal: Conversion of 2 x 2-bed dwellings at first floor into 4 x 1-bed self contained flats (RETROSPECTIVE).

Application No.: TP/10/0048

Ward:Jubilee, Ponders End

Appeal Type: Written Evidence

Appeal Received date: 22-Jul-2010

Location: 2 & 7, MORSON ROAD, ENFIELD, EN3 4NQ

Proposal: Change of use of commercial transport hire yard to a concrete batching plant with ancillary works (erection of a workshop building and 2 portacabins (double stacked to be used as offices/mess room) and aggregate bays) with provision of 7 x car parking bays and cycle store.

Application No.: TP/10/0082

Ward:Winchmore Hill

Appeal Type: Written Evidence

Appeal Received date: 22-Jul-2010

Location: 2, STONARD ROAD, LONDON, N13 4DP

Proposal: Conversion of single family dwellinghouse into 9 self-contained flats (4 x 1-bed , 4 x 2-bed and 1 x 3-bed) involving erection of a 2-storey extension to side and rear, accommodation in roof space with front and rear dormer windows, basement car parking and associated access and raised terrace to rear.

Application No.: TP/10/0163

Ward:Enfield Highway

Appeal Type: Written Evidence

Appeal Received date: 13-Jul-2010

Location: 56, OSBORNE ROAD, ENFIELD, EN3 7RW

Proposal: Conversion of single family dwelling into 4 self contained flats (3 x 1-bed and 1 x 3-bed).

Application No.: TP/10/0209

Ward:Highlands

Appeal Type: Written Evidence

Appeal Received date: 16-Aug-2010

Location: 17, SILVERDALE, ENFIELD, EN2 7LA

Proposal: Subdivision of site and erection of a detached 3-bed single family dwelling.

Application No.: TP/10/0261

Ward:Haselbury

Appeal Type: Written Evidence

Appeal Received date: 10-Aug-2010

Location: 105, DEANSWAY, LONDON, N9 9TY

Proposal: Subdivision of site and erection of 1x2 storey 3- bed single family dwelling with rear dormer, 2x Juliet balconies to rear first floor, amenity space and off street parking to front, construction of hard standing and vehicle access to existing house.

Application No.: TP/10/0273

Ward:Enfield Highway

Appeal Type: Written Evidence

Appeal Received date: 23-Jul-2010

Location: Rear of 122-130, GREEN STREET, ENFIELD, EN3 7JE

Proposal: Erection of 6 residential units comprising a terrace of 5 x 3 bed houses and a detached 1 bed bungalow together with associated car parking.

Application No.: TP/10/0369

Ward:Ponders End

Appeal Type: Written Evidence

Appeal Received date: 23-Jul-2010

Location: 390, SOUTHBURY ROAD, ENFIELD, EN3 4JN

Proposal: Demolition of existing rear garage and erection 1 x 1-bed single family dwelling to rear of property.

Application No.: TP/10/0385

Ward:Jubilee

Appeal Type: FASTTRACK

Appeal Received date: 02-Aug-2010

Location: 187, BURY STREET, LONDON, N9 9JE

Proposal: Vehicular Access.

Application No.: TP/10/0508

Ward:Ponders End

Appeal Type: Written Evidence

Appeal Received date: 03-Aug-2010

Location: 367, HIGH STREET, ENFIELD, EN3 4DH

Proposal: Change of use of single family dwelling on ground floor and use of part of out building/garage to dental surgery, including conversion of first floor to 1x2-bed flat.

Application No.: TP/10/0551

Ward:Palmers Green

Appeal Type: Written Evidence

Appeal Received date: 15-Jul-2010

Location: 312, GREEN LANES, LONDON, N13 5TW

Proposal: Change of use from retail (A1) to financial and professional services (A2).

Application No.: TP/10/0643

Ward:Southgate

Appeal Type: FASTTRACK

Appeal Received date: 03-Aug-2010

Location: 80, WYNCHGATE, LONDON, N14 6RN

Proposal: Rear conservatory.

Application No.: TP/10/0697

Ward:Bush Hill Park

Appeal Type: Written Evidence

Appeal Received date: 12-Aug-2010

Location: 432, CHURCH STREET, LONDON, N9 9FB

Proposal: Construction of a 4th floor to provide 5x studio flats with sun terrace to each side.

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SECTION 2
DECISIONS ON TOWN PLANNING APPLICATION APPEALS

Application No.: AD/10/0004

Ward:Chase

(Delegated - 05-Feb-2010 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 29-Jul-2010

Location: CULVER NURSERY, CATTLEGATE ROAD, ENFIELD, EN2 9DR

Proposal: Retention of non-illuminated free standing pole mounted sign to site entrance.

Application No.: LDC/09/0294

Ward:Bowes

(Delegated - 17-Sep-2009 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Allowed

Decision Date: 10-Aug-2010

Location: 45, EVESHAM ROAD, LONDON, N11 2RR

Proposal: Rear dormer and alterations to side/rear fenestration.

Application No.: TP/06/1430/DP1

Ward:Southbury

(Secretary of State - -)

Appeal Type: Hearing

Appeal Decision: Appeal withdrawn

Decision Date: 17-Aug-2010

Location: 1-5, Coleman Parade, And New River House, 6A, Coleman Parade, 6-14, Southbury Road, Enfield, EN1

Proposal: Details of ground floor layout, phasing of construction, hard and soft landscaping, external finishing materials, shopfronts to Coleman Parade and archaeological work programme submitted pursuant to conditions 02, 03, 09, 10, 11 & 17 of approval under appeal ref: APPQ5300/A/07/2041815/NWF (TP/06/1430) for construction of 191 residential units involving conversion and extension of New River House (block A) by the erection of a side extension to east elevation at 4th storey level and above, together with construction of three additional floors to total 13 stories providing 94 units (41 x 1-bed, 44 x 2-bed, 1 x 1-bed duplex, 8 x 2-bed duplex) with car parking at 1st floor level; demolition of first floor of No. 1-5 Coleman Parade (block B) and erection of 5 additional floors to total 6 stories providing 20 x 2-bed units together with installation of new shop fronts to ground floor commercial units and glazed link to New River House from 1st floor level and above; erection of a 9-storey block to the rear (block C) comprising 77 units (42 x 1-bed, 35 x 2-bed) with car parking on ground and 1st floor levels with 1st floor vehicular access to New River House; construction of sub-station to rear and provision of associated cycle parking.

Application No.: TP/09/0166

Ward:Southgate

(Delegated - 23-Apr-2009 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 11-Aug-2010

Location: 57, LINDEN WAY, LONDON, N14 4NG

Proposal: Subdivision of site and erection of a detached 4-bed single family dwelling with off street parking at front (revised scheme).

Application No.: TP/09/1083

Ward:Cockfosters

(Delegated - 15-Sep-2009 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 17-Jul-2010

Location: TRENT BOYS SCHOOL HOUSE, 120, COCKFOSTERS ROAD, BARNET, EN4 0DZ

Proposal: Change of use of existing building to B1 office unit and erection of a 2-storey rear extension to provide 2 units for B1 use.

Application No.: TP/09/1113

Ward:Jubilee

(Delegated - 17-Sep-2009 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 21-Jul-2010

Location: 147, ST MARYS ROAD, LONDON, N9 8NR

Proposal: Change of use of single family dwelling to a residential care home for 5 adults.

Application No.: TP/09/1132

Ward:Upper Edmonton

(Delegated - 22-Sep-2009 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal allowed subject to condition(s)

Decision Date: 04-Aug-2010

Location: BAPTIST CHAPEL, INGLETON ROAD, LONDON, N18 2RS

Proposal: Single storey extension to front, rear and both sides.

Application No.: TP/09/1238

Ward:Winchmore Hill

(Planning Committee - 19-Jan-2010 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal allowed subject to condition(s)

Decision Date: 15-Jul-2010

Location: Land rear of, 483/499, Green Lanes, London, N13.

Proposal: Redevelopment of site by the erection of a part 2, part 3-storey block of 36 residential units (comprising 8 x 1-bed, 15 x 2-bed, 6 x 3-bed, 7 x 4-bed) incorporating 18 affordable units, with accommodation in roof space, roof terraces, balconies and dormer windows, together with provision of associated car parking and access to Green Lanes.

Application No.: TP/09/1321

Ward:Jubilee

(Delegated - 09-Nov-2009 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal Dismissed

Decision Date: 10-Aug-2010

Location: 97, ST JOSEPHS ROAD, LONDON, N9 8NU

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

Application No.: TP/09/1401

Ward:Enfield Lock

(Delegated - 02-Dec-2009 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Appeal allowed subject to condition(s)

Decision Date: 12-Aug-2010

Location: 517B, HERTFORD ROAD, ENFIELD, EN3 5UA

Proposal: Erection of a 2-storey 2-bed dwelling at rear.

Application No.: TP/09/1523

Ward:Palmers Green

(Planning Committee - 19-Jan-2010 - REFUSED)

Appeal Type: Inquiry

Appeal Decision: Appeal Dismissed

Decision Date: 14-Jul-2010

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 39 residential units (4 x 1-bed, 17 x 2-bed, 11 x 3-bed, 4 x 4-bed) in 2 pairs of part 2, part 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.

Application No.: TP/09/1548

Ward:Ponders End

(Delegated - 05-Jan-2010 - REFUSED)

Appeal Type: Written Evidence

Appeal Decision: Invalid appeal

Decision Date: 19-Jul-2010

Location: 13E, QUEENSWAY, ENFIELD, EN3 4SA

Proposal: Change of use of industrial building to a music rehearsal and teaching studio.

Application No.: TP/10/0051

Ward: Bush Hill Park

(Delegated - 29-Mar-2010 - REFUSED)

Appeal Type: FASTTRACK

Appeal Decision: Appeal Dismissed

Decision Date: 05-Aug-2010

Location: 100, FIRS LANE, LONDON, N21 2PG

Proposal: Single storey rear extension.

Application No.: TP/10/0124

Ward: Ponders End

(Delegated - 16-Apr-2010 - REFUSED)

Appeal Type: FASTTRACK

Appeal Decision: Appeal allowed subject to condition(s)

Decision Date: 10-Aug-2010

Location: 97, HIGH STREET, ENFIELD, EN3 4EE

Proposal: Vehicular Access.

Application No.: TP/10/0157

Ward: Grange

(Delegated - 12-Apr-2010 - REFUSED)

Appeal Type: FASTTRACK

Appeal Decision: Appeal Dismissed

Decision Date: 16-Aug-2010

Location: 105, GREEN DRAGON LANE, LONDON, N21 2NL

Proposal: Part 2-storey side extension and front porch.

Application No.: TP/10/0168

Ward: Bush Hill Park

(Delegated - 21-Apr-2010 - REFUSED)

Appeal Type: FASTTRACK

Appeal Decision: Appeal Dismissed

Decision Date: 03-Aug-2010

Location: 19, WELLINGTON ROAD, ENFIELD, EN1 2PE

Proposal: Installation of replacement windows to first floor front and rear and new patio doors to ground floor rear.

Application No.: TP/10/0224

Ward: Chase

(Delegated - 20-Apr-2010 - REFUSED)

Appeal Type: FASTTRACK

Appeal Decision: Appeal allowed subject to condition(s)

Decision Date: 27-Jul-2010

Location: 106, MORLEY HILL, ENFIELD, EN2 0BG

Proposal: Single storey rear extension.

Application No.: TP/10/0451

Ward: Turkey Street

(Delegated - 27-May-2010 - REFUSED)

Appeal Type: FASTTRACK

Appeal Decision: Appeal allowed subject to condition(s)

Decision Date: 10-Aug-2010

Location: 17A, COLVIN GARDENS, WALTHAM CROSS, EN8 8QZ

Proposal: Conversion of garage into a habitable room and first floor side extension.

Application No.: TPO/09/0060

Ward:Highlands

(Delegated - 11-Dec-2009 - REFUSED)

Appeal Type: Hearing

Appeal Decision: Article 5 Certificate
Cancelled on Appeal

Decision Date: 22-Jul-2010

Location: 72, POSTERN GREEN, ENFIELD, EN2 7DE

Proposal: Work to 1 Oak and 1 Hornbeam covered by LBE Order No 64 1977- Fell.

Application No.: TPO/09/0082

Ward:Highlands

(Delegated - 11-Dec-2009 - REFUSED)

Appeal Type: Hearing

Appeal Decision: Article 5 Certificate
Cancelled on Appeal

Decision Date: 22-Jul-2010

Location: 72, POSTERN GREEN, ENFIELD, EN2 7DE

Proposal: Work to 1 Hornbeam covered by LBE Order NO 64 1977- Fell.

Application No.: TPO/10/0018

Ward:Highlands

(Delegated - 15-Apr-2010 - REFUSED)

Appeal Type: FASTTRACK

Appeal Decision: Appeal Dismissed

Decision Date: 23-Jul-2010

Location: 40, RIDGE CREST, ENFIELD, EN2 8JX

Proposal: Removal of a Cypress tree covered by LBE Order No. 123.

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