

Public Document Pack



PLANNING COMMITTEE

Tuesday, 23rd November, 2010 at 7.30 pm
Venue: Conference Room
The Civic Centre, Silver Street,
Enfield, Middlesex, EN1 3XA

Contact: Jane Creer / Kasey Knight
Committee Administrator
Direct : 020-8379- 4093 / 4073
Tel: 020-8379-1000
Ext: 4093 / 4073
Fax: 020-8379-4172
Textphone: 020 8379 4419
E-mail: jane.creer@enfield.gov.uk
kasey.knight@enfield.gov.uk
Council website: www.enfield.gov.uk

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, Martin Prescott 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 22/11/10.

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 26 OCTOBER 2010** (Pages 3 - 14)

To receive the minutes of the Planning Committee meeting held on Tuesday 26 October 2010.

5. REPORT OF THE ASSISTANT DIRECTOR, PLANNING AND ENVIRONMENTAL PROTECTION (REPORT NO. 122) (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. TP/10/0002 - 15, TURKEY STREET, ENFIELD, EN3 5TT (Pages 17 - 30)

RECOMMENDATION: Refusal
WARD: Turkey Street

7. TP/10/0818 - 36, WALSINGHAM ROAD, ENFIELD, EN2 6EY (Pages 31 - 46)

RECOMMENDATION: Refusal
WARD: Grange

8. TP/10/1019 - GARAGES ADJACENT TO 2, FOX LANE, AND TO REAR OF 2-36, CAVERSHAM AVENUE, LONDON, N13 (Pages 47 - 66)

RECOMMENDATION: Approval subject to conditions and S106 Agreement.
WARD: Winchmore Hill

9. TP/10/1112 - GALA CLUB, BURLEIGH WAY, ENFIELD, EN2 6AE (Pages 67 - 94)

RECOMMENDATION: Approval subject to conditions and a S106 Agreement
WARD: Town

10. TP/10/1215 - 4 (FORMERLY KNOWN AS VISTEON UK), MORSON ROAD, ENFIELD, EN3 4NQ (Pages 95 - 112)

RECOMMENDATION: That officers be afforded delegated powers to grant approval subject to conditions and S106 Agreement

CONDITIONS TO FOLLOW

WARD: Ponders End

11. TP/10/1294 - 47, LAKENHEATH, LONDON, N14 4RR (Pages 113 - 122)

RECOMMENDATION: Approval subject to conditions
WARD: Cockfosters

12. APPEAL INFORMATION (Pages 123 - 124)

Monthly decisions on Town Planning Application Appeals.

13. COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION DOCUMENT ON PLANNING AND SCHOOLS (REPORT NO. 123) (Pages 125 - 142)

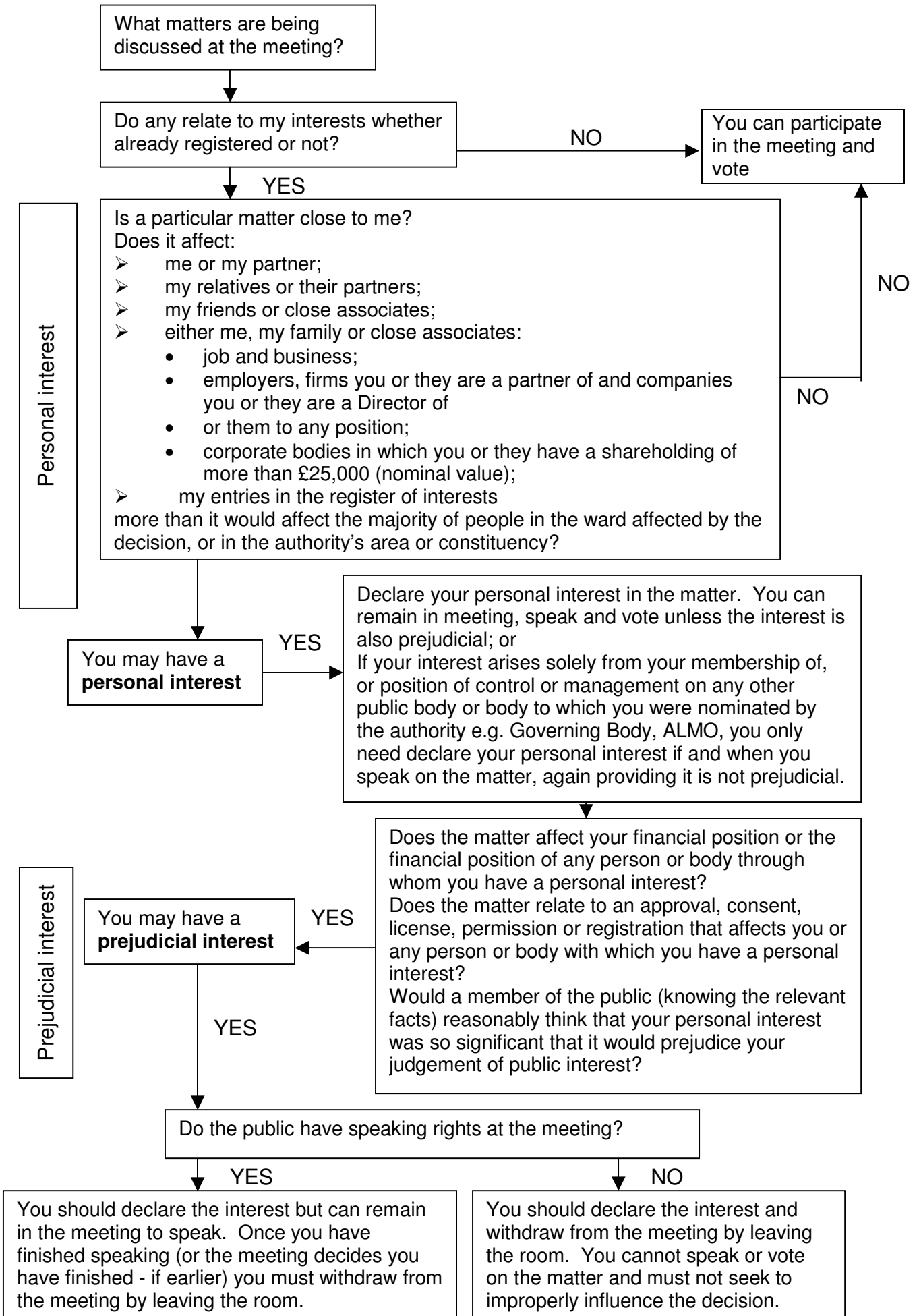
To receive the report of the Assistant Director, Planning and Environmental Protection, seeking Members' agreement to the response to the consultation document to be forwarded to the CLG.

14. 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, 26 OCTOBER 2010****COUNCILLORS**

PRESENT Andreas Constantinides (Chairman), Toby Simon, Kate Anolue, Yusuf Cicek, Dogan Delman, Ahmet Hasan, Ertan Hurer, Nneka Keazor, Dino Lemonides, Terence Neville OBE JP, Eleftherios Savva and George Savva MBE

ABSENT Ali Bakir, Paul McCannah and Anne-Marie Pearce

OFFICERS: Linda Dalton (F&CR), Bob Griffiths (Assistant Director, Planning & Environmental Protection), Andy Higham (Area Planning Manager), Steve Jaggard (Environment & Street Scene), Aled Richards (Head of Development Management), Elaine Huckell (Democratic Services) and Kasey Knight (Secretary).

Also Attending: Approximately 30 members of the public, press, applicants, agents and their representatives.
Dennis Stacey, Chairman of Conservation Advisory Group.

407**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.

408**APOLOGIES FOR ABSENCE**

NOTED that apologies for absence were received from Councillors Bakir, McCannah and Pearce.

409**DECLARATION OF INTERESTS**

NOTED

1. Councillors Hurer and Neville declared a personal interest in application TP/10/0972 - 8, Chaseville Parade, Chaseville Park Road, London, N21 1PG, as they were both Members of the Enfield Southgate Conservative Association located at 1, Chaseville Parade.

2. Councillor Simon declared a personal interest in application, TP/10/0818, 36 Walsingham Road, Enfield, EN2 6EY, as he lived nearby.

410

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MINUTES OF PLANNING COMMITTEE 28 SEPTEMBER 2010

AGREED the minutes of the meeting held on Tuesday 28 September 2010 as a correct record.

411

REPORT OF THE ASSISTANT DIRECTOR, PLANNING AND ENVIRONMENTAL PROTECTION (REPORT NO. 93)

RECEIVED the report of the Assistant Director, Planning and Environmental Protection (Report No. 93).

412

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.

413

TP/10/0818 - 36, WALSINGHAM ROAD, ENFIELD, EN2 6EY

NOTED

1. Receipt of an additional letter of objection from David Burrowes MP.
2. The request of Ward Councillor Glynis Vince that the application be deferred for a Members site visit.
3. The deputation of local residents, Peter Claxton and Noelle Skivington including the following points:
 - i. Local residents felt that the information presented to the Committee was heavily flawed.
 - ii. A drainage and water search showing a main sewer running across the proposed site had been circulated to Members. Thames Water had not been consulted and would not permit building over a sewer for new developments.
 - iii. The accuracy of statements 4.1.4 and 6.8.2 of the Planning Officers' report was questioned.
 - iv. The gross internal area had been quoted incorrectly.
 - v. 97% of the building and amenity space is within the Conservation Area.
 - vi. Objectors felt that a clear and transparent decision could not be made regarding the proposed development on this plot of land due to the inaccuracies in the Planning Officers' report and urged the Committee to refuse the application.
4. The response of Mrs Fitzgerald, the applicant, including the following points:

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- i. The proposed development was amended following consultation with Planning Officers.
- ii. The design and scale does not detract from the character of the Conservation Area but helps preserve its setting.
- iii. The proposed development would contribute to increasing London's supply of housing and assist in meeting with the provision of family housing within the Borough, having regard to PPS3.
- liv. In terms of PPS5 the site is not of any significance to the Conservation Area.
- v. The proposed amenity space, layout and parking provision all meet the required standards and policies.
- vi. In accordance with PPS9, planting will be protected during construction.
- vii. The recent changes to PPS3 seek to promote such developments.
- viii. With regards to consultation, 72 residents are registered on the Electoral Register.

5. In response to points raised, the Head of Development Management's confirmation that Thames Water had advised that they had no objection to the development and that alignment of infrastructure would not be affected by the proposed development.

6. The Planning Officers' acknowledgement that the proposed amenity space stated in paragraph 6.2.2 of the report had been misquoted. The proposed amenity space should have read approximately 174sqm, thus providing a ratio of 117%. On this basis, the level of amenity provision still exceeded the adopted standards.

7. The Planning Officers' advice in relation to the recent changes to PPS3.

8. Dennis Stacey spoke on behalf of the Conservation Advisory Group (CAG) to amplify their comments set out on page 114 of the agenda pack. CAG felt that the dominance of the buildings would impact on the view into the conservation area from Walsingham Road.

9. Councillor Neville moved that consideration of the application be deferred to enable Members to conduct a site visit. Councillor Anolue seconded this motion. A vote was taken; 6 votes in favour of deferring consideration of the application and 4 votes against.

AGREED that a decision be deferred to a future Planning Committee meeting to enable Members to make a site visit.

414

TP/10/0972 - 8, CHASEVILLE PARADE, CHASEVILLE PARK ROAD, LONDON, N21 1PG

NOTED

1. The Introduction of the Planning Decisions Manager with particular advice in relation to the planning history.

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2. Consideration had been given to health and wellbeing due to the close proximity to Eversley Primary School. Officers' felt that this was not a material consideration of the application as hot food takeaway would not be available and the children attending the school would be under adult supervision.

3. In response to Councillor Hurer's query as to whether 9 Chaseville Parade had submitted an application for change of use, the Planning Decisions Manager advised that he was not aware of any further applications and added that each application must be considered on individual merits.

4. Discussion of Members' on merits of the application, weight given to past planning approvals of neighbouring properties on the parade and the impact of the proposed change of use on the street scene.

5. The proposal of Councillor Constantinides, seconded by Councillor Hurer that a decision be deferred to a future Planning Committee to enable Officers' to provide Members with further information on the current retail occupation and an analysis of extant planning permissions.

6. With regard to the ancillary retail use, Members requested further information as to the nature and robustness of the retail element.

AGREED that a decision be deferred to a future Planning Committee.

415

TP/10/0028 - 95, BRAMLEY ROAD, LONDON, N14 4EY

NOTED

1. Receipt of an additional objection letter from a resident of Woodvale Court, highlighting particular concern to the proximity to the rear boundary.

2. An amendment to the recommendation to read: That subject to the completion of the S106 agreement, the Head of Development Management be authorised to grant planning permission subject to the following conditions.

3. In response to Members' queries, the Head of Development Management's advice to clarify the calculation of the financial contributions in respect of education.

4. The request of Members' that the concerns raised by EDF Energy highlighted in paragraph 4.1.3 of the report be attached to planning permission as a directive.

5. Discussion of Members' concerns with regards to the proposed parking provision.

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6. The request of Members' for the inclusion of an additional condition to be imposed to ensure the parking provided was allocated appropriately to minimise on street parking.

7. Members' requested that all future applications incorporate a parking management plan where appropriate.

8. The unanimous support of the Committee to approve the application.

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

Additional Condition

That prior to the occupation of the development hereby approved, details of a parking management plan be submitted to and approved by the local planning authority. The plan to include details of the allocation and management of the parking areas which following approval, is to be adhered to thereafter unless otherwise agreed.

Reason

In the interest of ensuring the parking provided is allocated appropriately to minimise on street parking giving rise to conditions prejudicial to the free flow and safety of traffic using the adjoining highway.

416

TP/07/0285 - 185A, TOWN ROAD, LONDON, N9 0HL

NOTED

1. Receipt of an additional letter from the Environment Agency maintaining their objection on the grounds of safe access and loss of flood plain storage. The recommendation that the applicant revisit their proposals and provide an updated Flood Risk Assessment. In addition, the Agency commented that if a robust and detailed Flood Evaluation Plan was prepared, it might be possible to overcome the first part of the objection, although not the second.

2. Members' concerns with regards to the proposed residential mix and the level of amenity space, which they felt lead to an overdevelopment of the site and a poor residential environment.

3. Members' comments that a 3 / 4 bedroom proposal was preferable to meeting housing needs of families but, to address the issues over the amenity space provision, a management plan could be included within the conditions attached to the proposal to ensure that the amenity space was a useful place.

AGREED that a decision be deferred to a future Planning Committee meeting.

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Reason: Scheme not acceptable in [present form and whilst residential use is not unacceptable, officers' are instructed to resolve the Environment Agency objection and address the residential mix and poor level of amenity space which leads to an overdevelopment of the site and a poor residential environment.

417

TP/10/1254 - 965, HERTFORD ROAD, WALTHAM CROSS, EN8 7RU

NOTED

1. The introductory statement of the Head of Development Management, including the following points:

- i. The application proposed the redevelopment of a vacant site for B8 purposes.
- ii. The buildings would be occupied by Tesco's to provide a Dot Com home deliveries centre and an express distribution centre.
- iii. There would be no public access, as the proposed site would be a distribution warehouse.

2. Receipt of confirmation from the Greater London Authority that they have no objection in principle subject to:

- Submission of detailed landscape plans which they suggest be secured by condition
- The applicant should provide an estimate of the regulated emissions after cumulative effect of energy efficiency measures, combined heat and power and renewable energy. The tonnes of CO₂ per year reduced compared to a 2010 Building Regs complaint development should be provided, along with the overall percentage reduction in regulated emissions. The applicant is to provide this.
- The Transport obligations set out be agreed and secured by either condition or S106 Agreement.

3. Due to time constraints for implementation of the development and the need to get on site by 15th November if the development is to be constructed and delivered on time, the applicant prefers to commit to these obligations through a Unilateral Undertaking rather than a bi-lateral S106 Agreement. A draft Undertaking was submitted at the end of the day on Thursday 21st October and discussions are ongoing.

4. An Amendment to Condition 9 to read: That the biofuel boiler to be installed shall meet the requirements of the Clean Air Act 1993 and the boiler shall only be operated using sustainable sourced fuel types and comply with recognised fuel quality standards in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

5. An Amendment to Condition 6 to reflect development must comply with Construction Management Plan.

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6. An Amendment to Condition 3 to insert 23rd September 2010 instead of 12th September.

7. Discussion of Members' on merits of the application, in particular the generation of approximately 500 jobs.

8. The request of Members' that due to the close proximity to the M25, the applicant be asked to provide drawings of the proposed visual appearance of the northern elevation to Planning Officers' for approval.

AGREED that the Head of Development Management be granted delegated authority to determine, following the expiry of the consultation period, that planning permission be granted subject to the conditions in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992.

418

LBE/09/0024/VAR1 - BARROWELL GREEN RECYCLING CENTRE, BARROWELL GREEN, LONDON, N21 3AU

NOTED in response to Members' queries, the Planning Decisions Manager clarified that permission had been granted previously for a temporary period of 12 months in which time no complaints had been received.

AGREED that the Head of Development Management be granted delegated authority to determine, following the expiry of the consultation period, that planning permission be granted subject to conditions in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992.

419

LBE/10/0030 - 10, DANFORD HOUSE, 2, LADDERSWOOD WAY, LONDON, N11 1RY

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

420

CAC/09/0010/REN1 - FORMER RIFLES PUBLIC HOUSE, 600, ORDNANCE ROAD, ENFIELD, EN3 6JQ

NOTED

1. Receipt of an additional letter from the Environment Agency maintaining their objection on the grounds of flood risk.

2. Alteration to the recommendation to read: That subject to the Council issuing a decision in respect of the application for planning permission (Ref TP/06/2169/REN1), the Head of Development Management be authorised to grant Conservation Area Consent subject to the following conditions:

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3. Concern from Councillor Bond regarding position/obstruction linked to hoardings

4. An additional Condition: That demolition shall not commence until such time as details of hoardings to secure the site during the demolition and construction works have been submitted to and approved in writing by the Local Planning Authority. The site shall be secured in accordance with the approved details throughout the redevelopment of the site in accordance with planning permission reference TP/10/2169/REN1, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure the buildings to be retained are appropriately protected throughout the redevelopment process.

AGREED as above.

421

TP/06/2169/REN1 - THE RIFLES PUBLIC HOUSE, 600, ORDNANCE ROAD, AND LAND ADJOINING 4, GOVERNMENT ROW, ENFIELD, EN3 6JQ

Receipt of an additional letter from the Environment Agency maintaining their objection on the grounds of flood risk.

Condition 5 of report deleted to reflect duplication – Conditions renumbered subsequently.

AGREED that subject to the objection from the Environment Agency being satisfactorily resolved and subject to the completion of a deed of variation to the existing S106 Agreement to reflect the revised education contribution and to link it to the new planning permission, planning permission be granted subject to the conditions set out in the report, for the reasons set out in the report.

422

TP/10/0701 - DEPOT, COOKS HOLE ROAD, ENFIELD, EN2 0UD

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

423

TP/10/0910 - ST GEORGES RC PRIMARY SCHOOL, GORDON ROAD, ENFIELD, EN2 0QA

NOTED

An amendment to the recommendation to read: that following the expiry of the consultation period and no objections being received which raise new material consideration, the Head of Development Management be authorised to issue planning permission subject to the following conditions

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AGREED that following the expiry of the consultation period and no objections being received which raise new material consideration, the Head of Development Management be authorised to issue planning permission subject to the conditions set out in the report for the reasons set out in the report.

424

TP/10/1010 - OASIS ACADEMY ENFIELD, 9, KINETIC CRESCENT, ENFIELD, EN3 7HX

NOTED Lea Valley Regional Park Authority raised no objection.

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

425

TP/10/1151 - FARMLAND, FORTY HALL FARM, FORTY HILL, ENFIELD, EN2 9HA

NOTED

1. Dennis Stacey spoke on behalf of the Conservation Advisory Group (CAG) to amplify their comments set out on page 153 of the agenda pack.

2. Amendment to Conditions

Condition 2

Notwithstanding the submitted information, the development shall not commence until details of the external finishing materials to be used including the use of cast aluminium for rainwater goods and a coloured profile sheet for the roof, have been submitted to and approved in writing by the Local Planning Authority. The information shall detail an alternative to the proposed Upvc guttering and the proposed colour scheme for the roof and wall cladding. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance having regard to the siting of the barn in a Conservation Area, in close proximity to listed buildings and within the Green Belt.

Condition 3

The development shall not commence until details of a robust and comprehensive scheme of trees and shrubs to be planted in close proximity to the replacement barn to screen the development 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

PLANNING COMMITTEE - 26.10.2010

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 to further minimise any potential impact of the development on the surrounding Green Belt.

3. Inclusion of an Additional Condition:

The existing fire damaged barn shall be removed in its entirety within 2 months of the use of the barn hereby approved commencing. Prior confirmation in writing of the date when the use commences shall be provided to the local authority.

Reason: To provide a satisfactory appearance and to further minimise any potential impact of the development on the surrounding Green Belt.

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

426

TP/10/1259 - ST MICHAELS C OF E PRIMARY SCHOOL, BRIGADIER HILL, ENFIELD, EN2 0NB

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

427

TP/10/1260 - ST MICHAELS C OF E PRIMARY SCHOOL, BRIGADIER HILL, ENFIELD, EN2 0NB

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

428

TP/10/1291 - ENFIELD TOWN LIBRARY, 66, CHURCH STREET, ENFIELD, EN2 6AX

NOTED

1. Receipt of an additional letter of objection from a resident of Cecil Road.

2. Inclusion Additional Condition: That development shall not commence until details of a bund to be installed beneath the proposed fuel tank have been submitted to and approved in writing by the Local Planning Authority. The bund shall be installed in accordance with the approved details prior to the

PLANNING COMMITTEE - 26.10.2010

fuel tank being installed and shall thereafter be maintained until such time as the fuel tank is removed from the site.

Reason: To safeguard the existing trees.

AGREED that planning permission be granted subject to the conditions set out in the report for the reasons set out in the report and the additional condition above.

429

INTRODUCTION OF A SECTION 106 MANAGEMENT FEE (REPORT NO. 94)

NOTED the report of the Director of Place Shaping and Enterprise (Report No. 94).

430

APPEAL INFORMATION

NOTED

1. The information on town planning appeals received from 09/09/2010 to 11/10/2010.
2. The suggestion of Councillor Simon that appeal information be circulated to Members on a weekly basis to avoid the mass print production. Confirmation that appeals information was available on the Council's website for public viewing.
3. Discussion of Members on whether to include this item in future sets.

AGREED that planning appeals information would be circulated to Members on a weekly basis and a brief update to be provided at Committee to highlight any key decisions and to monitor success.

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MUNICIPAL YEAR 2010/2011 - REPORT NO 122

COMMITTEE:
PLANNING COMMITTEE
23.11.2010

AGENDA - PART 1	ITEM 5
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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, 176 applications were determined between 13/10/2010 and 9/11/2010, of which 138 were granted and 38 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 12/10/2010 and 10/11/2010 and also contains information on decisions taken during this period.

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 23rd November 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/10/0002

Category: Dwellings

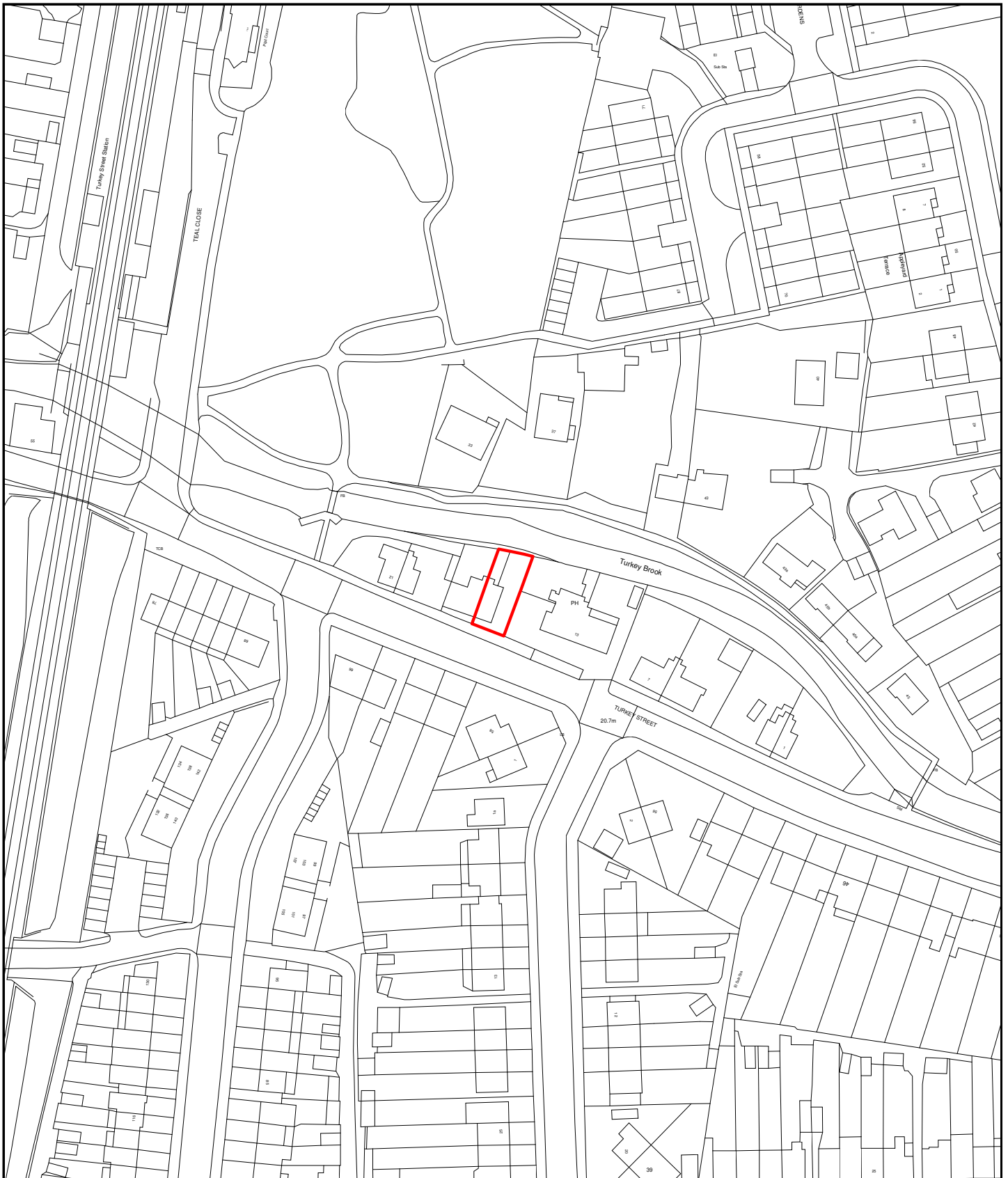
LOCATION: 15, TURKEY STREET, ENFIELD, EN3 5TT

PROPOSAL: Subdivision of site and erection of an end of terrace 2-storey, 2-bed dwellinghouse.

Applicant Name & Address:
Chris Frangoudes
C/O Agent

Agent Name & Address:
Domenico Padalino,
DPA (London) Ltd
3c, Brocket Road
Hoddesdon
Herts
EN11 8NZ

RECOMMENDATION:
That planning permission be **REFUSED**.



Development Control



Scale - 1:1250
Time of plot: 11:45

Date of plot: 05/11/2010

1. Site and Surroundings

- 1.1 The application site comprises of a 2-storey semi-detached dwelling located on the northern side of Turkey Street, between the road and Turkey Brook which forms the rear boundary of the site.
- 1.2 The site sits within the Turkey Street Conservation Area and is covered by an Article 4(2) Direction. The dwelling is not listed.
- 1.3 To the east is the sole non-residential building in this small Conservation Area, The Turkey Public House.
- 1.4 The adjoining semi, No.17 has an unfortunate single storey side extension that was used for some time as a shop. Planning permission was granted for a first floor addition and the conversion of the unit into a 1-bed dwelling in 2008 (TP/08/1332).

2. Proposal

- 2.1 Permission is sought for the subdivision of site and the erection of an end of terrace 2-storey, 2-bed dwelling house.
- 2.2 The proposed ground floor element will contain the living room, kitchen, store room and bathroom. This element will be approximately 4m wide at the front, 2.3m wide at the rear of the bathroom extension, and 12.3m deep along the boundary with the public house. It will also be recessed 0.3m behind the front building line of the existing dwelling.
- 2.3 Fenestration for the ground floor will comprise of the entrance door (with canopy over) and one window on the south (front) elevation, one window on the north elevation serving the window, and an external door and window on the western elevation of the bathroom extension.
- 2.4 The first floor will contain the two bedrooms. Fenestration will consist of one window each for the front and rear elevations.

3. Relevant Planning Decisions

- 3.1 There is no history relating to this site. However, the following applications at No.17A are considered relevant:
 - TP/08/1332 - Conversion of vacant retail premises into a 1-bed single dwelling involving construction of first floor. – granted with conditions in October 2008
 - TP/09/0087 - Installation of new front entrance door with canopy, removal of UPVC ground/first floor front windows and replace with timber sash windows to front elevation (PART RETROSPECTIVE). – granted with conditions in July 2009
 - TP/09/1387 - Single storey rear extension. – granted with conditions in May 2010.

4. Consultations

4.1 Statutory and non-statutory consultees

4.1.1 Traffic and Transportation raise no objections although advise that the dropped kerb will need to be reinstated to enable on street parking outside the property.

4.1.2 The Environment Agency advises that they do not object providing that conditions were imposed to:

- Secure finished floor levels; and
- To secure a scheme for the provision and management of a vegetated buffer zone alongside the Turkey Brook.

4.2 Conservation Advisory Group (CAG)

4.2.1 The Group objects for the following reasons:

- Loss of spaciousness and openness around the building which is characteristic of the area.
- Would appear as an overly large house against the diminutive scale of the existing cottages (identified in CA Character Appraisal).
- Poor and inappropriate detail (fenestration and Georgian style porch).

4.3 Public

4.3.1 Consultation letters have been sent to 6 neighbouring properties. In addition, notice has been displayed at the site and published in the local press. No comments have been received.

5. Relevant Policy

5.1 Local Development Framework: Core Strategy:

At the meeting of the full Council on 10th November 2010, the Core Strategy of the Local Development Framework was approved. The document and the policies contained therein, are now material considerations to be taken into account when considering the acceptability of development proposals. The following are of relevance:

- CP2 Housing supply and locations for new homes
- CP4 Housing Quality
- CP5 Housing Types
- CP20 Sustainable Energy Use and Energy Infra structure
- CP21 Delivering Sustainable water supply drainage and sewerage
- CP30 Maintaining and Improving the Quality of the Built and Open Environment
- CP31 Historic Environment

5.2 Saved UDP Policies

After the adoption of the Core Strategy, a number of UDP policies are retained as material considerations pending the emergence of new and updates policies and development standards within the Development Management Document. The following are of relevance

(II)GD3	Design & Character
(II)GD6	Traffic generation
(II)GD8	Site access and servicing
(II)H8	Privacy
(II)H9	Amenity space
(II)H11	Loss of garage courts
(II)H15	Dormers
(II)C30	New buildings adjacent to Conservation Areas complement Character of Area
(II)EN11	Maintenance and enhancement of wildlife corridors
(II)EN12	Encourage conservation of wildlife habitats
(II)C18	To retain the curtilage of buildings of historic interest
(II)C27	Buildings or groups of buildings within conservation areas are retained and setting protected
(II)C28	Developments in Conservations Areas
(II)C30	Development within or adjacent to a Conservation Area
(II)C35	Tree Preservation Orders
(II)C38	Resist developments that entail loss of trees of public amenity
(II)C36	Replacement Planting
(II)T13	Creation or improvement of access
(II)T14	Contribution from developers for highway works
(II)T16	Adequate Access for pedestrians and disabled persons
(II) T19	Provision for Cyclists

5.3 London Plan

Policy 2A.1	Sustainability Criteria
Policy 3A.1	Increasing London's housing supply
Policy 3A.2	Boroughs housing target
Policy 3A.3	Maximising the potential of sites
Policy 3A.5	Housing choice
Policy 3A.6	Quality of new housing provision
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
Policy 4B.11	London's built heritage
Policy 4B.12	Heritage conservation

5.4 Other Relevant Considerations

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning and the Historic Environment
PPS9	Biodiversity
PPG13	Transport
PPG 24	Noise

Enfield Strategic Housing Market Assessment (2010)
Turkey Street Conservation Area Character Appraisal (2009)

6. Analysis

6.1 Principle

6.1.1 The Turkey Street Conservation Area Character Appraisal (the Character Appraisal) identifies two sets of buildings contributing to the character of the Conservation Area, Nos. 1-7 and 15-21 (odd).

6.1.2 The provision of additional housing is acceptable in principle as it would accord with local, regional and national guidance. The principle must be weighed however, against policies and guidance which seek to protect the character of the surrounding conservation area and residential amenity.

6.1.3 It should also be noted that recent change to guidance within PPS3: Housing excludes residential gardens from the definition of 'brownfield' sites. This does not however, preclude such land from future development as each proposal must still be weighed against all of the relevant planning considerations.

6.2 Impact on Character of Surrounding Area / Conservation Area

6.2.1 PPS1 advises that Local Planning Authorities should not attempt to impose architectural styles or particular tastes, and that design policies should concentrate on guiding factors such as the layout of the new development in relation to neighbouring buildings.

6.2.2 PPS3 advises that when assessing design quality, the development should be laid out so that: the space is used efficiently, is safe, accessible and user friendly; it provides for access to private outdoor space; and it integrates and compliments neighbouring buildings and the local area more generally in terms of scale, density, layout and access (para.16). At paragraph 49, the advice is that successful intensification needs not mean low quality accommodation with inappropriate space.

6.2.3 PPS5 advises at Policy HE9.5 that not all elements of a Conservation Area will necessarily contribute to its significance. When considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the Conservation Area, including, where appropriate, through development of that element. This should be seen as part of the process of place-shaping.

6.2.4 It is also advised within PPS5 that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. It also advises that when considering applications for development that affect the setting of a heritage asset, local planning

authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application.

- 6.2.5 The Character Appraisal states that the “Overlarge and/or inappropriate extensions have also been permitted. In an area whose special interest depends largely upon the modest, original character of unlisted buildings, such accretive ‘permitted’ alterations are particularly erosive”.
- 6.2.6 The Design & Access Statement submitted in support of the planning application states that the site is “currently under developed...[and that] government targets are currently not being met, which allows these sites to be developed for the purposes of providing good residential units for smaller families”.
- 6.2.7 There is no presumption in favour of development of such land because as stated above, PPS3 excludes garden land (albeit the application site is paved over) from the definition of ‘brownfield sites’. The utilisation of the land to the side and rear of an existing dwelling to provide an additional dwelling would only be considered acceptable if there was sufficient space around the proposed and existing dwellings to provide a setting within the street and to provide for sufficient amenity space. In relation to historic buildings, the land surrounding it contributes to the character and setting of the building and the development of such land would therefore potentially diminish the special interest of the building. It is considered that the proposed subdivision of the site will result in the fragmentation of its historic curtilage to the detriment of the original dwelling and its setting.
- 6.2.8 The dwelling, whilst of a similar sized frontage to that of No.15, would be built up to the common boundary with the public house, thereby occupying all of the space to the side. This would again be similar to the development at 17A but as discussed above, the starting point for that development differs. One of the characteristics of the current dwelling is the open spacious gap to the common boundary with the public house albeit behind a high boundary wall. In addition, in this instance, the historic curtilage will be subdivided and with the side garden/ space to the side forming an integral part of the dwelling of recognised historic value, its character and setting are further compromised
- 6.2.9 With regards to amenity space provision, dwelling houses should make provision for an area equivalent to 100% of the gross internal area (GIA) of the dwelling or 60sqm, whichever is the greater. In addition, amenity space helps to provide a visual setting for the dwelling in the general street scene. The proposed GIA is electronically measured at 52.82sqm (submitted documentation states 51.7sqm) and the proposed amenity space is electronically measured to be approximately 26.1sqm (submitted documentation states 34.1sqm), thus providing a ratio of 50%. Should the submitted figures be used, this would equate to a ration of 66%. Both sets of figures demonstrate that the proposed level of amenity space provision falls considerably below adopted standards and would therefore not be acceptable.
- 6.2.10 The resulting amenity space provision for the existing dwelling must also be assessed, as it would be unacceptable to compromise provision or quality for

the existing occupiers. Approximately 26sqm of amenity space will be retained for the existing dwelling, which has a GIA (electronically measured) of 58.26sqm (submitted documentation states 57.2sqm). The proposed level of amenity space for the existing dwelling would not meet with adopted minimum standards.

- 6.2.11 Notwithstanding the above, a potential justification for the scheme is that the proposed dwelling will mirror that at No.17A. Whilst this is correct, the starting point for that development differs in that the site was previously occupied, albeit by a particularly unattractive single storey side extension that had been used as a retail unit. Whilst it may have been preferable for that shop extension to have been removed completely, the footprint was already in situ and the addition of the first floor extension improved the appearance of that building.
- 6.2.12 In addition, whilst it would have been more preferable for the ridge height to have been subservient to the existing dwelling thereby emphasising the dominance and importance of that original building, it would be difficult to resist the ridge height as proposed because it would be similar to the height of the development at 17A.
- 6.2.13 The detailing of the windows on the front elevation of the three existing dwellings is a mismatch, a result of permitted development that could be carried out until the recent Article 4(2) Direction. Although the proposed windows do not match those on the existing dwelling at No.15, they do match the style of windows at No.17A. It could again be argued that the proposed windows would re-balance the small group of houses. In addition, the porch is a feature of the existing three dwellings and it is considered that it would be difficult to resist this element.
- 6.2.14 Nevertheless, on balance, it is considered that these mitigating factors do not outweigh the fundamental harm to the character and appearance of the Conservation Area through the loss of this space to the side of the property. It is considered therefore that the proposal would not meet the test of making a positive contribution to the character and local distinctiveness of the historic environment that

6.3 Impact on Neighbouring Properties

- 6.3.1 In terms of facing windows, the nearest facing dwelling is on the southern side of Turkey Street, approximately 20m distant. This is considered sufficient and not dissimilar to the relationship between existing dwellings, thereby proving difficult to resist on this ground.
- 6.3.2 In terms of any impact on the occupiers of the existing dwelling, the first floor of the proposed dwelling is in common alignment with the rear wall of No.15 and would therefore not lead to any loss of light and outlook.
- 6.3.3 The ground floor of the proposed dwelling has a 3.8m deep projection (containing a store room and a bathroom) on the boundary with the public house, and a 1.65m separation to the boundary that will be formed with the existing dwelling. Two windows serving a kitchen will be affected should the development proceed. The primary (larger) window is sited on the north elevation and a secondary window on the flank will be lost completely. At present, due to the orientation of the dwelling, the majority of natural light

reaching the kitchen will be through the window on the flank elevation throughout some of the morning and early afternoon. The loss of this window will result in the need for internal lighting to be constantly in use.

- 6.3.4 The depth of the store room / bathroom projection will compromise a 45-degree line taken from the midpoint of the retained kitchen window on the existing dwelling by approximately 1.1m. This is considered to lead to a detrimental loss of outlook.
- 6.3.5 In addition, a boundary fence would be formed along the common boundary which could potentially be up to 2m in height and within 0.4m of the retained kitchen window. The potential boundary fence height would result in less than 0.3m of the window above fence level thereby further impacting on natural light reaching the kitchen as well as leading to a greater sense of enclosure.
- 6.3.6 Any potential for overlooking and loss of privacy into the rear garden of No.15 would be no worse than the existing situation between Nos.15 & 17. In this respect, no objections are raised.

6.4 Access

- 6.4.1 The existing dropped kerb would need to be reinstated, should planning permission be granted. An appropriately worded condition would secure this prior to occupation of the dwelling should permission be granted.

6.5 Parking

- 6.5.1 The UDP confirms that development which results in the loss of an existing or potential parking space would only be acceptable where replacement parking is provided at an acceptable location within the residential curtilage. In addition, the London Plan advises that parking standards should be relaxed in areas with good public transport access.
- 6.5.2 The site is located in a site with a PTAL rating of 2, it is within 100m of Turkey Street Station and on-street parking levels along this stretch of Turkey Street is light. It is therefore considered appropriate that parking standards could be relaxed in this instance without a detrimental impact upon on-street parking and the free flow and safety traffic on the adjoining highway.
- 6.5.3 Whilst not indicated, secure cycle parking provision should be sought by way of an appropriately worded condition.

6.6 Housing Mix and Affordable Housing

- 6.6.1 The proposed development would provide an additional 2-bed family dwelling unit. Whilst there is a more pressing shortage of larger (3+ beds) family accommodation, there is a recognised shortage of 2-bed units in the Borough, therefore the proposed development would be acceptable in this respect.

6.7 Flood Risk

- 6.7.1 The site is bordered by Turkey Brook to the north and is identified by the Environment Agency (EA) as falling within Flood Zone 3. As such, a Flood Risk Assessment (FRA) is required in accordance with the guidance set out within PPS25.

- 6.7.2 An FRA has been submitted and is considered acceptable by the EA. In addition, the EA have suggested some conditions to reduce the risk of flooding to the proposed development and to provide for a vegetated buffer zone along the top of the Turkey Brook.

7. Conclusion

- 7.1 It would be difficult to dispute the fact that the proposed development would not provide sufficient amenity space provision for the proposed and existing dwellings, nor that it would not harm the residential amenities of the existing and future occupiers. However, the provision of an additional dwelling will contribute to the housing needs of the Borough. All of the above must however be weighed against the impact of the development on the character and setting of the dwelling of acknowledged interest and on the wider Conservation Area.
- 7.2 As highlighted, the proposal could be viewed as re-balancing this small group of dwellings to which it will be attached. However, given the Conservation Area designation, greater weight needs to be attached to the impact on the Conservation Area and this it is considered that the proposal would result in the loss of the essential historic character of the original dwelling and an unwarranted and detrimental fragmentation of the historic curtilage of the original dwelling to the detriment of the original dwelling and the wider Conservation Area.

8. Recommendation

- 8.1 That planning permission be refused for the following reasons:
1. The proposed subdivision of the site would result in a fragmentation of the occupation and use of the historic curtilage of No.15 Turkey Street, a building of recognised historic importance, to the detriment of the setting of that dwelling within the Turkey Street Conservation Area, contrary to Policies (I)C1 and (II)C18 of the Unitary Development Plan, policies 4B.11 and 4B.12 of the London Plan, and with PPS5: Planning for the Historic Environment.
 2. The proposed dwelling by virtue of its overall size, scale, bulk, appearance, design and proximity to boundaries, is an inappropriate and intrusive form of development within the street scene, out of character with the surrounding area, having a detrimental affect on the character and setting of a dwelling and group of dwellings of special interest historic buildings, and the Turkey Street Conservation Area, contrary to policies (I)C1, (II)C27, (II)C28, (II)C30, (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan, policies 4B.11 and 4B.12 of the London Plan, and with PPS5: Planning for the Historic Environment.
 3. The proposed development by virtue of its overall size, scale, bulk, appearance, design and 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 prevailing character and appearance of the surrounding area, contrary to policies (I)GD1, (I)GD2, (II)GD3 and (II)H9 of the Unitary

Development Plan, policies 4B.1 and 4B.8 of the London Plan, with PPS1: Delivering Sustainable Development and PPS3: Housing.

4. The proposed dwelling by virtue of its overall size, scale, bulk and proximity to the common boundary with the existing dwelling will detrimentally impact upon the residential amenities of the existing occupiers through a loss of light and outlook. This is contrary to policies (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan, policies 4B.1 and 4B.8 of the London Plan, with PPS1: Delivering Sustainable Development and PPS3: Housing.

NOTES:
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 DRAWINGS SHALL BE REPRODUCED IN CONSTRUCTION WITH STRUCTURAL ENG'S DRAWINGS.
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 VERIFY DIMENSIONS, LEVELS AND EXISTING STRUCTURE, ETC ON SITE.
 ALL WORKS TO COMPLY WITH CURRENT REGULATIONS, BRITISH STANDARDS ETC.
 THE RESPONSIBILITY OF THE BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBORS.
 ADDITIONAL INFORMATION REQUIRED BY BUILDING CONTROL / NHBC, WHICH COULD HAVE SIGNIFICANT COST OR ADDITIONAL WORKS.
 ALL WORKS COMMENCED ON SITE PRIOR TO OBTAINING FULL BUILDING CONTROL APPROVAL WILL BE CARRIED OUT AT YOUR OWN RISK.

architects
 interior designers
 party wall surveyors
 planning consultants

3c brocket road, heddlesdon, herts, EN11 8NZ.
 telephone 01992 469001 fax 01992 469002
 e domestic_dpa@yahoo.co.uk

client
 MR. C FRANGOULES
 15 TURKEY STREET
 ENFIELD
 MIDDLESEX
 EN3 5TT

title
 PROPOSED NEW DWELLING

date
 DECEMBER 2009

scale
 1:100 @ A2

drawn
 R.E

Proposed Street Elevation

Proposed Rear Elevation

Proposed Flank Elevation

Proposed Ground Floor Plans

Proposed First Floor Plans

Proposed Roof Plan

Issued for

- Approval
- Planning Application Approval
- Building Regulation Approval
- Partners
- Construction

drawing number
 699 001

revision	notes	date	drawn



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LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 23rd November-2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mr A. Richards Tel: 020 8379 3857

Ward: Grange

Application Number : TP/10/0818

Category: Dwellings

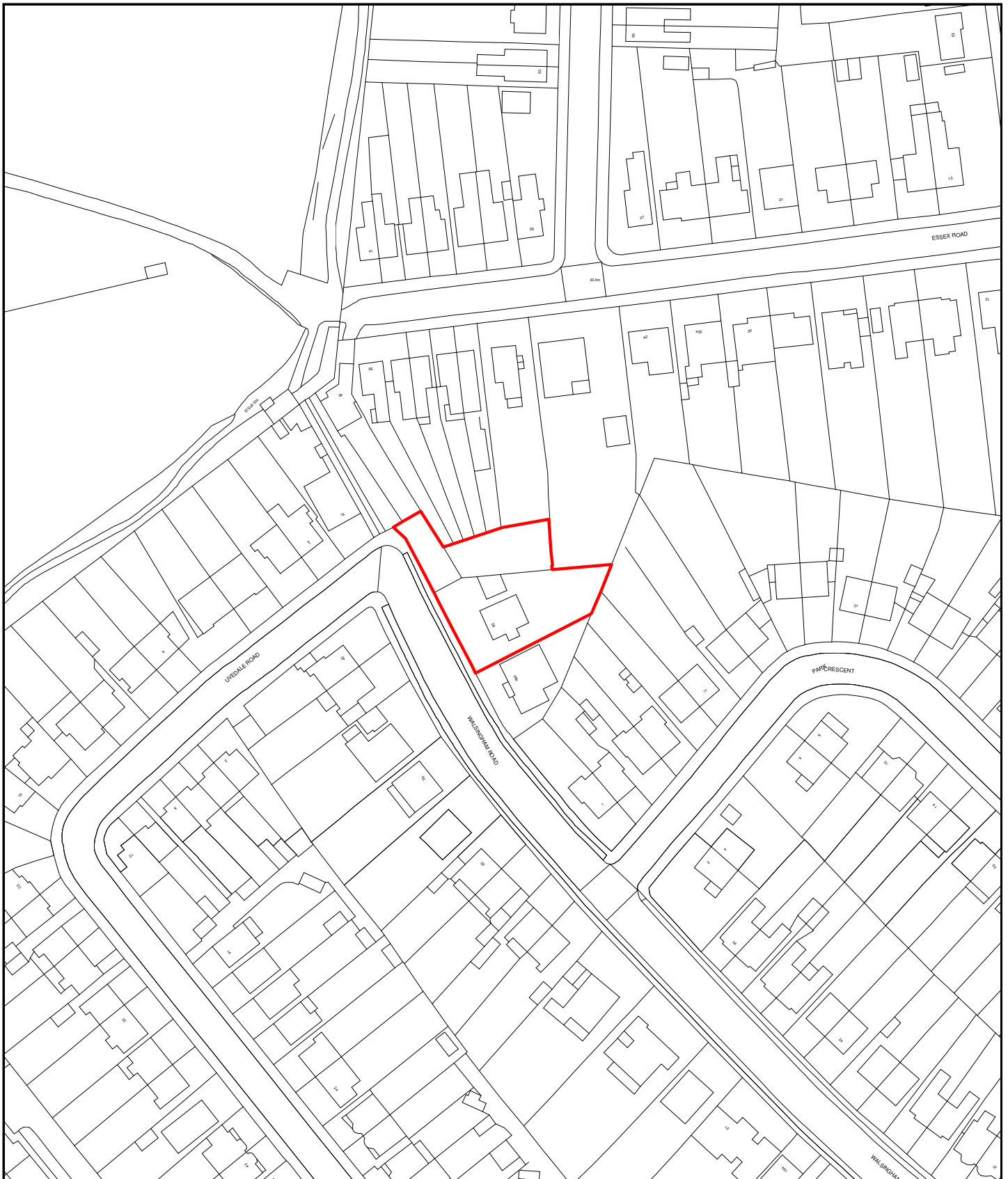
LOCATION: 36, WALSINGHAM ROAD, ENFIELD, EN2 6EY

PROPOSAL: Subdivision of site and erection of a detached 4-bed single family dwelling to side incorporating detached garage at front and vehicular access to Walsingham Road.

Applicant Name & Address:
Mr Kevin Fitzgerald
36, WALSINGHAM ROAD,
ENFIELD,
EN2 6EY

Agent Name & Address:
Mr Ian Wood,
IWPS Planning & Building Control Service
Cumarah
Dunmow Road
Leaden Roding
Essex
CM6 1QB

RECOMMENDATION: That planning permission be **refused**.



Development Control



Scale - 1:1250
Time of plot: 11:47

Date of plot: 05/11/2010

1. Site and Surroundings

- 1.1 The site comprises of a piece of garden land to the side of No.36 Walsingham Road, and is an irregular shaped plot, close to a sharp bend at the junction of Uvedale Road, together with a narrow strip of land extending to the north west, adjacent to a public footpath linking properties on Uvedale Road/Walsingham Road to Town Park.
- 1.2 Walsingham Road is characterised by single family dwellings in a mixture of housing styles. Numbers 36 & 36A, on the northern side of the road are 2-storey detached dwellings on elevated ground. Those dwellings on the southern side of the street are a mixture of detached bungalows and 2-storey semis. Within Uvedale Road, the dwellings are of a more uniform style, being mostly 2-storey 1930s semis.
- 1.3 The properties along the northern boundary of the site fronting Essex Road (Nos.26-40 (even) are within the Enfield Town Conservation Area and all of the aforementioned properties (except for Nos.30 & 40) are within the Article 4(2) Direction area removing permitted development rights for certain types of development.
- 1.4 The currently separated garden, falls within the Conservation Area and Article 4(2) Direction area and historically formed part of the rear garden of 28 Essex Road.

2. Proposal

- 2.1 Permission is sought for the subdivision of site and erection of a detached 4-bed single family dwelling to side incorporating detached garage at front and vehicular access to Walsingham Road.
- 2.2 The proposed dwelling would have a maximum width of 9m, a maximum depth of 10.25m, 4.9m to eaves level, and approximately 8.2m to the ridge of a pitched roof.
- 2.3 The proposed garage will be 5m wide, 5.6m deep, a maximum eaves height of 2.5m, and approximately 4.2m in height to the ridge of the hipped roof.

3. Relevant Planning Decisions

- 3.1 An application for the erection of detached 4-bedroom house with integral garage on land forming part of side garden of house (ref: TP/87/0161) was granted planning permission in July 1987. This dwelling is now known as 36A Walsingham Road.
- 3.2 An application for the erection of detached 3-bedroom house with detached garage and parking space on land forming part of side garden of house (ref: TP/88/0965) was refused planning permission by Planning Committee in September 1988 and a subsequent Appeal in October 1989 was dismissed as it was considered to result in a cramped form of development.
- 3.3 Following the refusal to TP/88/0965 above, planning permission was granted in March 1987 for the erection of a 2-bedroom detached bungalow style dwelling including accommodation within the roof space, with an integral

garage utilising the existing access off Essex Road, involving the demolition of the existing garage (ref: TP/96/0174). This dwelling is known as No.40 Essex Road.

- 3.4 An application for the demolition of garage and erection of a 2-storey side extension with basement garage (ref: TP/05/1527) was refused planning permission because of concerns of the roof design. A revised scheme (ref: TP/05/2172) was subsequently approved in February 2006.

4. Consultations

4.1 Statutory and Non-Statutory Consultees

- 4.1.1 Traffic and Transportation: Walsingham Road is an unclassified road and a relatively quiet residential street with low traffic movements. In traffic impact terms the addition of one extra house does not cause concern with regard to traffic generation. However Enfield Town Park is a major attraction to the west of the site - linked via footpath no.61 on the Definitive Map - and Walsingham Road therefore functions as a key pedestrian route to & from it. The road therefore serves not only as an important link to the park, it also serves as a more direct pedestrian route from the London Road area through the park to destinations west of Enfield Town, avoiding a longer route. As a 'quiet' residential street its footway has a more strategic role though. In this context there is a higher possibility of conflict between pedestrians/children passing the site on the footway, and vehicles leaving out of the site. To minimise this risk it is essential that vehicles reversing out of the site have adequate visibility of users of the footway. To achieve this there should be no obstruction of sight lines and a clear view of the footway is needed from vehicles as they reverse from the site. This dictates that enclosure of the site along Walsingham Road should be left open and any fence or hedge should be at a maximum height of 600mm high, up to 6m back from the new footway crossover. Furthermore with the tight bend close to the site, 'At any time' waiting restrictions must be put in place to keep the area clear of parked vehicles close to where a new access is being proposed.

- 4.1.2 Education raise no objection.

- 4.1.3 English Heritage (GLAAS) advise that the proposal is not considered to have any affect on the any heritage assets of archaeological interest. There is no requirement for an archaeological assessment.

- 4.1.4 Thames Water advise that there are no objections with regards to sewerage and water infrastructure. Moreover, should a connection be made to a public sewer, the prior permission of Thames Water will be required.

- 4.1.5 The Arboricultural officer confirms the following:

Trees T1 &2 are Norway Maples rather than London Plane;

Tree T3, identified as an Ash tree, are in fact two semi-mature trees in close proximity to each other – a Sycamore and an Ash.

The Tree Officer also confirms that given the trees on the site are located within the Conservation Area they are statutory protected and that no specific tree within the site merits additional protection afforded by Tree Preservation Orders.

4.2 Conservation Advisory Group

The Group object for the following reasons:

- Loss of spaciousness and openness around the building which is characteristic of the area.
- Would appear as an overly large house against the diminutive scale of the existing cottages (identified in CA Character Appraisal).
- Poor and inappropriate detail (fenestration and Georgian style porch).

4.3 Public

Consultation letters were sent to the occupiers of 15 adjoining or nearby properties. Twenty one letters of objection have been received raising some or all of the following points:

Impact on amenity

- Overlooking of Nos.26-40 Essex Road.
- Loss of outlook to properties fronting Essex Road.
- Development will destroy trees and landscaping, be detrimental to the amenity of my (No.32 Essex Rd) house.
- Loss of daylight and sunlight to the rear gardens of Essex Road properties.
- Overshadowing of garden.
- Overdevelopment of this site will impact negatively on living standards of surrounding residential properties and future residents of the proposed dwelling.
- Disruption caused by construction.

Impact on surroundings/ conservation area

- Gross overdevelopment.
- Overcrowding of the street.
- Detrimental to the character of the conservation area.
- The 1m distance to the rear boundaries of properties on Essex Road is too tight.
- PPS3 no longer considers private residential gardens to be brownfield land therefore the principle of this development is not in accordance with national policy.
- Architectural merit in relationship to Uvedale road, Essex Road and Walsingham Road.
- Garden grabbing and overdevelopment, especially as this land is designated as Article 4.
- The plot was formerly the garden of No.28 Essex Road.
- The UDP states that land developed within a conservation area must reflect those properties within the conservation area, therefore this development should reflect the style and character of Essex Road and not Walsingham Road.
- There is nothing about the proposed development which has any architectural redeeming features.
- The Council should protect areas which are sensitive to change.

- The Council should take steps to ensure that this land is always retained as purely garden space.
- The environmental impact from such a building is unacceptable.
- Impact on existing trees.

Traffic/ vehicular issues

- Position of garage will be a danger to other road users and pedestrians.
- Proposal is detrimental to Council's responsibility to reinforce and improve the foot network in/adjoining the conservation area.
- Dangerous crossover driveway.
- Vision of both the parked cars by pedestrians and for manoeuvring drivers is obstructed on a site on a busy corner.
- Access to the garage is limited.
- Increased parking problems.

Other issues

- The land remains registered at Land Registry as listed under 28 Essex Road.
- We (28 Essex Road) have offered to buy the land with a view to have used as a community garden/ allotment – an approach now promoted within the Big Society.
- The site is currently the safe home for wildlife.
- There are public sewers nearby.
- If any development should take place on this piece of land, I would wish immediately to enter into a complaints procedure with the Council.
- The trees are incorrectly identified.
- Loss of property value, particularly due to increased views towards Tower Point.

4.3.1 In addition, the Enfield Town Conservation Area Group comment that:

"The Group objects to the size of the dwellings and garage in proximity to the conservation area. Concerns were raised over the height of the site and felt that the dominance of the buildings would impact on the view into the conservation area from Walshingham Road"

5. Relevant Policy

5.1 Unitary Development Plan

- | | |
|---------|---|
| (I)C1 | Preserving and enhancing, areas, sites, buildings and landscape features of archaeological, architectural or historic importance. |
| (II)C27 | Buildings or groups of buildings within conservation areas are retained and setting protected |
| (II)C28 | Developments in Conservations Areas |
| (II)C30 | Development within or adjacent to a Conservation Area |
| (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)H6	Range in size and tenure of housing stock
(II)H8	Privacy
(II)H9	Amenity Space

5.2 LDF – Core Strategy

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

5.2.2 The Enfield Plan – Core Strategy was submitted to the Secretary of State on 16th March 2010 for a Public Examination of the ‘soundness’ of the plan. The Inspector has confirmed that the Core Strategy is sound but it will not be adopted until the full meeting of Council in November 2010. The following policies from this document are of relevance to the consideration of this application:

- SO1: Enabling and focusing change
- SO4: New homes
- SO:6: The provision of high quality, sustainably constructed, new homes
- SO8: Transportation and accessibility
- SO10: Built environment
- SO16: To preserve local distinctiveness
- SO17: To safeguard established communities and the quality of the local environment
- SO18: To protect the Borough’s conservation areas
- CP 1: Sustainable and efficient land use

- CP2: Housing supply and locations for new homes
- CP4: Housing quality
- CP5: Housing types
- CP21: Delivering sustainable water supply, drainage and sewerage infrastructure
- CP23: Built heritage

5.3 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 3A.5 Housing choice
- Policy 3A.6 Quality of new housing provision
- 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
- Policy 4B.11 London’s built heritage
- Policy 4B.12 Heritage conservation

5.4 Other Material Considerations

- PPS1: Delivering Sustainable Development

PPS3:	Housing
PPS5:	Planning for the Historic Environment
PPS9:	Biodiversity and Geological Conservation
PPG13:	Transport

Enfield Strategic Housing Market Assessment (2010)
Enfield Town Conservation Area Character Appraisal (2006)

6. Analysis

6.1 Impact on the Conservation Area

- 6.1.1 The introduction to the Enfield Town Conservation Area Character Appraisal (the Appraisal) states that ‘conservation areas are areas of ‘special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance’ and... designation imposes a duty on the Council, in exercising its planning powers, to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In fulfilling this duty, the Council does not seek to stop all development, but to manage change in a sensitive way, to ensure that those qualities, which warranted designation, are sustained and reinforced rather than eroded.’
- 6.1.2 The element of the application site within the Conservation Area falls within that sub-area identified as ‘Enfield New Town’. Essex Road, at para.3.6.2, is described as more expansive and varied, where houses generally have a wider frontage and larger plots “consistent with their superior position on a street with a magnificent westward view into Town Park, and the wide footway offers seclusion behind hedges at the road edge” In addition, the Appraisal identifies Numbers 28 and 34-38 Essex Road as being houses that make a positive contribution to the area, and numbers 30 & 32 are described as neutral buildings.
- 6.1.3 The designation of the Conservation does not prevent new development provided it is appropriate and does not harm the special character and appearance. The proposal must be shown to preserve or enhance the setting of the conservation area. The site comprises of a large garden, the Enfield Town Conservation Area Character Appraisal reinforces the importance of the large garden within this specific segment of the conservation area and states in paragraph 3.6.6 of the Character Appraisal that “Gardens have considerable importance in this area; front gardens are not deep, even in the largest properties, so the views through gaps to back gardens, or across and into the long corner plots, are extremely important”. The two principal views of the site is from the south along Walshingham Road and from the west along Uvedale Road eastwards towards the Conservation Area. The site from both vantage points is characterised as an attractive garden with semi mature trees with the rear of the dwellings along Essex road visible beyond. The proposed dwelling would simply result in the loss of this attractive garden land which is an important element to be preserved within the conservation area creating the setting of the conservation area when viewed from the south and west.
- 6.1.4 The loss of the garden land so important to the character of the conservation area is not compensated by the proposed dwelling. The proposed dwelling takes its design cue from the adjoining dwelling to the south at 36

Walshingham Road, which is of little architectural merit, a fact reinforced that the decision was taken not to include the dwelling within the conservation area. The applicant's argument that the dwelling reflects the design of the adjoining dwellings along Walshingham Road is a poor one since any proposed dwelling should take as a guide those dwellings within the Conservation Area not those directly outside. The proposed dwelling only succeeds in harming the character of the conservation area and certainly does not preserve its intrinsic character.

- 6.1.5 The proposal also involves the levelling of a small bank at the frontage of the site and the creation of a level car parking area and a detached garage. Whilst this front area is not located within the conservation area it directly adjoins it any development here would need to be sensitive. Whilst on the submitted plans a low hedge is proposed across the majority of the street frontage, in reality in order to comply with visibility splay conditions, 6 metres of the hedge will need to be removed. This will result in an obtrusive open 10 metre wide strip at the frontage of the site. This along with the visual intrusion of cars parked on the parking area would detract from the current attractive garden site and will not preserve the setting of the conservation area beyond.
- 6.1.6 It should be noted that recent changes to guidance within PPS3 excludes residential gardens from 'brownfield' sites, however whilst this effectively ensures that there is no presumption in favour of such development on garden land, the changes to PPS3 do not go far enough as to state that there is a presumption against development of garden land. Consequently and application for development on garden land needs to be assessed on its own merit on its impact on the character of the area or as in this case the impact on the setting of the conservation area.

6.2 Impact on Character of Surrounding Area

Density

- 6.2.1 The assessment of density must acknowledge PPS3 and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities, although they must also be appropriate for the area. The site falls within an area with a Public Transport Accessibility Level (PTAL) rating of 2, therefore the London Plan suggests that a density of 150-250 habitable rooms per hectare (hrph) may be appropriate for this location. Eight habitable rooms are proposed on a site approximately 0.041319sqm, providing a density of approximately 194hrph. This would suggest that in terms of density, the proposed development would be acceptable.

Site Coverage / Scale

- 6.2.2 With regards to amenity space provision, dwelling houses should make provision for an area equivalent to 100% of the gross internal area (GIA) of the dwelling or 60sqm, whichever is the greater. The proposed GIA is 148.53sqm and the proposed amenity space is calculated to be approximately 174 sqm, thus providing a ratio of 117%. On this basis, the level of amenity provision exceeds adopted standards and would therefore be acceptable. Local residents have questioned these calculations and argue that as the side garden is not useable private amenity space then this should be excluded from the calculation. The department is satisfied however that the correct calculation methodology has been used. Notwithstanding this if

the side garden was to be excluded from the calculation the amenity space provided would still be roughly 100% of the gross internal area of the dwelling which is the guideline.

- 6.2.3 The resulting amenity space provision for the existing dwelling must also be assessed, as it would be unacceptable to compromise provision or quality for the existing occupiers. The proposed level of amenity space for the existing dwelling would also exceed the adopted minimum standard.

Design

- 6.2.5 PPS1 advises that Local Planning Authorities should not attempt to impose architectural styles or particular tastes, and that design policies should concentrate on guiding factors such as the layout of the new development in relation to neighbouring buildings.
- 6.2.6 PPS3 advises that when assessing design quality, the development should be laid out so that: the space is used efficiently, is safe, accessible and user friendly; it provides for access to private outdoor space; and it integrates and compliments neighbouring buildings and the local area more generally in terms of scale, density, layout and access (para.16). At paragraph 49, the advice is that successful intensification needs not mean low quality accommodation with inappropriate space.
- 6.2.7 PPS5 advises at Policy HE9.5 that not all elements of a Conservation Area will necessarily contribute to its significance. When considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.
- 6.2.8 It is also advised within PPS5 that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment and should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application.
- 6.2.9 The majority of the plot (that element which contains the dwelling and associated rear garden and not the garage) is within the Conservation Area. The applicant considered it more appropriate that the style and design of the proposed dwelling reflects those of which it will be more closely associated: namely those dwellings within Walsingham Road, and in particular Nos.36 & 36A. The department feels this is the incorrect approach as the dwellings along Walsingham Road are not of sufficiently high architectural standards, their exclusion from the Conservation Area is evidence of this. Any dwelling on the site should relate to those within the conservation area and the proposal fails to do this. The design while has a relation to those to the south along Walsingham road has a very poor relationship to those dwellings characteristic within the conservation area in where the site sits and does not make a positive contribution to the character and local distinctiveness of the conservation area

- 6.2.10 In terms of the detailing of the dwelling, such as the proposed fenestration, the applicant has agreed that the window frames will be wooden rather than the previously proposed.

Height / Massing / Proximity to Boundaries

- 6.2.11 The flank wall (north elevation) of the proposed dwelling will be sited between 2m (at the front) and 1m (towards the rear) from the rear boundaries of the dwellings fronting Essex Road. There is a further 30m minimum to the outrigger elements of those Essex Road properties. The flank wall facing No.36 will be 1m from the common boundary at its nearest point, with a further 5m to the flank wall of that dwelling. The proposed distancing to boundaries whilst in normal street settings is considered acceptable the site's location within the conservation area raises these standards. The proposed two storey dwelling appears cramped and offers little compensation to the loss of the attractive garden area which is an important element worthy of conserving within the Conservation Area. Whilst the scale and massing of the dwelling will not detract from the character and appearance of Walshingham road itself it, which is outside the conservation area the department feels that replacing an attractive garden important to the setting of the conservation area with a two storey dwelling of modern design cannot be argued would preserve the character and setting of the Conservation Area.

- 6.2.15 Whilst the proposed garage, at 4.2m in height, would be visible above the 1.8m rear boundary fences of those properties fronting Essex Road, due to differences in ground level, it will only project approximately 1.3m above the boundary fence and would be marginally higher than an existing garden shed in the rear garden of No.40 Essex Road. At a distance of approximately 25m from that dwelling, the garage would appear as an outbuilding and would not be unduly intrusive. In addition, the some vegetation along the common boundary between Nos.40 & 38 Essex Road would help to obscure views of the roof of the garage. However the garage when viewed from Uvedale road would be visible, notwithstanding the proposed hedge planting. The excavation works required would also be of concern and is debatable whether the garage preserves the setting of the conservation area beyond

6.3 Impact on Neighbouring Properties

Distancing / Overlooking

- 6.3.1 Appropriate distances are sought between dwellings and boundaries to safeguard the privacy of occupants, to allow for the maintenance of the dwelling from within the curtilage of the property and to achieve an acceptable appearance within the street scene.
- 6.3.2 The depth of the rear garden exceeds in general 11 metres. The windows facing towards the properties on Essex Road to the north are a ground floor window serving a family room and a first floor bathroom window. The ground floor window will have its views towards the north obscured by the 1.8m high boundary fence. The bathroom window will be of obscured glazing. The proposal would therefore not result in any detrimental overlooking and loss of privacy to the occupiers of the properties fronting Essex Road.

Loss of Light / Outlook

- 6.3.3 There is no detrimental impact in terms of loss of light and outlook to any of the surrounding properties. The development scheme is sited, as stated above, some 30m from the dwellings on Essex Road therefore the proposal will not impact on light to those dwellings or unduly impact on outlook.

Overshadowing

- 6.3.4 As the proposed dwelling is in excess of 30m from those on Essex Road, there will be no overshadowing of those dwellings or the garden / patio areas immediately to the rear of those dwellings. There will naturally be some overshadowing of the gardens immediately adjacent to those rear boundaries but this is considered to not be unacceptable.

6.4 Access and Traffic generation

- 6.4.1 In traffic impact terms the addition of one extra house does not cause concern with regard to traffic generation. However Enfield Town Park is a major attraction to the west of the site and a footpath runs from Walsingham Road to the Park across the frontage of the application site. The footpath serves not only as an important link to the park, it also serves as a more direct pedestrian route from the London Road area through the park to destinations west of Enfield Town, avoiding a longer route. Given this context there is a higher possibility of conflict between pedestrians/children passing the site on the footway, and vehicles leaving out of the site. To minimise this risk it is essential that vehicles reversing out of the site have adequate visibility of users of the footway. To achieve this the Transportation Department have recommended that there should be no obstruction of sight lines and a clear view of the footway is needed from vehicles as they reverse from the site. This dictates that enclosure of the site along Walsingham Road should be left open and any fence or hedge should be at a maximum height of 600mm high, up to 6m back from the new footway crossover. Furthermore with the tight bend close to the site, 'At any time' waiting restrictions must be put in place to keep the area clear of parked vehicles close to where a new access is being proposed.

- 6.4.2 Consequently subject to visibility conditions the siting of the access would not lead to conditions detrimental to highway safety for both vehicular and pedestrian traffic.

6.5 Parking

- 6.5.1 Three parking spaces will be provided in total, inclusive of the parking within the garage. This level of provision is considered acceptable. Moreover the internal dimensions of the garage would also meet with adopted standards.

- 6.4.4 In relation to cycle parking, provision is to be made within the garage. This is considered acceptable.

6.6 Housing Mix and Affordable Housing

- 6.6.1 The proposed development would provide an additional 4-bed family dwelling unit. There is a recognised shortage of such units in the Borough, therefore the proposed development would be acceptable in this regard.

6.7 Biodiversity

6.6.1 Having regard to the comments of the Arboricultural officer, there are no issues for biodiversity as there are neither trees on the site nor any areas at ground level that would provide the habitat for any protected species. Furthermore, none of the above trees are worthy of a TPO. Information should though be provided on root protection measures, should planning permission be granted, particularly for trees within close proximity of the built development.

6.8 Sustainable Design & Construction

6.8.1 The Design & Access Statement and accompanying Sustainability Assessment detail the proposed measures to be incorporated into the construction. These include; a timber frame construction, mineral wool insulation, a sustainable mains drainage system, a rainwater re-harvesting / recycling system. The proposed measures are considered acceptable.

6.8 Other Matters

6.8.1 The potential impact of a scheme on property values are not a material consideration in the assessment of the planning application.

6.8.2 Thames Water have provided advice on the proposed scheme, which will be provided to the applicant by way of a Directive.

6.8.3 An Article 4(2) Direction does not stop development but provides a mechanism for the Local Planning Authority to have some control over development that could otherwise be undertaken without needing planning permission, that is, carried out as permitted development.

7. **Conclusion**

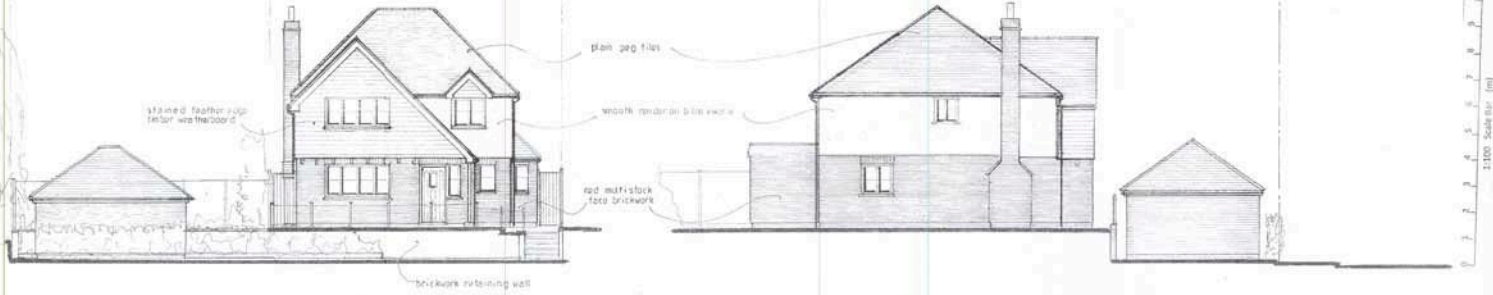
7.1 The Enfield Town Conservation Area Character Appraisal clearly highlights the importance of the large gardens in this part of the conservation area and the important vistas towards the conservation area is from the west and south towards the densely vegetated garden. The proposed dwelling would simply result in the loss of this attractive garden land which is an important element to be preserved within the conservation area creating the setting of the conservation area when viewed from the south and west. Consequently the proposal neither preserves nor enhances the setting of the conservation area. The application is therefore recommended for refusal.

8. **Recommendation**

8.1 That planning permission be **refused** for the following reason::

1. The proposed development would result in the loss of an important garden element intrinsic to the character of the conservation area and would neither preserve or enhance the setting of the conservation area but rather detract from the character of the Enfield Town Conservation Area. In this respect it is considered that the proposed development is contrary to policies (II)C27, (II)C28, (II)C30, (I)GD1, (I)GD2, (II)GD3 of the Unitary Development Plan, policies 4B.1, 4B.8 & 4B.12 of The London Plan and with PPS5: Planning for the Historic Environment.

Proposed Elevations 1:100.



front west

side north



side south



rear east

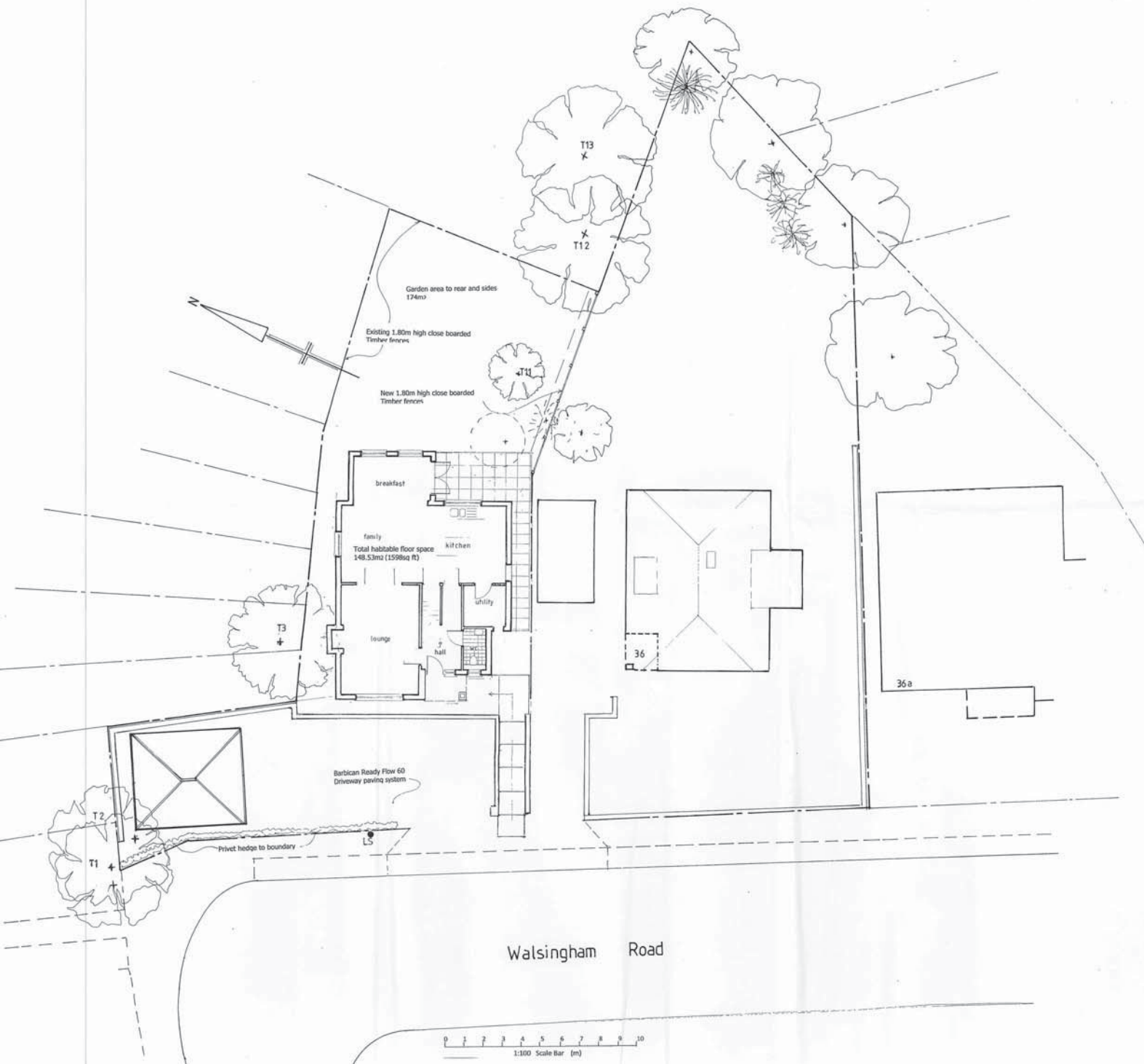
LONDON BOROUGH OF ENFIELD
 04 OCT 2010

TP 10/0818
 Revised/Additional Drawing
 Received 4/10/10
 Under cover of Agents Note
 Dated 4/10/10

All dimensions to be checked on site.		Prepared by Ian Wood
REVISION	DATE	REMARK
B	September 2010	Prepared for Planning & Building Control Applications Roof Alterations: 17/10/0818
PROPOSED: 4 BEDROOM DETACHED HOUSE & DETACHED GARAGE		
SITE: Land adjacent to: 36 WALSINGHAM ROAD, ENFIELD, MIDDLESEX, EN2 6EY		
CLIENT: Mr Mrs K. FITZGERALD		
DRAWING SCALE: PROPOSED ELEVATIONS 1:100		
Original drawing format @ A1		
DATE: SEPTEMBER 2010	DRAWING No./ Revision KF-002 - 10 / 8	

Proposed Site Block Plan 1:100

TP/00/0818



LONDON ROAD
08 Jun 2010
REV

All dimensions to be checked on site. Prepared by Ian Wood

REVISION	DATE	REMARK
A	May 2010	Prepared for Planning & Building Control Applications

PROPOSED:
4 BEDROOM DETACHED HOUSE & DETACHED GARAGE

SITE: Land adjacent to:
36 WALSINGHAM ROAD,
ENFIELD,
MIDDLESEX,
EN2 6EY

CLIENT: Mr Mrs K. FITZGERALD

DRAWING SCALE: PROPOSED SITE BLOCK PLAN 1:100

Original drawing format @ A1

DATE: MAY 2010	DRAWING No. / Revision KF-004 - 10 / A	
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LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 23rd November 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:

Winchmore Hill

Application Number : TP/10/1019

Category: Dwellings

LOCATION: Garages adjacent to 2 Fox Lane, And To Rear Of, 2-36, Caversham Avenue, London, N13

PROPOSAL: Construction of a new access road via Fox Lane and redevelopment of site to provide 9 single family dwellings comprising 8 semi-detached 3-bed houses and 1 detached 4-bed house with rear dormer together with associated car parking.

Applicant Name & Address:

Sherrygreen Homes Ltd
c/o Agent

Agent Name & Address:

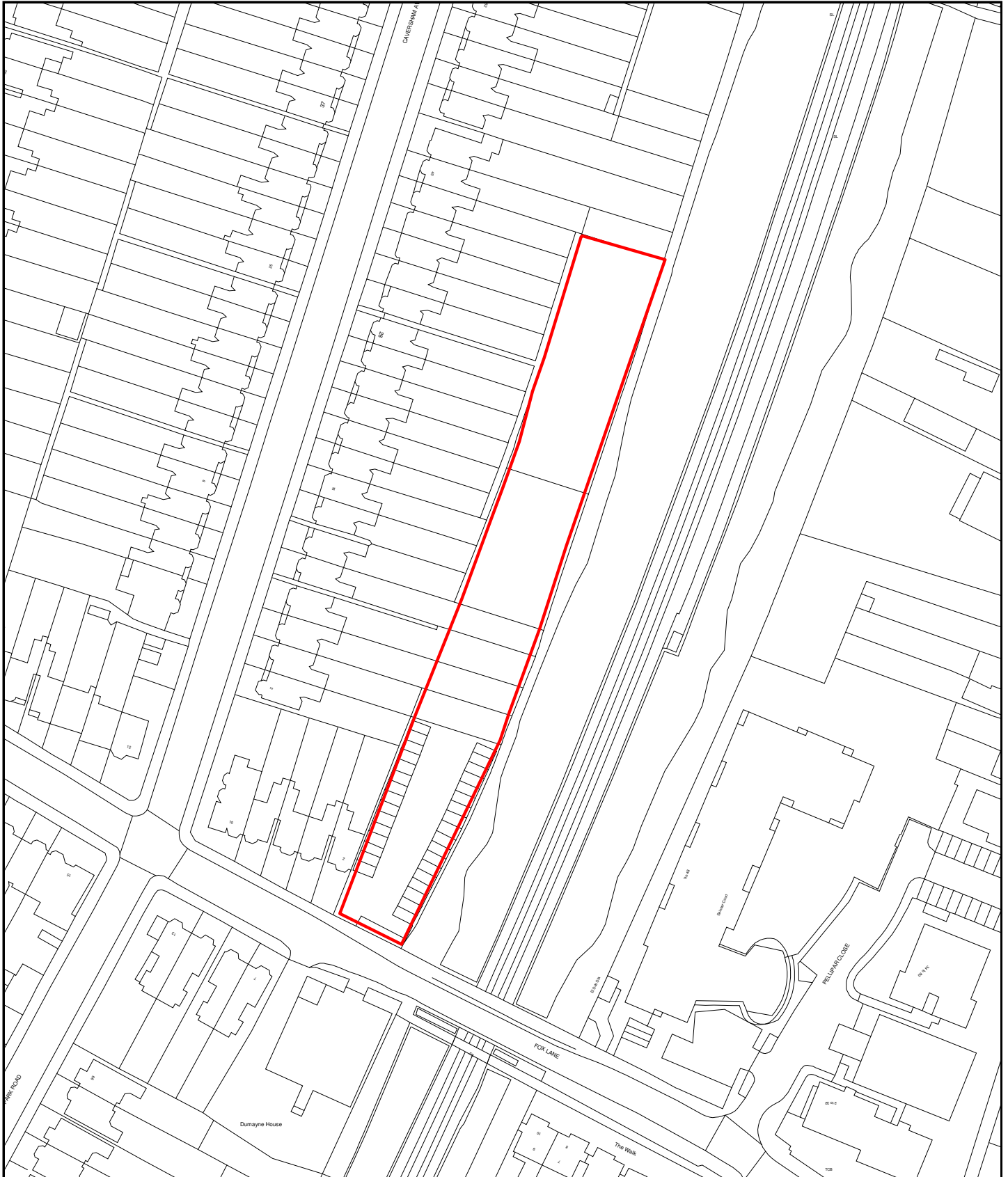
Luke Emmerton,
DP9
100, Pall Mall
London
SW1Y 5NQ

RECOMMENDATION:

That subject to the completion of a Section 106 Agreement contribution regarding a contribution towards education provision and off site highway works planning permission be **GRANTED**

Note for Members

Although an application of this nature could be determined under delegated authority, due to the level of public interest and concerns about the proposals, ward Councillors Prescott and Hayward have requested that the application is reported to the Planning Committee for determination.



Development Control



Scale - 1:1250
Time of plot: 11:53

Date of plot: 05/11/2010

1 Site and Surroundings

- 1.1 The site is located at the eastern end of Fox Lane and is bounded by a the Hertford “loop” railway line to the west, Fox Lane to the north and the rear gardens of properties at 2-36 Caversham Avenue to the east.
- 1.2 Currently vacant, the front part of the site was last used as private lock up garages (33) with access on to Fox Lane. The garages are now vacant. Beyond the garages, the application site previously formed part of the rear gardens of properties fronting Caversham Avenue (Nos 2 to 36). The land was leased by Network Rail to residents for extensions to their existing gardens but this agreement has now ended.
- 1.3 A strong feature of the site is the tree coverage and in particular, there is a belt of trees between the site and railway line and two large Oaks towards the southern end of the site. A Group Tree Preservation Order covers part of the site up to a point level with 28 Caversham Avenue to safeguard the trees pending acceptable redevelopment proposals
- 1.4 Numbers 2 to 10 Fox Lane which comprise two storey Edwardian properties adjoin the site at the front and also now fall within the newly designated Lakes Estate Conservation Area although the application site itself is not located in the Conservation Area. The Lakes Estate Conservation Area was designated by the Council in February 2010. It is formed of the residential area to the south and east of the site bounded by Fox Lane and Alderman’s Hill. None of the properties in Caversham Avenue form part of the Conservation Area.
- 1.5 The character of the surrounding area is predominantly residential, although there is a three storey commercial building located directly opposite.

2. Proposals

- 2.1 The application proposes the redevelopment of the site to provide nine residential units with associated private and communal amenity space, car parking and landscaping.
- 2.2 One detached 2 storey (4) bedroom house with a rear dormer is shown located on the frontage facing Fox Lane with four pairs of (3) bedroom semi detached properties situated to the rear. The design of the semi detached properties has been amended to incorporate hipped roofs instead of gable ends.
- 2.3 The application site has been extended from the previous application to allow for increased amenity space provision. The rear parts of the gardens of 34 and 36 Caversham Avenue are now also included in this latest application. A number of trees would be removed to facilitate the development; however two large Oak trees within the site are to be retained.
- 2.4 The existing lock up garages would be demolished and new vehicular access on to Fox lane is proposed. A total of 18 car parking spaces are proposed, which also includes some parallel parking spaces along the access road.
- 2.5 In support of the application the applicants have provided a Design and Access Statement, Transport Statement, together with a Tree and Ecology Report and Sustainability Assessment form.

3. Relevant Planning Decisions

- 3.1 TP/09//0207- Redevelopment of site to provide 9 single family dwellings incorporating 7 detached 4 bed houses and a pair of semi detached 4 bed houses with rooms in the roof and front and rear dormers and new access to Fox Lane. (Garages adjacent to 2 Fox Lane and land rear of 2-32 Caversham Avenue). Planning Permission was refused on 30/4/09. An Appeal against the refusal was lodged and the appeal was dismissed on 23/12/10. In dismissing the appeal the key issues the Inspector identified as an issue were: (i) Insufficient amenity space provision, (ii) issues of overlooking to the gardens of Caversham Avenue and loss of privacy harmful to living conditions and (iii) Concerns regarding the long term retention of Oak tree (T8) due to siting of the houses and vehicular hard standing and circulation areas.
- 3.2 TPO/331/2008- Tree Preservation Order on land to side of 2 Fox Lane and Rear of 2-28 Caversham Avenue. The Order was confirmed on the 18th August 2008.

4. Consultations

4.1 Statutory and Non Statutory Consultees

- 4.1.1 Education have confirmed that as the development proposes family houses, a contribution should be sought as there is a high demand for school places. In accordance with the standard methodology, the scheme would generate an annual average child yield of one pupil each in the primary and secondary sectors equating to a sum of £ 32,877.
- 4.1.2 Thames Water does not object to the proposal and provides guidance for the applicant in respect of surface water drainage.
- 4.1.3 The Development Management Tree Officer has confirmed that the arboricultural report is comprehensive and details methods which if carefully applied, will safeguard the trees proposed for retention (particularly the two oaks). In addition there are recommendations for tree planting within the site to compensate for losses.
- 4.1.4 Network Rail raises no objection in principle subject to various requirements being met by informatives and conditions. Issues regarding boundary fencing, Armico barriers, method statements, soundproofing and landscaping are to be subject to conditions.

4.2 Public

- 4.2.1 Consultation letters were sent to neighbouring and surrounding properties. In addition a site notice was also displayed. In reply 39 letters of objection have been received raising the following main points:
- Proximity of development to rear boundaries in Caversham Avenue
 - Loss of privacy/ overlooking contrary to Policy (II) H8
 - Position of access road too close to bridge over railway line resulting in increased chance of accidents and safety concerns, the bridge is a blind summit driving from Green Lanes, siting of access remains a concern
 - Impact of views on properties in Caversham Avenue
 - Loss of large number of trees on TPO land detrimental to visual amenity

- Drainage and subsidence problems
- Still a TPO covering site with the exception of oak all other trees covered by TPO will be removed
- Preservation of TPO Oak still in jeopardy by development
- Loss of outlook
- Concerned development will be extended further along Caversham Avenue
- Suitability of site in relation to revised PPS3
- Increased pressure on parking, the parking allocated is not sufficient
- Impact on wildlife
- First floor windows cause overlooking and loss of privacy to gardens in Caversham backing on to site
- Development detrimental to character of area
- Side flank walls of new development backing on to Caversham Avenue gardens create a sense of enclosure and loss of light resulting in severe restrictions in enjoyment of gardens affected, sited too close to boundary
- Siting of access detrimental to highway safety, with particular regard to visibility of vehicles exiting site and would be detrimental to highway safety and free flow of vehicles and pedestrians
- New tree planting too close to gardens also cause foundation problems to new dwelling
- Communal area will generate noise and pollution
- Concerns raised by Planning Inspectorate regarding long term health of Oak tree not addressed, increased risks due to siting of 2 parking spaces
- Area already overdeveloped
- Plans submitted fails to address the reasons for refusal of the previous application
- Site not suitable for housing
- Hipping of the roofs of the 8 semi detached properties does not changes objections

4.2.2 In addition, the Fox Lane & District Residents Association also raise an objection on the following grounds:

a) Traffic: The access road to the site has been positioned dangerously close to the narrow humpback railway bridge on Fox Lane. A similar, although wider, bridge in Alderman's Hill was made into a dual carriageway when an access road to the station car park was constructed. This was presumably done for safety reasons: as traffic approaching from the left would have been obscured by the station building. A similar situation will exist in Fox Lane where cars would have to move into the carriageway in order to see clearly any oncoming traffic from both directions. Fox Lane is a busy road and accidents do occur with vehicles recorded at speeds much more than 30mph. In these circumstances major accidents are likely to occur with the proposed access road in place.

b) Parking: Local residents used the existing garages have had to find else where to park, thus exacerbating an existing parking problem. The 9 houses have 16 parking spaces; it is more than likely that residents in the new development would have two cars per household. Added to this any visitors, utilities etc will also be trying to park in the surrounding area. This could well be made worse by two recent developments, TP/09/1238 (483/499 Green Lanes and TP/09/1075 1 Caversham Avenue. It is already extremely difficult to find a parking space in Caversham Avenue, which is a very busy cut through road.

c) Environmental: Land alongside railways is well known as a wildlife habitat / corridor and this particular land, up to the footbridge across the railway, has a Tree Preservation Order placed on it. The mature oak tree, subject to the TPO and which the developers show as dominating the “amenity space” will have roadway on three sides of it, apparently right up against the trunk on one side. They consider that this means the circulation area will encroach too much upon the tree’s root protection area, and with the general building operations in the area, is likely to adversely impact on the health of this tree and others in the vicinity.

d) Drainage: Many of the gardens adjoining the site have a great deal of surface water which runs on to the land. The removal of the trees from the site could cause destabilisation of the ground leading to the eventual loss of a large forest of trees near to the railway as the embankment will be in danger of collapse. There would no longer be a green corridor. The developers propose to drain surface and land water into the main sewers. The main sewers are over 100 years old and not built to serve as many new households. The extra surface water from paved over front gardens also goes into these sewers and Fox Lane which already gets flooded near to the bridge.

e) Privacy: Although this proposal has fewer houses than the previous one and these do not back onto existing gardens, the first floor windows would have a view across several gardens. The new houses will be very close to the rear boundaries of existing properties, on land which many of the residents used as gardens or allotments, and therefore the morning sunlight to which they are accustomed will be blocked from their gardens.

f) Appearance: The design of the proposed houses is not very attractive and is unsympathetic to the original Edwardian Houses. In particular the house on Fox Lane is next to those which are now in the Lakes Estate Conservation Area and appears totally out of place. This issue must be taken into consideration and would be detrimental to the visual amenities of the neighbourhood.

4.2.3 The Federation of Enfield Residents and Allied Association also object commenting that:

- Houses still very close and adjacent to rear gardens of Caversham Avenue and could well prejudice enjoyment of residents of Caversham Avenue
- Despite reduction in number of dwellings still cramped
- Turning circular in communal area appears very optimistic for refuse vehicles and fire engines.
- Not enough refuse storage facilities

4.2.4 The ward councillor, Councillor Prescott has also expressed concerns regarding the development

4.3 Letters of Support

4.3.1 Two letters of support for the proposal were received raising the following points:

- Support proposals for redevelopment

- Proposed modern design of new property next to 2 Fox Lane entirely appropriate and seems in keeping with character of area
- Proposal reflects the residential aspect of the area and continues the tradition on the Lakes Estate of quality family accommodation

5. Relevant Policy

5.1 Local Development Framework: Core Strategy:

At the meeting of the full Council on 10th November 2010, the Core Strategy of the Local Development Framework was approved. The document and the policies contained therein, are now material considerations to be taken into account when considering the acceptability of development proposals. The following are of relevance:

- CP2 Housing supply and locations for new homes
- CP4 Housing Quality
- CP5 Housing Types
- CP20 Sustainable Energy Use and Energy Infra structure
- CP21 Delivering Sustainable water supply drainage and sewerage
- CP24 The road network
- CP26 Public Transport
- CP25 Pedestrians and Cyclists
- CP30 Maintaining and Improving the Quality of the Built and Open Environment

5.2 Saved UDP Policies

After the adoption of the Core Strategy, a number of UDP policies are retained as material considerations pending the emergence of new and updates policies and development standards within the Development Management Document. The following are of relevance

- (II)GD3 Design & Character
- (II)GD6 Traffic generation
- (II)GD8 Site access and servicing
- (II)H8 Privacy
- (II)H9 Amenity space
- (II)H11 Loss of garage courts
- (II)H15 Dormers
- (II)C30 New buildings adjacent to Conservation Areas complement character of Area
- (II)EN11 Maintenance and enhancement of wildlife corridors
- (II)EN12 Encourage conservation of wildlife habitats
- (II)C35 Tree Preservation Orders
- (II)C38 Resist developments that entail loss of trees of public amenity
- (II)C36 Replacement Planting
- (II)T13 Creation or improvement of access
- (II)T14 Contribution from developers for highway works
- (II)T16 Adequate Access for pedestrians and disabled persons
- (II) T19 Provision for Cyclists

5.3 London Plan

Policy 2A.1	Sustainability Criteria
Policy 3A.1	Increasing London's housing supply
Policy 3A.2	Boroughs housing target
Policy 3A.3	Maximising the potential of sites
Policy 3A.5	Housing choice
Policy 3A.6	Quality of new housing provision
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

5.4 Other Relevant Considerations

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS9	Biodiversity
PPG13	Transport
PPG 24	Noise

6. Analysis

6.1 Principle

6.1.1 The principle of redeveloping the site for residential purposes is acceptable having regard to the residential composition of the surrounding area together with the thrust of national and regional planning policies in the form of PPS1 (Delivering Sustainable Development) and PPS3 (Housing) as well as London Plan Policies 3A.1, 3A.2 and 3A.3 . However, it is also recognised that this need has to be balanced to ensure any more intensive residential development still maintains high standards of design and amenity so as not to compromise the quality of the environment.

6.1.2 In the previous application which was refused planning permission and dismissed at appeal, the main issues the Inspector considered were the effect of the development on:

- The character and appearance of the surrounding area, with reference to the design of the proposed development and to trees
- The living conditions of existing and future occupiers, with particular regard to privacy and outlook, and to amenity space, and
- Highway safety

6.1.3 In dismissing the appeal the three key issues which the Inspector considered unacceptable were: (i) insufficient amenity space provision (ii) impact on the long term retention of the Oak tree, and (iii) loss of privacy/ overlooking to the gardens of Caversham Avenue. The Inspector did not however support the Council's concerns in respect of design approach or highway safety.

6.2 Effect on Character and Appearance

- 6.2.1 In terms of scale and intensity of development, the London Plan recommends a density between 150- 250 hr/ha having regard to the density matrix and given the characteristics of the locality and accessibility with a PTAL rating of 2. In this instance, the density of the development is 130 hr/ha which is less than that previously accepted on appeal and below the identified range. Nevertheless, although there is a requirement to optimise development potential on all sites, the level of development having regard to form and pattern of the surrounding area, is considered appropriate. Moreover the appropriate integration of development into an area is more than a numerical assessment and careful regard must also be given to the integration of the development into its surroundings with specific focus on its visual appearance.
- 6.2.2 In terms of design the Inspector in the previous appeal considered that whilst there are large Edwardian Houses to the west, the location of the site means those properties are not the defining character of the area as to the east is a wooded railway cutting and beyond those modern flats whilst opposite is a modern commercial building. The Inspector considered therefore that the development could display its own character, without the need to follow rigidly that of the adjoining houses. The Inspector concluded that the design of the properties would be appropriate to the character of the area having regard to the design objectives of the London Plan, National Policies PPS1, PPS3 as well as policies (I) GD1, (I) GD2 and (II) GD3 of the UDP.
- 6.2.3 Since the appeal decision however, the Lakes Conservation Area has been designated and Nos 2-10 Fox Lane lie within its defined boundary. The effect on its setting therefore is a material consideration. Consequently, any development must meet the test in PPS5 "Planning for the Historic Environment" regarding the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment: in the case, the Lakes Conservation Area. In addition, it must be acknowledged that the Character Appraisal for the Conservation Area identifies Nos 2-10 Fox Lane as making a positive contribution to the special character and appearance of the area
- 6.2.4 With reference to the Character Appraisal, the following is the relevant extract concerning Fox Lane with particular reference to the second paragraph:
- "The south side was part of the 1902 sale, but the north side was not offered for development until 1908. Both sides are made up mainly of short terraces and linked pairs, similar in date and character to those in Conway and Harlech Roads. The best houses, such as numbers 97-99, are typical of the estate. They have big gables, canted first floor oriels, bay windows with different fenestration at each level, good-quality red brickwork to ground floors and shared porches, with a small first-floor balcony and a rather old fashioned High Victorian polished granite column between each pair of front doors.
- On the south side of Fox Lane, adjoining the railway, is an unappealing office building of recent (c 2000) date, Dumayne House. Opposite to the north stood a number of post-1945 garages, but the site has now been cleared for development (2009). The boundary of the Conservation Area excludes these sites".
- 6.2.5 Acknowledging this change in circumstances, the current scheme again follows a contemporary design approach theme but on the Fox Lane frontage a single detached dwelling is now proposed. Incorporating a double height

bay, this more closely reflects the traditional houses along Fox lane than the previous application and it is considered that notwithstanding the modern architectural detailing (expressed through aluminium window frames and aluminium cladding), the dwelling would still incorporate white render panels and roof tile colour reflective of the character of the properties which contribute to the character of the Conservation Area. It is considered therefore that the development would forms an appropriate transition between the adjacent Edwardian Houses and the contemporary architectural language within the site and would not harm the setting of the adjoining Conservation Area with particular regard to Policy (II)C30.

- 6.2.6 Overall therefore and mindful of the Inspectors previous acceptance that the `design could have its own character without rigidly following that of the adjoining houses, the approach is considered acceptable.

6.3 Impact on Neighbouring Residential Properties

- 6.3.1 In dismissing the appeal, the Inspector supported the Council's concerns regarding overlooking to the rear gardens of the residential properties in Caversham Avenue. Previously, six of the detached properties had their rear elevations facing the properties in Caversham Avenue. Whilst, the Inspector accepted that there would not be a loss of privacy within the actual houses, it was accepted that the 6m depth of the rear gardens allowed direct overlooking to the gardens. This created a strong sense of there being a loss of privacy to the eastern ends of the gardens, which currently have a private environment. This was considered contrary to Policy (II) H8 of the UDP.
- 6.3.2 To address this issue semi detached dwellings now proposed are orientated so that there is a blank two storey side elevation facing the rear gardens of properties in Caversham Avenue. The side elevations would be located between 1m to 2m from the common boundaries and in terms of distancing standards, a minimum separation of 22m would be retained between the new units and the existing properties. Consequently , it is considered this would address the loss of privacy issue
- 6.3.3 Potential overlooking would remain from the first floor rear bedroom windows of the semi detached properties which are sited closest to the common boundary. However, due to the oblique nature and the use of these rooms, the relationship is considered not to give rise to any unacceptable level of overlooking. With regard to the front elevation's, the nearest window is a hall window which is to be obscured glazed, Again due to the oblique nature and the use of these rooms, the relationship is considered not give rise to any unacceptable level of overlooking
- 6.3.4 No objection other than overlooking was raised in connection with the proximity of the proposed dwellings to the neighbouring properties. The re alignment of the proposed dwellings does bring the dwellings closer although there is greater separation now between the various elements. In addition, to further reduce the impact on the residential amenities of the neighbouring properties the roofs of the semi detached properties have been hipped rather than gabled.
- 6.3.5 It is therefore considered that the orientation and relationship of the windows together with the siting of the dwellings would not result in a significant loss of privacy or sense of enclosure to the rear gardens of the properties in

Caversham Avenue to justify refusal having regard to policy (II) H8, notwithstanding the strong objections that have been received from residents in Caversham Avenue regarding overlooking/ loss of privacy, sense of enclosure and proximity to boundaries.

6.4 Amenity Space

- 6.4.1 The shortfall of amenity space provision was also one of the issues supported by the Planning Inspector when considering the appeal. In particular he was concerned about the limited depth (at 6 metres) of the rear gardens of six of the detached properties, which, when combined with the widths of those gardens would provide an area constrained in size and proportions and thereby, leading to gardens inappropriate for family housing.
- 6.4.2 Policy (II) H9 requires that amenity space provision should be equal to 100% of the total Gross Internal Area of the house or a minimum of 60 sqm, which ever is greater in area. Furthermore, as well as providing a visual setting in the general street scene, a substantial proportion of amenity space (at least 60%) should be capable of being screened. It should also be noted that the Inspector when assessing the amenity space issue indicated that some flexibility could be applied to the Council's adopted standards to achieve the governments objectives of seeking the more effective and efficient use of land for housing, as contained in PPS3.
- 6.4.3 With regard to this latest application the houses have been re-orientated to provide longer depth gardens of 11m. Of the 9 houses, 5 of them provide amenity space at 100% or more of the Gross Internal Area and thus comply with Policy (II) H9. However, 4 of the houses do not with that for Unit 3 being (94sqm), Unit 5 (79 Sqm) , Unit 6 (108 sqm) and Unit 7 (76 sqm): the gross internal floor area of the houses being 120 sqm. Whilst, there is therefore a numerically a shortfall in amenity space provision in respect of these 4 houses, the whole rear garden areas of these houses is capable of being fenced and screened to provide a high quality private garden area (in excess of 60%) . Moreover, as well as being of a regular shape and sited immediately to the rear of the dwellings, the depth of each garden is a minimum 11m, with widths varying between 6m and 8m on these plots.
- 6.4.4 In addition a grassed landscaped communal area of 212sqm to the rear part the site is also provided.
- 6.4.5 On balance therefore, and noting the Inspectors comments about applying the standard flexibly in the light of PPS3, the provision of amenity space is considered acceptable, providing a high quality family residential environment.

6.5 Access and Traffic Generation

- 6.5.1 The proposal involves repositioning the existing vehicular access on Fox Lane to a point closer to the railway line on Fox Lane. The siting of the new access remains in the same position to that previously considered under the appeal which despite the Council's concerns, the Inspector accepted. In so doing, the Inspector commented that "the proposed vehicular access and related highway works would enable adequate visibility to and from the appeal site and so not harm highway safety".

6.5.2 The Inspector's conclusions are material to the consideration of this application and in the absence of any material change in circumstances, despite resident's objection to the location of the new access, the proposed development is considered to be acceptable subject to the on street highway works secured through a section 106 agreement. This provides a contribution of £25,000 in respect of additional waiting restrictions, anti skid surfacing, introduction of speed activated warning signs and contributions towards "greenway "cycle routes.

6.6 Parking

6.6.1 With regards parking provision, a total of 18 car parking spaces are provided which acceptable in terms of the number of proposed dwellings.

6.6.2 The layout of the parking arrangement now differs with some parallel parking spaces provided on the access road. The applicants have also provided additional information regarding a residential parking strategy which is to be conditioned to ensure that parking is limited to the formally designated car parking spaces indicated so as to prevent informal parking taking place on the access road. The layout allows for adequate turning and servicing for refuse vehicles having regard to policy (II) GD8 of the UDP.

6.7 Trees

6.7.1 Part of the site is subject to Tree Preservation Order (TPO) which was confirmed in August 2008. The reason for serving the TPO was to ensure a full arboricultural assessment of the merit of the trees to before accepting which trees could be removed as part of any redevelopment.

In assessing the appeal, the Inspector was of the opinion that the majority of the trees have limited public views or amenity value due to the poor form and condition of many of the trees. He considered that it would be possible to make adequate compensatory replanting for the trees to be removed. However, the key issue was the long term retention of Oak Tree T8 especially as new housing and hard standing was shown within the Root Protection Area of the tree. There was also concern regarding the siting of the oak in relation to the houses leading to future pressure for substantive works which could diminish its form and contribution to the visual amenities of the area.

6.7.2 This current application safeguards the tree through the introduction of a grassed communal amenity area that the bole of the tree sits within. The siting of the new dwellings is also located slightly further away from Tree T8 at a distance of 10m. The Councils Arboricultural Officer has reviewed the arboricultural report which he advises is comprehensive and details methods which if carefully applied, will ensure the safe retention of the trees to be retained (particularly two oaks) as far as can be seen. Subject to appropriate conditions it is considered that the long term survival of the Oak tree T8 can be maintained.

6.8 Ecology / Biodiversity

6.8.1 The site adjoins a wildlife corridor identified in the UDP, which runs along the length of the railway line. The submitted Ecology report concludes that the site had a low diversity of habitats and plants, but was considered to potentially be of medium value in the local context to protected species. With

precautionary measures undertaken and further surveys conducted to confirm the presence or likely absence of bats and Stag Beetles, it should be possible for appropriate mitigation measures to be undertaken that would enable the development to proceed without risk of impact on protected species. This can be controlled by an appropriate planning condition.

6.9 Housing Mix

6.9.1 Core Policy 5 of the Core Strategy identifies the mix of unit sizes the Council will look to achieve Borough wide. This requires a significant proportion (65%) of family housing (3 & 4 bed units) to be provided across the Borough. The scheme provides 1 four bed and eight 3 bed houses. Whilst the mix does not directly accord with the Core strategy preferred mix, given the fact that the scheme provides all family housing, it is considered the development remains acceptable.

6.10 Sustainable Design and Construction

6.10.1 Current policies require that all new dwellings are constructed to Lifetime Home standards and Core Strategy Policy 4 seeks to ensure all new housing should seek to exceed Code for Sustainable Homes Level 3. The applicant has confirmed that these standards will be achieved and appropriate sustainability conditions are attached to ensure compliance.

6.11 Section 106 Agreement

6.11.1 A section 106 agreement will be required in respect of the following matters and the following main heads of terms are set out below:

- (i) An education contribution of £32,877
- (ii) An off site highway contribution of £25,000 helping to improve highway safety which would include:
 - Additional waiting restrictions
 - Introduction of speed activated warning signs
 - Contribution towards “greenway” cycle routes

7. **Conclusion**

7.1 Taking the above factors into account and noting the conclusions of the appeal decision, it is considered the proposed development is acceptable for the following reasons:

1. The proposed development would contribute to increasing the range and quantity of the Borough’s Housing stock having regard to Policy CP30 of the Core Strategy, Policy (II) H6 of the Unitary Development Plan, Policies 3A.1, 3A.2, 3A.3 and 3A.6 of the London Plan (2008) as well as the objectives of PPS1 and PPS3.
2. The proposed layout of the development, together with its siting, design, scale density and height of buildings would result in a development that would satisfactorily integrate in to the street scene and surrounding context as well as not adversely impacting the adjacent Conservation Area having regard to Policies CP30 and CP31 of the Core Strategy, Policies (II) GD3 and (II) C30 of the

Unitary Development Plan as well as having regard to Policies 2A.1, 3A.3, 3A.5, 3A.6 and 4.B8 of the London Plan and PPS1 Delivering Sustainable Development and PPS3 Housing.

3. The proposed development would provide a satisfactory level of amenity space provision for future residents having regard to Policy (II) H9 of the Unitary Development Plan.
4. The proposed development by virtue of its layout, orientation and relationship to boundaries would not adversely prejudice the amenities enjoyed by the surrounding occupiers in Caversham Avenue in terms of adverse overlooking/ overshadowing or loss of privacy having regard to Policy CP30 of the Core Strategy and Policy (II) H8 of the Unitary Development Plan
5. The siting of the proposed new vehicular access subject to highway mitigation measures covered by the Section 106 agreement, together with a satisfactory level of on site car parking provision as well as satisfactory on site turning and manoeuvring facilities would not give rise to unacceptable on street parking, congestion, or highway safety issues having regard to Policies (II) GD6, (II) GD8 and (II) T13 of the Unitary Development Plan, Policy 3C.23 of the London Plan (2008), as well as the objectives of PPG13.
6. The layout makes satisfactory provision for the long term retention of the Oak Tree having regard to Policies (II) C35 and (II) C38 of the UDP.

8. Recommendation

- 8.1 That subject to the completion of a Section 106 Agreement contribution regarding a contribution towards education provision and off site highway works Planning Permission be GRANTED subject to the following conditions:
 1. C60- Drawing numbers
 2. C51a- Time Limit
 3. C7 - Details of materials
 4. C9 - Details of hard surfacing
 5. C10- Details of levels
 6. C19- Details of refuse storage
 7. C17- Details of Landscaping
 8. C25- No additional fenestration
 9. C59- Cycle parking
 10. C11- Means of enclosure

11. The development shall not commence on site until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall contain:
- (1) A photographic condition survey of the roads and footways leading to the site.
 - (2) Details of construction access and vehicle routing to the site.
 - (3) Arrangements for vehicle servicing and turning areas.
 - (4) Arrangements for parking contractor's vehicles
 - (5) Arrangement for wheel cleaning.
 - (6) Arrangement for the storage of materials, hours of work.

The development shall be undertaken in accordance with the approved construction methodology unless otherwise agreed in writing by the LPA.

Reason: To ensure the implementation of the development does not lead to damage to the existing roads and to minimise disruption to neighbours.

12. Details regarding the provision of a trespass fence adjacent to Network Rail's boundary to a minimum height of 1.8m shall be submitted to and approved in writing by the LPA and there after installed and retained as well as provision made for its future maintenance and renewal.

Reason: In order to avoid trespass on to the railway.

13. Details regarding the provision of Armco safety barriers or similar barriers to be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the line side fencing shall be submitted to and approved in writing by the LPA in conjunction with Network Rail and there after installed and retained.

Reason: In the interest of Rail safety.

14. Prior to the commencement of development details regarding adequate measures for the sound proofing of the dwellings shall be submitted to and approved in writing by the LPA. The approved sound proofing measures shall there after be implemented.

Reason: In order to ensure that the new dwellings are adequately soundproofed from any adverse noise from the adjoining railway.

15. Prior to the commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence shall be submitted to and approved in writing by the LPA acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

Reason: In the interests of rail safety and to avoid any interference with network rail operations.

16. 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) (no2) (England) Order 2008 no development within Schedule 2 Part 1 Classes A to E shall be carried out either to the proposed dwellings or within their 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 and to protect the privacy of surrounding occupiers.

17. Details regarding the siting, design and degree of illumination of any external street lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate street lighting provision for the development.

18. Prior to the commencement of development details regarding adequate tree protection measures for the 2 Oak trees T8 and T11 shall be submitted to and approved in writing by the LPA and thereafter implemented in accordance with the approved details.

Reason : To ensure satisfactory protection of the two Oaks during construction.

19. Evidence confirming that the development achieves a Code for Sustainable Homes rating of no less than Level 3, with a supporting statement to demonstrate why higher code levels are not feasible shall be submitted to and approved in writing by the LPA. The evidence required shall be provided in the following formats and at the following times,

1. Design stage assessment, conducted by an accredited Code Assessor and supported by relevant BRE interim certificate, shall be submitted at pre-construction stage prior to the commencement of superstructure works on site, And

2. Post construction assessment, conducted by and Accredited Code Assessor and supported by relevant BRE accreditation certificate, shall be submitted following practical completion of the development and prior first occupation.

The development shall be carried out strictly in accordance with the details so approved and shall thereafter be maintained.

Reason: In the interests of addressing climate change and to secure 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.

20. That prior to the commencement of development details shall be submitted to and approved by the LPA demonstrating that the development complies with Life Time Homes Standards. The development shall be completed in accordance with the approved details prior to occupation

Reason: In order to comply with the requirements of London Plan Policy 3A.5 and Core Strategy Policy 4.

21. The strategy to ensure the retention of the two oak trees during construction and after identified as T8 and T11 shall accord with the

aboricultural report submitted on 3 June 2010 in particular (section 2.6 “ Strategy to ensure health and longevity of trees during and after development).

Reason: To ensure the satisfactory retention of the two trees which are considered to be of important amenity value with tree T8 being protected by a TPO.

22. Before development commences, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the communal landscaped area shall be submitted to and approved in writing by the LPA. The Landscape Management Plan shall be carried out as approved.

Reason: To ensure the adequate maintenance and long term use of the communal amenity area.

23. Details regarding an internal parking management strategy for the site to ensure that parking is limited to the formal designated parking spaces which shall include lining, informative signage and warning signs shall be submitted to and approved in writing by the LPA and thereafter the measures implemented and retained.

Reason: In order to help keep the internal access way free from indiscriminate parking.

24. Prior to the commencement of development further surveys shall be conducted to confirm the presence or absence of bats and Stag Beetles on site as set out in the ecology report together with any appropriate mitigation measures required, details of which shall be submitted to and approved in writing by the LPA and there after implemented.

Reason: In the interests of Nature Conservation and having regard to PPS9.

25. Details regarding the closure of the existing redundant vehicular access on to Fox Lane and reinstatement of the footway shall be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety and visual amenity.

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 23rd November 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: Town

Application Number : TP/10/1112

Category: Dwellings

LOCATION: GALA CLUB, BURLEIGH WAY, ENFIELD, EN2 6AE

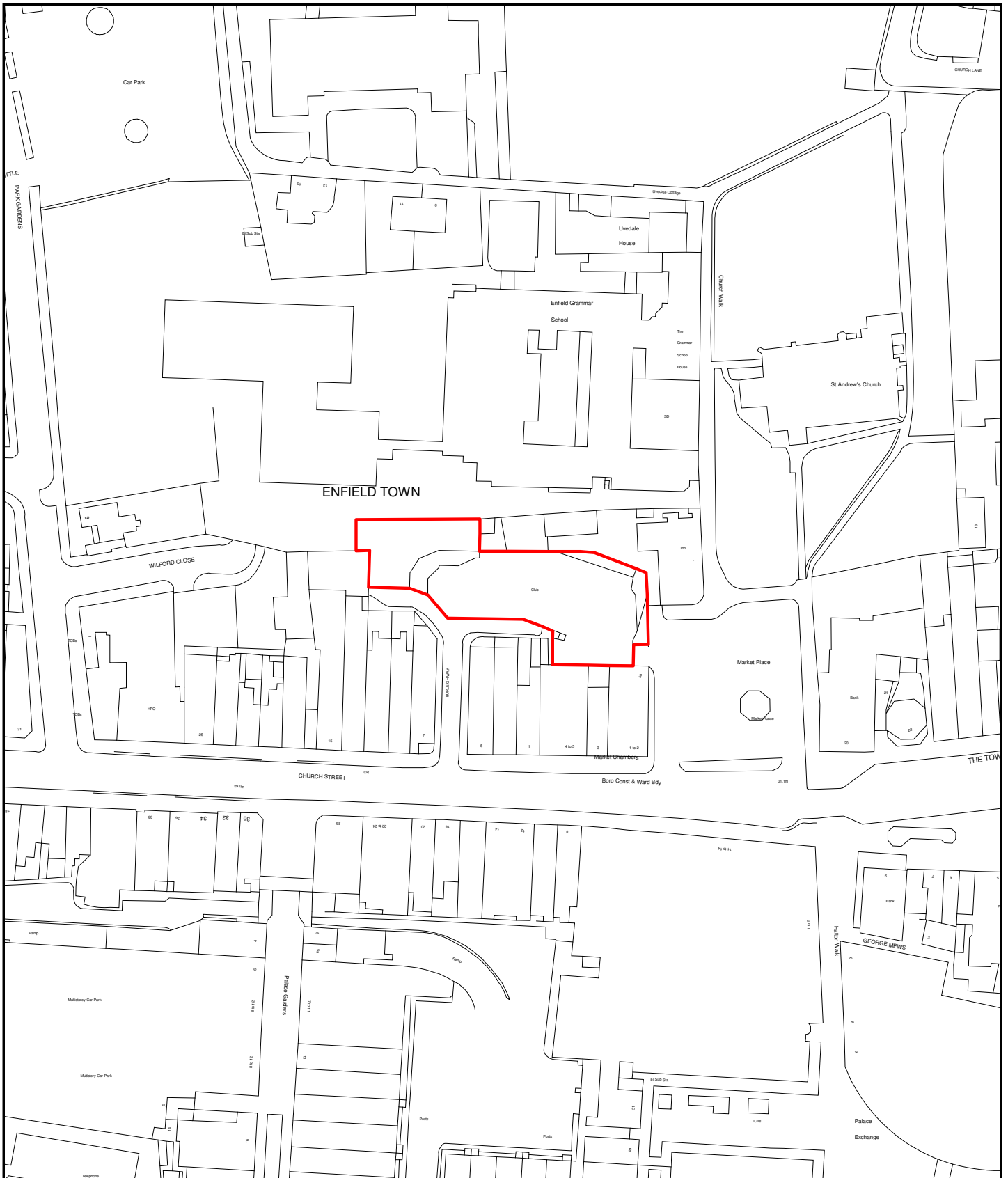
PROPOSAL: Demolition of the existing building and erection of 6 Commercial Units & 39 Residential Units (50% of which Affordable Housing) in two, part 3 & part 4 storey blocks, comprising of 6 x 1-bed, 17 x 2-bed & 16 x 3-bed flats, incorporating accommodation in roof space with front, rear & side dormer windows & pedestrian access to the Market Place.

Applicant Name & Address:
Mark Hayes,
Christian Action (Enfield) Housing Assoc
61, ISLAND CENTRE WAY,
ENFIELD,
EN3 6GS

Agent Name & Address:
Gian Kundi, The Tooley & Foster
Partnership
Warwick House
116, Palmerston Road
Buckhurst Hill
Essex
IG9 5LQ

RECOMMENDATION:

That planning permission be **GRANTED** subject to conditions and subject to a S.106 Agreement in respect of the heads of terms as detailed in the report and as previously agreed



Development Control



Scale - 1:1250
Time of plot: 09:31

Date of plot: 12/11/2010

1. Site and Surroundings

- 1.1 The application site is located in Enfield Town Centre and is accessed off Church Street and Burleigh Way, with frontages to Burleigh Way and Market Place.
- 1.2 The site is currently occupied by a large derelict cinema building last occupied by Gala Bingo but which is currently being demolished in accordance with the approval under reference CAC/08/0015.
- 1.3 Immediately to the north is Enfield Grammar School, the older part of which (The Grammar School House) is a grade II listed building.
- 1.4 The site is within Enfield Town Conservation Area.
- 1.5 The majority of buildings within the immediate vicinity are three storey in height. Within Market Place, the Kings Head public house is 13.3m in height to the ridge of its pitched roof. The building occupied by Santander (Market Chambers) is 13.2m in height. At its entrance, Burleigh Way is flanked by 3-storey developments, with Starbucks and Vision Express forming the ground floor commercial elements and residential over.

2. Proposal

- 2.1 Planning permission is sought for the demolition of the existing building and erection of 6 commercial units & 39 residential units (50% of which Affordable Housing) in two, part 3 & part 4 storey blocks, comprising of 6 x 1-bed, 17 x 2-bed & 16 x 3-bed flats, incorporating accommodation in roof space with front, rear & side dormer windows & pedestrian access to the Market Place.
- 2.2 The northern block would be mainly three storeys high with an additional storey of accommodation accommodated in the roof. A four storey element with an additional floor accommodated in the roof would be sited at the centre of this block. The southern block would be four storeys high with an additional floor accommodated in the roof.
- 2.3 Six commercial units are proposed on the ground floor of the northern and southern blocks fronting a new pedestrian route linking Burleigh Way and Market Place.
- 2.4 The design of the buildings does not differ significantly from those which were previously approved. Key changes to the scheme include:
 - a) A basement plant room has been provided under the middle section of the north block (Building A).
 - b) The ground floor plan has been altered as follows:

Building B (south block);

 - Shop unit no. G1 has been relocated adjacent to G2 in order to accommodate an electricity sub station.
 - The bin and cycle storage provisions have been relocated as has the residential entrance.

Building A (north block);

- Shop units G4 and G5 have been redesigned so that they may be ‘combined’ to offer a larger retail store with greater flexibility for future letting.
 - The residential entrance adjacent to shop units G4 and G5 has been relocated.
 - Shop unit G6 has been brought forward to accommodate part of the external seating area in the ‘undercroft’ of the building in order to make up for the loss of site adjacent and to overcome ‘Secure-by-Design’ issues.
 - The bin and cycle storage provisions have been relocated and reassessed so that they are independent of the residential entrances.
- c) The west end flank of Building A has been ‘stepped’ in order to accommodate windows to face south rather than overlook the adjacent School property.
- d) Service risers to each stair / lift have been added which has had a degree of impact on the internal layouts.
- e) The first, second and third floors have been amended in Building B which will now provide 2 x 3 bed flats on the first and second floors and 1 x 2 bed and 1 x 3 bed flats on the third floor, in response to housing mix requirements.
- f) The fourth floor remains essentially as the previously approved scheme.
- g) The scheme now provides a total of 39 flats as opposed to 42 flats approved under the original application.
- h) The proposed overall ‘mix’ of housing is now 6 x 1 bed flats, 17 x 2 bed flats and 16 x 3 bed flats.
- i) Affordable housing will be provided at 50% in accordance with the previous planning permission.
- j) In regards to the elevations, the main proposed change is the alteration to the pitch of the mansard roof to 70°, which is relatively typical for mansard roof designs. This would maximise the potential floor area that can be utilised for the flats within the roof space. The scheme that was granted planning consent did not take this into account and as a result, most of the flats shown within the roof space did not work in terms of headroom at the perimeter.
- k) Following recent consultation with the Grammar School, blank (tax style) windows are added to the north boundary as a ‘relief’ to the blank façade facing the School.
- l) The provision of lobby ventilation fans for building regulation purposes.
- m) Additional external cycle parking (x5 spaces) for shoppers.

3. Relevant Planning Decisions

TP/08/1940 - Demolition of existing building and erection of a total of 6 commercial units and 42 residential units (21 units of which affordable housing) in two part 3 and part 4-storey blocks, comprising 10 x 1-bed, 17 x 2-bed, 15 x 3-bed, incorporating accommodation in roof space with front, rear and side dormer windows, pedestrian access to the Market Place. – granted with conditions and subject to a S106 Agreement

CAC/08/0015 - Conservation Area Consent (ref: CAC/08/0015) was granted in June 2010 for the demolition of the building.

4. Consultations

4.1 Statutory and non-statutory consultees

4.1.1 Traffic & Transportation

The following comments have been received:

Parking:

As with the previous application, no parking is being provided due to the site being located in Enfield Town centre where the PTAL is 5. Again, a Section 106 should be agreed with the applicant so that residents cannot purchase a parking permit for the CPZ. There should be a contribution towards a 'car club' bay – the council has recently awarded the contract for car clubs to Streetcar, who are now providing bays within the borough. The developer contribution will be used for the legal procedures (Traffic Regulation Order etc) in order for a car club bay to be provided on street. Car clubs are referenced in 3.10 of the Traffic Assessment but there is no commitment to providing one at this stage (although one was required from the previous S106). Cycle parking has also been provided with one space per unit, and revised plans now show cycle parking provision for the shoppers within the shared surface.

Shared Surface:

The surface is again being used as shared between vehicles and pedestrians. Concerns were raised with this aspect of the previous application as the HGVs servicing the units would be in direct conflict with pedestrians using the shared surface, which would be particularly hazardous when the HGVs are reversing. This problem cannot be overcome based on the design of the new scheme, so some form of mitigation measures would be required by controlling the access to the shared space. This can be achieved through a Traffic Regulation Order (TRO) controlling the times of vehicular access to Burleigh Way and would also be included in the S106. It should also be noted that Burleigh Way is adopted highway, and any resurfacing to this section of the shared space will require a S278 agreement (this can be agreed within the S106).

Rear Servicing / Emergency Access:

Revised plans have since been submitted that show emergency access is possible for the rear units by repositioning some of the trees. Servicing for the shops fronting Burleigh Way will be from Burleigh Way itself, however again this appears to be at the expense of the servicing for units fronting Church St, contrary to one of the saved Policy (II) ET5 of the UDP. As with the previous application this has been balanced against the benefits of the scheme and considered acceptable.

Conclusion:

Due to the similarities with the previous scheme, traffic and transportation do not object to this proposal. There are some issues that would need to be addressed through the S106, which previously requested the following:

1. A requirement to fund:
 - works to Burleigh Way
 - a new Traffic Management Order to control access/servicing via Burleigh Way, including any Public Inquiry and compensation costs
 - loss of income to the Council in respect of loss of on-street parking bays in Burleigh Way of £21K (based on average annual loss for a 3 year period)
 - changes to Traffic Management Order for CPZ alterations.
 - any works necessitated by construction methodology
 - dedication of land for highway purposes
 - the extension Burleigh Way to reach fullest extent of developer's ownership to the west.
 - to utilize best endeavors secure pedestrian & vehicle rights to & from Market Place
 - to exclude new residents from parking in the CPZ
2. The provision of a Travel Plan, including provision of a car club – the car club component will require funding for the provision of bays to be run by 'Streetcar', who have a contract with the council to operate within Enfield.

4.1.2 Education

The Director of Education raises no objection, subject to a S.106 contribution towards education provision.

4.1.3 Environment Agency (EA)

The EA raises no objections to the proposed development.

4.1.4 Thames Water (TW)

TW advises that there are no objections in relation to sewerage and water infrastructure. It is also advised that any connection to the public sewer will require prior approval from TW.

4.1.5 English Heritage (GLAAS)

It has been advised that an archaeological condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation should be imposed. This is because of the medieval settlement in Enfield and the site being within the core of this historic space.

4.1.6 English Heritage (Historic Buildings)

It is advised that the application should be determined in accordance with national and local policy guidance and on the basis of Council's specialist conservation advice.

4.1.7 Conservation Advisory Group (CAG)

It is advised that CAG object to the proposal for the following reason:

"Further plant may be required later as units are fitted out and a zoned area for all common plant and equipment (smoke extract, air conditioning / handling, satellite dishes etc) needs to be identified. The Group were not convinced that a piecemeal approach would keep all plant invisible".

4.1.8 Enfield Town Conservation Area Group

It is advised that there are no objections.

4.1.9 Environmental Health

It is advised that as the scheme is similar to one previously approved, there are no objections subject to the imposition of the previously imposed conditions.

4.1.10 London Fire & Emergency Planning Authority

After initially raising an objection to the scheme, the Brigade, by letter dated 12 October, advises that they are now satisfied with the proposals.

4.1.11 Sustainable Design Officer

The following comments have been received from Council's Sustainable Design Officer:

1. BREEAM Retail Assessment - The scheme would seek to achieve a 'Very Good' rating against this standard. This is satisfactory to adhere to strategic objectives of the Council, however, it is at the margins of acceptability in terms of the overall score and lapses in the construction process could jeopardise the overall rating. I would suggest that a condition securing design

stage and final certification demonstrating the attainment of a 'Very Good' rating be levied.

2. Lifetime Homes - In accordance with Policy CP4 of the Core Strategy and Policy 3A.5 of the London Plan, 100% of new residential developments should be built to Lifetime Home standards and 10% should be wheelchair accessible. There are concerns that elements of the scheme would result in it not achieving a 100% Lifetime Homes' rating and certain elements will make it difficult for wheelchair users.
3. Revisions discussed with the design team to address the points previously raised have not been forthcoming and therefore I am unable to verify their current Code rating, including ecological improvements discussed and additional clarification on energy consumption and Low and Zero Carbon (LZC) technology.

4.1.12 Biodiversity Officer

The following has been advised:

- The bat survey was undertaken to an appropriate standard and that there was a low risk of bats being present in the building prior to demolition works commencing.
- In terms of securing the ecological enhancements set out in the accompanying BREEAM assessment, a condition should be imposed.
- Any landscaping condition should make reference to 'native and wildlife friendly landscaping'.

4.2 **Public Consultation**

- 4.2.1 Letters were sent to 296 neighbouring and surrounding properties in addition to statutory site and press publicity. No comments have been received.

5. **Relevant Policy**

Following the implementation of the Planning and Compulsory Purchase Act 2004, the statutory development plan consists of the following:

- (i) The Spatial Development Strategy for Greater London ("The London Plan"); and
- (ii) The London Borough of Enfield Unitary Development Plan (1994).

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 3A.5	Housing choice
Policy 3A.6	Quality of new housing provision
Policy 3A.18	Protection and enhancement of social infrastructure and community facilities
Policy 3C.22	Cycling strategy

Policy 3C.23	Parking strategy
Policy 3D.14	Biodiversity and nature conservation
Policy 4A.1	Tackling climate change
Policy 4A.2	Mitigating climate change
Policy 4A.3	Sustainable design and construction
Policy 4A.6	Decentralised Energy: heating, cooling and power
Policy 4A.7	Renewable energy
Policy 4B.1	Design principles for a compact city
Policy 4B.3	Enhancing the quality of the public realm
Policy 4B.5	Creating an inclusive environment
Policy 4B.8	Respect local context and communities
Policy 4B.11	London's built heritage
Policy 4B.12	Heritage conservation

5.2 Unitary Development Plan

(I)C1	Preserving and enhancing, areas, sites, buildings and landscape features of archaeological, architectural or historic importance.
(II)C1	To ensure that buildings of architectural or historic interest are preserved or enhanced.
(II)C18	To retain the curtilage of buildings of historic interest
(II)C27	Buildings or groups of buildings within conservation areas are retained and setting protected
(II)C28	Developments in Conservations Areas
(II)C30	Development within or adjacent to a Conservation Area
(I)GD1	Appropriate regard to surroundings
(I)GD2	Improve environment, quality of life and visual amenity
(II)GD3	High standard of functional and aesthetic design
(II)GD6	Traffic generation
(II)GD8	Access and servicing
(II)ET5	To provide, and encourage the use of, rear servicing facilities for Town Centre premises
(II)H8	Maintain privacy and prevent overlooking
(II)H9	Amenity Space
(II)H22	Make provision for persons with special housing needs
(II)T13	Highway access
(I)CS1	Community services
(II)CS1	Facilitate community services

5.3 Local Development Framework

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

The Enfield Plan – Core Strategy was submitted to the Secretary of State on 16th March 2010 for a Public Examination of the ‘soundness’ of the plan. The Inspector has confirmed that the Core Strategy is sound and it is expected to be adopted until the full meeting of Council in November 2010. The following

policies from this document are considered of relevance to the consideration of this application.

- CP1: Strategic growth areas
- CP2: Housing supply and locations for new homes
- CP3: Affordable housing
- CP4: Housing quality
- CP5: Housing types
- CP7: Healthcare and wider determinants of health
- CP9: Supporting community cohesion
- CP13: Promoting economic prosperity
- 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
- CP22: Delivering sustainable waste management
- CP25: Pedestrians and cyclists
- CP26: Public transport
- CP30: Maintaining and improving the quality of the built and open environment
- CP31: Built and landscape heritage
- CP32: Pollution
- CP34: Parks, playing fields and other open spaces
- CP36: Biodiversity
- CP42: Enfield Town
- CP46: Infrastructure contributions

5.4 Other Relevant Policy

- PPS1: Sustainable development
- PPS3: Housing
- PPS4: Planning for Sustainable Economic Growth
- PPS5: Planning for the Historic Environment
- PPS9: Biodiversity and Geological Conservation
- PPG13: Transport
- PPS23: Planning and Pollution Control
- PPG24: Planning and Noise

Enfield Strategic Housing Market Assessment (2010)
Enfield Town Conservation Area Character Appraisal (2006)

6. Analysis

6.1 Principle

- 6.1.1 The principle of the redevelopment of the site has been previously accepted through the granting of planning permission for the demolition of the existing building and erection of a total of 6 commercial units and 42 residential units in two part 3 and part 4-storey blocks, incorporating accommodation in roof space with front, rear and side dormer windows, and pedestrian access to the Market Place.

6.1.2 The introduction to the Enfield Town Conservation Area Character Appraisal (the Appraisal) states that 'conservation areas are areas of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance' and... designation imposes a duty on the Council, in exercising its planning powers, to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In fulfilling this duty, the Council does not seek to stop all development, but to manage change in a sensitive way, to ensure that those qualities, which warranted designation, are sustained and reinforced rather than eroded.'

6.2 Impact on Character of Surrounding Area / Conservation Area

Density

- 6.2.1 The assessment of density must acknowledge PPS3 and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities, although they must also be appropriate for the area.
- 6.2.2 The site falls within an area with a Public Transport Accessibility Level (PTAL) rating of 5, therefore the London Plan suggests that a density of 650-1100 habitable rooms per hectare (hrph) may be appropriate for this location.
- 6.2.3 One hundred and thirty (130) habitable rooms are proposed on a site measuring approximately 0.0137ha. This provides a density of approximately 947hrph, thereby suggesting that in density terms, the proposed development would be acceptable. It should be noted that the submitted documentation states that 127 habitable rooms are to be provided. This however, does not take into account that the proposed living/dining room & kitchen proposed for each of the western units on the southern block are of such a size that can be easily convertible into two rooms for density calculation purposes. This has a marginal impact in terms of the overall density figure.
- 6.2.4 For comparative purposes, the overall density level of the previously approved scheme would have resulted in approximately 937hrph on a site measuring approximately 0.0143. Whilst the previously approved scheme was for 42 units in total, the site area was slightly [and incorrectly] larger.

Site Coverage / Scale

- 6.2.5 The restricted nature of the site provides that there would be little opportunity to accommodate on-site amenity space of any significance. Furthermore, the location of the site adjoining a school provides that it is undesirable to provide balconies that would directly overlook northwards. Therefore only a limited number of the proposed flats have been provided with balconies where this would avoid overlooking.
- 6.2.6 Given the town centre location and the nature of the proposed development this is considered to be acceptable. The site is within walking distance of Town Park and a S.106 contribution has been agreed to provide a contribution towards the enhancement of open space and access to open space in the vicinity of the site to offset the lack of on-site provision. This is to the benefit of the wider community.

Design

- 6.2.7 The design is considered to be appropriate in the context of this location and having regard to the previously approved scheme.
- 6.2.8 In addition, the development would serve to enhance this part of Enfield Town Conservation Area, particularly in respect of the relationship between the site and Market Place and Burleigh Way. Architectural detailing and articulation of the elevations and roof heights would add visual interest to the overall design of the buildings.
- 6.2.9 The site is restricted by its location, form and the proximity of surrounding buildings and uses, including the adjoining school. The layout and massing of the building makes efficient use of the land and creates an opportunity to provide the desired pedestrian linkage between the Market Place and Burleigh Way.
- 6.2.10 In relation to the vents on the roof, their siting should not result in them being visible from street level (including Market Place) due to their central positioning on the roof and the height of the buildings. It is inevitable however, that they will be visible from surrounding and nearby tall buildings. The concerns of CAG are noted and any additional information from the applicant will be reported to Committee. In addition, a condition can be imposed to ensure that no additional external plant is to be installed without the prior approval of those details.

Height / Massing / Proximity to Boundaries

- 6.2.11 The height, massing and proximity to boundaries remain as previously approved.
- 6.2.12 Having regard to the above, it is considered that the development will not detract from the character, appearance and setting of the Conservation Area but will serve to enhance it.

6.3 Impact on Neighbouring Properties

- 6.3.1 As part of the application a Daylight and Sunlight Study has been submitted following the methodology laid down by (BRE) Digest 209 'Site Layout Planning for Daylight and Sunlight: a good practice guide' published by the Building Research Establishment. The study confirms that the development would not have an unacceptable impact in respect of existing windows of adjoining properties to the south and east.
- 6.3.2 The western half of the north block is sited on the boundary with Enfield Grammar School. This northwest corner of this part of the building would be sited approximately 8.3 metres from the Upper School building and the northeast corner 8 metres from the Grammar School House building, However, the majority of this elevation faces a gap between the two school buildings occupied only by a first floor linking corridor. There are only tax windows (blank-brick windows to provide relief) on the boundary facing the school in this part of the building but there would be patio doors providing access to facing balconies at first, second and third floor levels set within a recessed courtyard 5.7 metres from the boundary. The eastern half of the

block is sited approximately 15 metres from the school boundary with land owned by Old Enfield Charitable Trust between. There are window to stairwells and bedrooms facing the school on all residential levels in this part of the building.

- 6.3.3 The northwest corner of will have some impact on the access of light to classrooms located at the southeast corner of the Upper School building by virtue of the its siting, proximity and height. However, the proposed building runs parallel to the classroom accommodation for a limited distance of 3.5 metres and the classrooms are fully glazed and it is considered that loss of light access will not be materially significant.
- 6.3.4 It is considered that there is no additional impact on neighbouring properties over that which was previously approved.

6.4 Highway Safety

Access / Traffic generation / Parking

- 6.4.1 Like the previous scheme, the current is a car-free scheme for both the residential and commercial elements. It is again suggested that the occupiers of the new residential units should be excluded from the right to apply for permits to park within the Controlled Parking Zone. This can be secured through the S106 Agreement.
- 6.4.2 Other highway and transportation matters mainly to ensure that the development can be serviced efficiently and safely addressed via a S.106 Agreement are detailed in the following section of the report.
- 6.4.3 A 'grampian' condition is recommended to secure highway works prior to the commencement of the development.
- 6.4.4 Access to the site for emergency vehicles is considered to be satisfactory.
- 6.4.5 Policy (II)ET5 of the UDP seeks to provide and encourage rear servicing of properties Church Street, The Town, Silver Street and London Road. The policy seeks the provision of rear servicing to Nos. 7-21 Church Street which would require the provision of a through route linking Wilford Close to Burleigh Way shown as site 6/ET on the Enfield Town UDP insert plan. Site 6/ET encroaches into the application site and the proposed development would encroach on the line of the proposed route to an extent that it could not be provided in the form of a through route for vehicles.
- 6.4.6 A plan attached to this report indicates the encroachment of the proposal onto the rear servicing route line shown on the UDP Enfield Town insert plan.
- 6.4.7 Rear servicing could still be provided to the Church Street properties by the extension of Wilford Close in the form of a cul-de-sac up to a point where it meets the application site but this would not provide a through route to Burleigh Way and it would be sub-standard in that a turning facility could not be provided. In addition a through route could still be sought if the redevelopment of the rear of numbers 13-21 Church Street were to be proposed in the future.

6.4.8 Whilst it is regrettable that the proposal does not fully accord with policy on this issue it is considered that this issue must be balanced against the likelihood of securing the route in a reasonable time frame, the desirability of securing the future of the Gala site, the potential functional and architectural contribution of the proposed development to Enfield Town Centre, and the previous planning permission.

6.5 Housing Mix and Affordable Housing

6.5.1 The identified Borough-wide mix of housing (CP5) is:

Market Housing:

- 20% 1 and 2 –bed flats, 15% 2-bed houses, 45% 3-bed houses, 20% 4+ bed houses.

Social Rented

- 20% 1 and 2 –bed units, 20% 2-bed units, 45% 3-bed units, 20% 4+ bed units

6.5.2 The scheme will provide 6 x 1 bed flats, 17 x 2 bed flats and 16 x 3 bed flats. Of this, the affordable homes element will comprise of 20 units in a mix of: 3x 1-bed (2 person), 5 x 2-bed (4 person) and 11 x3-bed (5 person) and 1 x 3-bed (6 person) flats. 85% of the affordable units are family sized accommodation (60% being 3-beds). As a percentage of the overall development in recognition of the need to provide family accommodation, the scheme will achieve 84% family accommodation with 41% being 3-beds.

6.5.3 It is considered that the in terms of housing mix and affordability, the scheme is acceptable, also having regard to the previously planning permission which also secured an appropriate mix and 50% affordable housing.

6.6 Commercial uses

6.6.1 The six commercial units (Use Classes A1-A4) have been reduced in size from that previously approved. This is due to the decrease in size of the overall building footprint, resulting in a total commercial floor space of approximately 370sqm (as opposed to the previously approved 491sqm) and also due to redesigned access and servicing requirements.

6.6.2 The layout has also altered slightly in that it is now proposed that two sets of units (1&2 and 4&5) are now positioned immediately adjacent to each other to allow for their potential merger into larger units.

6.6.3 There are no concerns raised over the minor alterations in relation to the layout of the commercial units. A condition is proposed to restrict the units to Use Classes A1- A4 to ensure that vitality and viability of the Town Centre is not affected.

6.7 Sustainable Design and Construction

Lifetime Homes

- 6.7.1 The London Plan and Core Strategy confirm that all new housing is to be built to Lifetime Homes' standards. This is to enable a cost-effective way of providing adaptable homes that are able to be adapted to meet changing needs.
- 6.7.2 A Lifetime Home will meet the requirements of a wide range of households, including families with push chairs as well as some wheelchair users. The additional functionality and accessibility it provides is also helpful to everyone in ordinary daily life, for example when carrying large and bulky items. Lifetime Homes are not, however, a substitute for purpose-designed wheelchair standard housing. Many wheelchair users will require purpose-designed wheelchair housing.
- 6.7.3 The applicant has provided a matrix to demonstrate compliance with Lifetime Homes' criteria and where the criteria can not be met, the justification for this. With regard to that matrix, of the 16 criterion that are assessed, the areas that the applicant claims to not meet with 100% requirement over all four floors of residential accommodation are the entrances (75%), communal stairs and lifts (50%) and bathroom layout (ground & first floor – 38%, second floor – 36%, third floor – 27%, fourth floor – 50%) are discussed further.

Entrances (Criterion 4)

To achieve 100%, all entrances should:

1. Be illuminated
2. Have level access over the threshold; and
3. Have effective clear opening widths and nibs (clear space – 300mm).

In addition, main [communal] entrances should also:

4. Have adequate weather protection
5. Have a level external landing.

- 6.7.4 This standard is not achieved primarily because only one entrance is covered. The previous scheme had one of the other entrances covered due to it being recessed but following comments by the Secured by Design officer, this was removed. To provide awnings or canopies over the other entrances would improve the rating however they could detract from the appearance of the buildings. On balance, this element is considered acceptable.

Communal stairs & lifts (Criterion 5)

To attain 100%, the following should be complied with:

1. Communal stairs should provide easy access and
2. Where homes are reached by a lift, it should be fully accessible.

Stated specifications and dimensions required to meet criterion

Minimum dimensions for communal stairs

- Uniform rise not exceeding 170mm.
- Uniform going not less than 250mm.
- Handrails that extend 300mm beyond the top and bottom.
- Handrails height 900mm from each nosing.
- Step nosings distinguishable through contrasting brightness.
- Risers which are not open.

Minimum dimensions for lifts

- Clear landing entrances 1500mm x 1500mm
- Min. internal dimensions 1100mm x 1400mm
- Lift controls between 900 and 1200 mm from the floor and 400mm from the lift's internal front wall.

- 6.7.5 The provision of communal lifts is not essential to achieving Lifetime Homes standard because the standard can still be achieved if the communal stairs achieve the above dimensional and specification requirements, and the features of each flat conform to other relevant criteria. However, all communal staircases, whether a lift is provided or not, must conform to the Lifetime Homes specification, as stated above.
- 6.7.6 The applicant states that the standard is not achieved primarily because of space restrictions within each block. Compared with the criterion above, uniform rise is 180mm (ground to first floor) and 177mm (first floor and above), there are handrails to only one side of each stairwell.
- 6.7.7 The provision of lifts to all levels is considered to be a suitable compromise for not meeting the standards in relation to communal stairs.

Bathrooms (Criterion 14)

- 6.7.8 An accessible bathroom, providing ease of access, should be provided in every dwelling, close to a main (double or twin) bedroom. One of the concerns in relation to bathrooms is ensuring that there are sufficient clear zones around and approaching facilities. In addition, the requirements of Criterion 11 (WC and Bathroom walls), & Criterion 13 (Potential for hoists), should also be noted and incorporated.
- 6.7.9 An internal footprint dimension of 2100mm x 2100mm for example, increases the degree of choice and flexibility in respect of fittings, layout, orientation and future adaptability, although it is also recognised that this cannot always be achieved. An outward opening door will be required to satisfy Approved Document M if the bathroom contains the only accessible entrance level WC within the dwelling.
- 6.7.10 The applicant states that the majority of the bathrooms fall marginally below the standards but that making them larger will have a detrimental effect on the layout of the units in regards to corridor widths and adjacent bedrooms.
- 6.7.11 Individual bathrooms only marginally fall short of the requirements in terms of their layout and spacing between different elements of the bathroom.
- 6.7.12 The scheme falls marginally short in the detailing of certain other criteria. For example, Criterion 15 (Window Specification) confirms that one of the requirements to allow reasonable views from the principal living space by having glazing that should not start more than 800mm above floor level. The current plans have the glazing starting at 825mm but the applicant has confirmed that this can be easily amended to comply. Tracking hoist routes (Criterion 13) are not able to be provided from all main rooms to the bathroom but the applicant advises that in some cases the route is better from the secondary bedrooms.

- 6.7.13 It should be noted that the applicant has also sought to implement good practice recommendations that exceed or are in addition to the required standards. For example, providing lift access to all four levels. The application of the 'good practice' standards should be given some weight when assessed against those requirements that are not fully complied with.

BREEAM

- 6.7.14 The application is accompanied by a BREEAM Code for Sustainable Homes (Design Stage Pre-assessment Report), indicating that the scheme can achieve a level 3 rating. This rating is considered to be satisfactory and a condition is recommended to ensure compliance with the report.
- 6.7.15 The application is accompanied by a BREEAM for Retail Pre-assessment report, indicating that the scheme can achieve a 'Very Good' rating. However, an appraisal of this Assessment has revealed that the 'Very Good' rating can only just be achieved. An appropriately worded condition is suggested to secure a final stage certificate confirming the attainment of the 'Very Good' rating.

Noise

- 6.7.16 Due to the mixed nature of the scheme and the proximity of the site to a busy commercial area, a noise assessment report has been submitted. It should be noted that the noise surveys undertaken did not take into account the potential noise reaching the nearest residential units from the adjacent Kings Head public house, which has only recently reopened. Nevertheless, the recommendations within the report (types of windows, noise insulation) are building regulations matters and there is no objection in principle to this arrangement.

Energy

- 6.7.17 London Plan policy adopts a presumption that developments will achieve a reduction of emissions of 20% from site renewable energy sources, unless it can be demonstrated that this is not feasible.
- 6.7.18 Technologies that have been discounted due to site constraints (no external area able to accommodate plant) include:
- Air source heat pumps
 - Biomass fuelled plant
 - Ground source heat pump serving a communal system
- 6.7.19 In addition, several other technologies are considered inappropriate:
- Wind turbines – due to site location and surrounding tall buildings.
 - PV – whilst recognised that the south-facing mansard roofs would be ideal for locating PV, the inverters / converters and issues with the design of the grid feed on system has led to problems with capital payback due to increased installation costs.
 - Solar hot water – storage water system not adopted therefore there is no means of utilising stored thermal energy.

6.7.20 A condition is recommended requiring the submission and approval of details to confirm that the scheme will meet with the 20% target.

6.8 Biodiversity

6.8.1 An ecological assessment has been submitted with the application which confirms the following:

1. That there are no protected species or signs of protected species present at the site. It was however noted during the two dusk surveys undertaken on 17th and 24th August 2010, Common Pipistrelles and Soprano Pipistrelles were identified 'commuting across' or along the site. It is therefore suggested that any lighting proposed for the development is not excessive so as to limit light pollution that may disturb commuting bats. In relation to pigeons, it is suggested that should any be nesting, occupying a nest or there are potential young in the nest, a minimum buffer of 10m between any site work and the nest should be maintained and no work carried out within this zone until all young have fledged the nest.
2. Landscaping details should be provided and must include any new, existing or enhanced habitats. In addition, the species to be planted in the amenity areas should be clearly shown in a Landscape Management Plan.

6.8.2 The Landscape Management Plan can be secured by condition.

6.9 S106

6.9.1 The development is for a scheme that replaces a previous scheme that cannot be implemented. A new legal agreement has been sought and agreed to, reflecting those previously agreed obligations. It should be noted that whilst the number of units has decreased from 42 to 39, the education contribution remains the same because the expected number of children does not change.

3. A requirement to fund:
 - works to Burleigh Way
 - a new Traffic Management Order to control access/servicing via Burleigh Way, including any Public Inquiry and compensation costs
 - loss of income to the Council in respect of loss of on-street parking bays in Burleigh Way of £21K (based on average annual loss for a 3 year period)
 - changes to Traffic Management Order for CPZ alterations.
 - any works necessitated by construction methodology
 - dedication of land for highway purposes
 - the extension Burleigh Way to reach fullest extent of developer's ownership to the west.
 - to utilize best endeavors to secure pedestrian & vehicle rights to & from Market Place
 - to exclude new residents from parking in the CPZ
4. The provision of a Travel Plan, including provision of a car club

3. An Education contribution of £72,222
4. A contribution towards the enhancement of open space and access to open space of £45K and £5K towards biodiversity initiatives.
5. To secure the provision 50% affordable housing

7. Conclusion

- 7.1 The Gala Bingo building, now partly demolished, was a derelict structure that due to its state of neglect over many years, severely detracted from the character and appearance of the Conservation Area.
- 7.2 The current scheme is not too dissimilar to that previously approved and refinements in the overall design are considered to enhance the scheme further and provide more useable living area within the units contained in the roof space.
- 7.3 Where the scheme cannot meet with certain adopted standards, for example, the provision of amenity space, a contribution has been agreed to provide improvements towards open space enhancement, to the benefit of the wider community.
- 7.4 However, it must be recognised that the scheme does not meet with 100% Lifetime Homes' standards. Whilst planning permission was previously approved without such measures, that scheme cannot be implemented and policies have moved on and been strengthened since that approval. Therefore whilst there will be some regard to the principle set by the previous approval, current standards and policies should apply.
- 7.5 A detailed assessment has been provided in this report and within the site constraints the Lifetime Homes criteria have been maximised. However, it is felt that the regeneration benefit that this scheme represents to Enfield Town cannot be ignored and further delay could result in a loss of funding. On balance, it is considered that planning permission should be granted for the following reasons:
 1. The development impacts on the rear servicing route for properties fronting Church Street proposed in Policy (II)ET5, however, the development provides for a form and mix of development that respects the scale and character of the adjoining buildings, would secure the redevelopment of a key town centre site of opportunity and enhance the appearance of this part of the Enfield Town Conservation Area. In this respect the development complies with Policies (I)C1, (II)C27, (II)C30, (II)C31 and (II)GD3 of the Unitary Development Plan and London Plan Policies 4B.1, 4B.2, 4B.3, 4B.5, 4B.8 and 4B.12.
 2. The proposed development would not detract from the amenities of the occupiers of adjoining properties in terms of light, outlook or privacy and in this respect complies with Policies (I)GD1, (I)GD2 and (II)H8 of the Unitary Development Plan.

3. Having regard to the Town Centre location and the provisions of the accompanying S106 Agreement, the proposal makes appropriate provision for access and in this respect complies with Policies (II)GD6, (II)GD8 of the Unitary Development Plan and London Plan.

8. Recommendation

- 8.1 That planning permission be GRANTED subject to conditions and subject to a S.106 Agreement in respect of the following heads of terms as detailed in the report and as previously agreed:

1. A requirement to fund highway and associated orders:
 - loss of income to the Council in respect of loss of on-street parking bays in Burleigh Way (to facilitate servicing)
 - changes to Traffic Management Order for CPZ alterations.
 - any works necessitated by construction methodology
 - dedication of land for highway purposes
 - the extension of Burleigh Way to reach fullest extent of developer's ownership to the west.
 - to utilise best endeavors secure pedestrian & vehicle rights to & from Market Place
 - to exclude new residents from parking in the CPZ
2. The provision of a Travel Plan, including provision of a car club
3. An education contribution
4. A contribution towards the enhancement of open space and access to open space
5. To secure the provision of 50% affordable housing

And the following conditions:

1. C60 Approved Plans
2. NSC1 Details of Access Arrangements
The development hereby approved shall not commence until a detailed design for the treatment, extension and layout of the adjoining highway (Burleigh Way) and arrangements have been secured for its implementation have been agreed in writing by the Local Planning Authority.

Reason: In order to ensure that access arrangements are secured for the development and adjoining land in accordance with the Council's adopted standards.
3. C07 Details of Materials
4. C09 Details of Levels
5. C10 Detail of Hard Surfacing

6. NSC2 Finishing Details

That development shall not commence until detailed drawings, including sections, to a scale of 1:20 or larger of a sample panel through the building showing the proposed windows, cills, reveals and arches, quoins, brick bond, eaves detailing, dormer windows, shop front, fascia and pilasters have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to occupation.

Reason: To safeguard the character and appearance of the Enfield Town Conservation Area.

7. C11 Details of Enclosure

Details of any means of enclosure of the site shall be submitted to and approved by the Local Planning Authority prior to its installation. The means of enclosure shall be installed in accordance with the approved detail prior to the occupation of the development.

Reason: To ensure a satisfactory appearance.

8. C17 Details of Landscaping

9. C19 Details of Refuse Storage & Recycling Facilities

Notwithstanding the submitted plans, 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.

10. NSC3 Sustainability

That prior to the commencement of development a detailed Sustainability Statement for the buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the particulars approved. The Statement shall include:

- (i) A full Energy Assessment;
- (ii) Demonstrate that the proposed heating and cooling system has been selected in accordance with the following order of preference: passive design; solar water heating; combined heat and power, for heating and cooling, preferably fuelled by renewable; community heating for heating and cooling; heat pumps; gas condensing boilers and gas central heating; and
- (iii) Details of the renewable energy technologies to be incorporated demonstrating the proportion of energy demand they meet.

Reason: To demonstrate that the scheme will comply with the energy efficiency and sustainable development policy requirements of the London Plan.

- 11. C20 Details of fume extraction
- 12. C23 Details of archaeological investigation
- 13. C25 No additional fenestration
- 14. C32 Window Display (Commercial units)
- 15. C33 Contaminated land
- 16. C41 Details of external lighting
- 17. C48 Restricted Use Classes
The commercial units forming part of the development hereby approved shall only be used for purposes with Use Classes A1 – Retail, A2 – Financial and Professional Services, A3 – Restaurant and Café or A4 – Drinking Establishment as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: To safeguard the character and vitality of Enfield Town Centre

- 18. NSC4 Restriction of Shutter Boxes / Security Grills
That no roller shutter boxes or security grills shall be applied to any external face of the building hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of this part of the Enfield Town Conservation Area.

- 19. NSC5 External Plant, Fittings, Plumbing or Pipes
No external plant, fittings, plumbing or pipes other than those shown on the approved drawings shall be fixed to any external element of the buildings unless otherwise approved in writing by the Local Planning Authority in advance of any work being carried out.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and setting of the Conservation Area.

- 20. C59 Details of Cycle Parking
- 21. NSC6 Construction Methodology
That development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall contain:
 - (i) a photographic condition survey of the roads, footways and verges leading to the site
 - (ii) details of construction access, associated traffic management and vehicle routing to the site

- (iii) arrangements for vehicle servicing and turning areas
- (iv) arrangements for the parking of contractors vehicles
- (v) arrangements for wheel cleaning
- (vi) details of the site compound and the layout of temporary construction buildings
- (vii) arrangements for the storage of materials
- (viii) hours of work

The development shall then be undertaken in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the implementation of the development does not lead to damage to the existing highway and to minimise disruption to neighbouring properties and the environment.

22. NSC7 Delivery and Servicing

The development shall not commence until details of a Delivery and Service Plan (DSP) in accordance with Transport for London's current guidance have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and the retail premises shall operate in accordance with these approved details thereafter.

Reason: To ensure that the development does not prejudice conditions of safety or traffic flow on adjoining highways and complies with Transport for London's London Freight Plan.

23. NSC8 BREEAM - Retail

Evidence confirming that the development achieves a BREEAM Retail 2008 or any amended version rating of no less than 'Very Good' shall be submitted to and approved in writing by the Local planning Authority. The evidence required shall be provided in the following formats and at the following times:

- (i) Design stage assessment, conducted by an accredited BREEAM Industrial Assessor and supported by relevant BRE interim certificate, shall be submitted at pre-construction stage prior to the commencement of superstructure works on site; and
- (ii) A post construction assessment, conducted by an accredited BREEAM Industrial Assessor and supported by relevant BRE accreditation certificate, shall be submitted following the practical completion of the development and prior to the first occupation.

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior approval of the Local Planning Authority.

Reason: In the interests of addressing climate change and to secure 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.

24. NSC9 SUDS

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

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

25. NSC10 SUDS 2

Surface water drainage works shall be carried out in accordance with details that have been submitted to, and approved in writing by, the local planning authority before the development commences. Those details shall include a programme for implementing the works. Where, in the light of the assessment required by the above condition, the Local Planning Authority concludes that a SUDS scheme should be implemented, details of the works shall specify:

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

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

26. NSC11 Biodiversity Enhancements

No development shall commence until a plan showing the location, details and specifications for biodiversity enhancements, to include as a minimum, unless otherwise agreed by the Local Planning Authority, all those detailed in section 5.3.1 of the ecological assessment submitted with the application (MLM Environmental – Ecological Assessment including bat detector survey – September 2010, ref DMB/731463/R1/AC), and at least two of the recommendations given in section 5.3.2 of this report have been submitted to and approved in writing by the Local Planning Authority. Thereafter these features shall be maintained unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that the development does not have an adverse impact on biodiversity and leads to enhancement in accordance with PPS9.

27. NSC12 Ecological Management Plan

No development shall commence until an ecological management plan for the site has been submitted to and approved in writing by the Local Planning Authority.

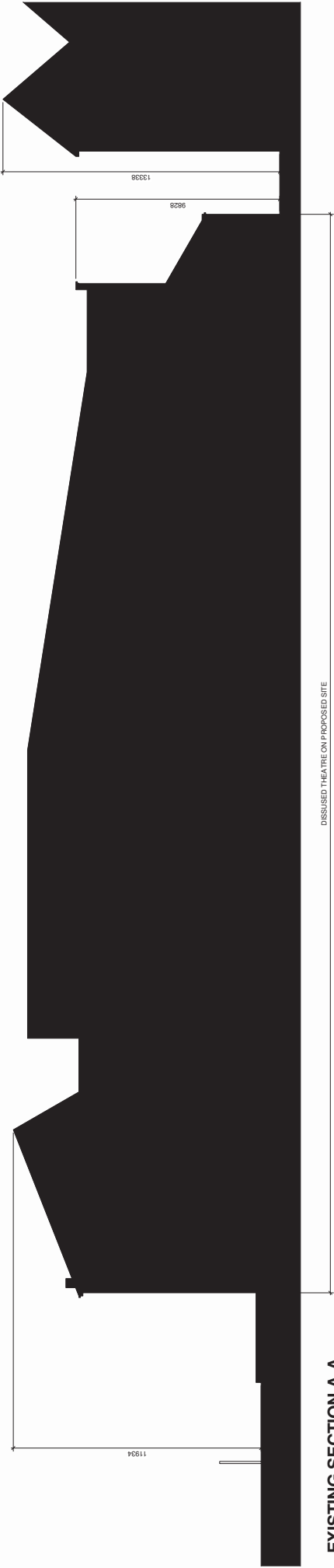
Reason: To ensure that the development does not have an adverse impact on biodiversity.

28. C51A Time Limited Permission

- Directive 1: Thames Water advises that where the developer is proposing to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777, quoting their DTS Reference: 20068.
- Directive 2: You are advised that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take into account this minimum pressure in the design of the proposed development.
- Directive 3: The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

Do not scale from this drawing.
 Contractors must confirm all dimensions
 before starting work on site.

Rev.	Description	Date	Aut.
REV. A	GENERAL UPDATE PLANNING SUBMISSION;	08/04/2010	GSK
REV. B	GENERAL UPDATES IN LINE WITH DESIGN COMMENT.	08/10/2010	GSK
REV. C	ELEVATIONS REVISED TO ACCORD WITH DISCUSSION WITH PLANNER.	13/03/2010	GSK



EXISTING SECTION A-A
 1 : 100



SECTION A-A, BUILDING 'A' SOUTH ELEVATION
 1 : 100

PLANNING

MANSELLS / CAHA
 BURLEIGH WAY
 ENFIELD

EXISTING & PROPOSED SITE
 SECTION A-A,
 BUILDING 'A' STH ELEVATION

Drawn: MRC
 Author: GSK
 Scale: 1 : 100 @ A1
 Date: 08/07/2010

Revision:
 4696 DE / 07 C

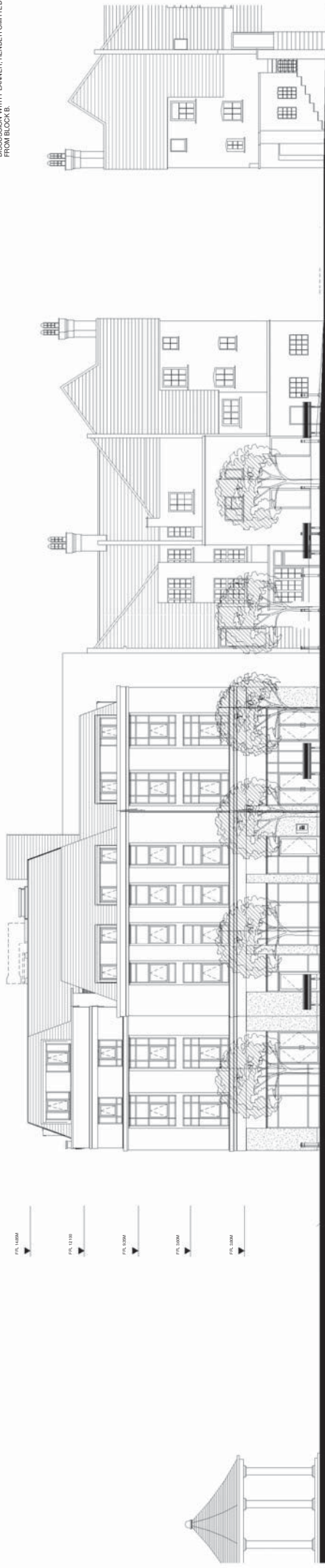
The Tooley & Foster Partnership
 ARCHITECTS & DESIGNERS
 100, The Old School House,
 Burleigh Way, Enfield, London N11 1JF
 Tel: 020 8596 1779
 Fax: 020 8596 1778
 www.tooleyfoster.com

Mansell

CONT. REF ME0092

Do not scale from this drawing.
 Contractors must confirm all dimensions
 before starting work on any drawings.

Rev.	Description	Date	Aut.
REV A	06/08/2010 GENERAL UPDATE PLANNING SUBMISSION	06/08/2010	GSK
REV B	07/07/2010 GENERAL UPDATES IN LINE WITH DESIGN DEVELOPMENT.	07/07/2010	GSK
REV C	14/05/2010 GSK ELEVATIONS REVISED TO ACCORD WITH DISCUSSION WITH PLANNER, RENDER OMITTED FROM BLOCK B.	14/05/2010	GSK



PROPOSAL SECTION E-E
1 : 100



PROPOSAL EAST ELEVATION
1 : 100

PRELIMINARY
 MANSELLS / CAHA
 BURLLEIGH WAY
 ENFIELD

**PROPOSED SECTION E-E &
 PROPOSED EAST ELEVATION**

Drawn: MRC
 Authorised: GSK
 Scale: 1:100 @ A1
 Date: 07/07/2010

4696	DE / 11	C
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The Tooley & Foster Partnership
 ARCHITECTS & DESIGNERS
 100-102, The Old School
 Buckhurst Hill, Essex, SS9 5LQ
 Tel: 020 8596 1779
 Fax: 020 8596 1778
 www.tooleyfoster.com



LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 23rd November 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mrs S.L. Davidson Tel: 020 8379
3841

Ward: Ponders
End

Application Number : TP/10/1215

Category: General
Industry/Storage/Warehousing

LOCATION: 4, (formaly known a Visteon UK) MORSON ROAD, ENFIELD, EN3 4NQ

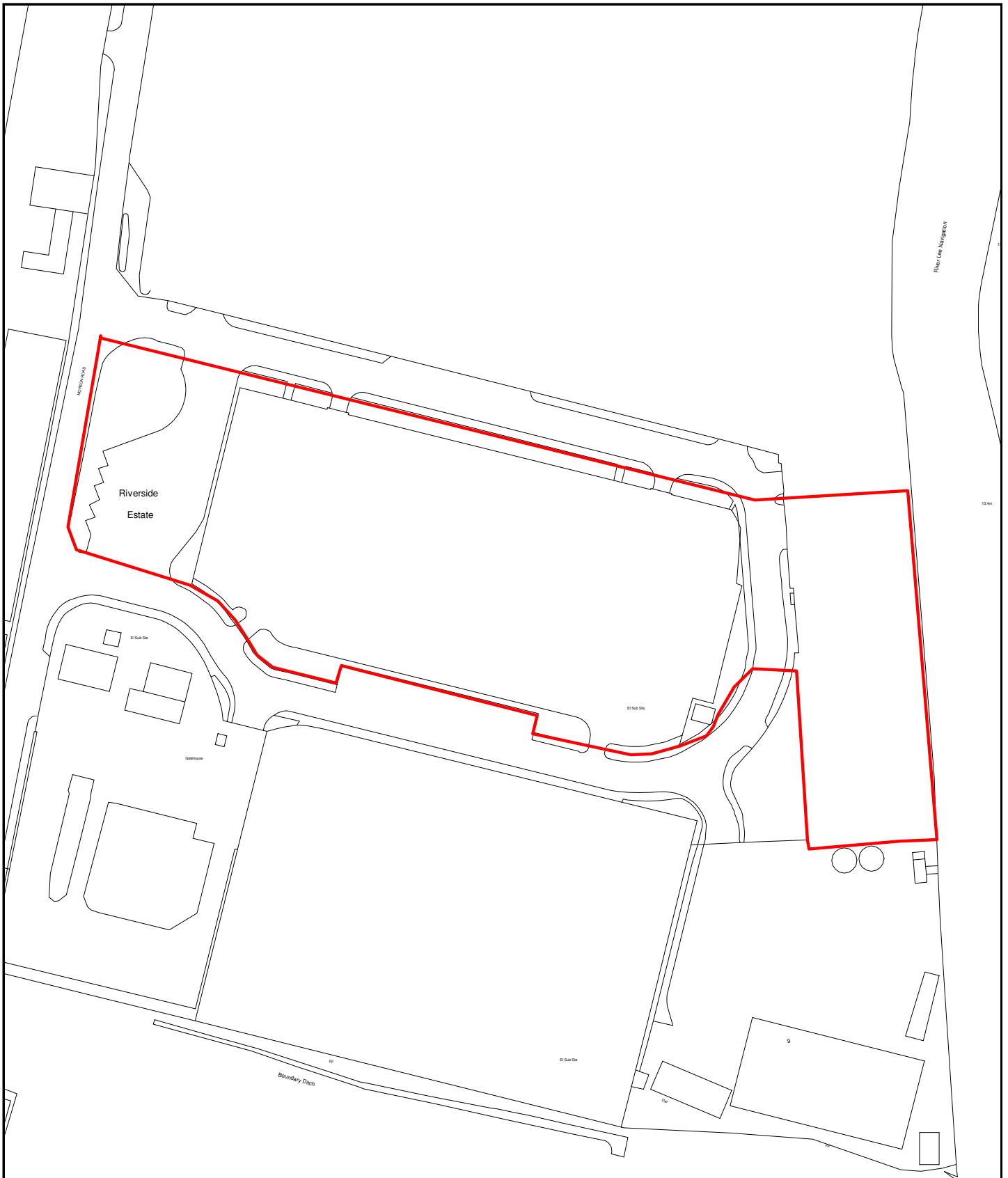
PROPOSAL: Erection of 3,511 sqm warehouse/distribution building (Class B8) with ancillary office space, car/van/HGV parking, new access and associated landscaping.

Applicant Name & Address:
SEGRO
234, Bath Road,
Slough,
AL1 4EF

Agent Name & Address:
Helen Farrow,
Nathaniel Lichfield and Partners
14, Regents Wharf
All Saints Street
London
N1 9RL

RECOMMENDATION:

That officers be afforded delegated powers to approve the application subject to conditions, subject to the applicant overcoming the Environment Agency's outstanding objection and the satisfactory completion of a S106 Agreement to include the head of terms referred to.



Development Control



Scale - 1:1250
Time of plot: 08:20

Date of plot: 12/11/2010

1 Site and Surroundings

- 1.1 The application site is situated to the east of the A1055 Meridian Way and approximately 4 km south west of Enfield town centre. The application site comprises approximately 1.2 hectares of industrial land, formerly the car park for the Visteon UK Ltd manufacturing facility located within the Primary Industrial Area at the southern end of the Navigation Business Park at the southern end of Brimsdown Industrial Area, which is part of the Meridian Business Park. It adjoins existing industrial development to the north, south and west and the River Lee Navigation to the east. The eastern boundary of the site forms the boundary with the Green Belt, the Lea Valley Regional Park and the Area of Special Character. The King George's Reservoir also lies to the east, designated as a Site of Special Scientific Interest (SSSI). Direct access to the site is currently from Morson Road. This then links to Meridian Way via two junctions located at the north west and south west of the business park.

2 Proposal

- 2.1 This application has been submitted in full and proposes to erect a 3,511 sqm warehouse/distribution building within class B8 (warehousing) including ancillary office space, car/van/HGV parking, new access and associated landscaping. The company which intends to occupy the building provides postal and international courier services throughout the UK and Europe.

- 2.2 The applicant advises that:

“This proposal provides the opportunity to regenerate a previously developed, vacant employment site with a high quality bespoke building for an identified occupier. The proposed occupier, Geopost UK Ltd is a company that provides postal and international courier services throughout the UK and Europe.

“It is considered that, with Geopost looking to locate its operation at the site within the near future, this is a real opportunity to secure inward investment and generate new jobs quickly. The proposals will create approximately 89 new permanent full time jobs and additional construction employment spanning a range of occupations and skill levels. It is considered that this development will help to generate greater optimism in what has been a challenging market for industrial land and premises and is likely to act as a catalyst to attract further inward investment into the Navigation Park and the wider industrial area”.

- 2.3 The buildings would have a maximum height of 9.5 metres and will be constructed utilising metal cladding for the main warehouse element with curtain walling and feature glazing for the office element. The colour scheme will be varied to break up the panels into smaller components.
- 2.4 Fifty car parking spaces are proposed to accommodate the staff and 51 van spaces and 7 HGV bays are also provided. The employee car parking area has been separated from the main site to ensure operational security.
- 2.5 The Environment Agency require an 8 metre buffer zone between the River Lea Navigation and the site and the proposal incorporates this within the

scheme. The 8 metre strip will include a shared cycle/footpath along the western river bank and access will be provided for both employees of the site as well as members of the public to this previously inaccessible area of river bank. Landscaping including tree planting on this buffer zone is also proposed.

3 Relevant Planning Decisions

- 3.1 The site has an extensive planning history of planning permissions for a range of industrial and storage and distribution uses dating back to the 1950's. Most of these consents relate to the previous use of the site by Visteon UK Ltd.
- 3.2 The most recent planning permission (TP/97)0578) for substantive development of the site was granted in 1997 for a new manufacturing facility of 8,075 sq m with associated works including the widening of the embankment of the River Lea Navigation. This permission included the development of the existing car parking to which this planning application relates.
- 3.3 The applicant secured a stopping up order for part of Morson Road that dissected the former Visteon manufacturing plant to create a less constrained site for development.

4 Consultation

4.1 Statutory and non-statutory consultees

4.1.1 British Waterways

British Waterways do not consider that the layout of the site has made the most of its potential for an enhanced waterside environment, and are particularly concerned about the proposed use and ongoing maintenance of the waterside area. British Waterways are always keen for waterside development to enhance the character and appearance of our waterways and encourage integration with the waterway wherever possible. Where an industrial use such as this is proposed, with more limited opportunities for an active use that can animate the Navigation they would suggest that the waterside be utilised as a private, managed, landscaped amenity area. In this case, they accept that the proposed use is not a great neighbour to the Navigation, and would consider that the waterside be screened from the proposed car parking by landscaping as far as possible, and be used by employees of the site as a pleasant amenity space, offering some respite from the industrial nature of the site.

They understand from Segro (the applicant) that the Council are keen to create a new public walkway along the waterside here, with the aim to connect with the adjacent site, once developed, although this would not connect with the main road due to the adjacent site to the north, out of Segro's ownership. Where a formal towpath exists, British Waterways generally resists the creation of additional walkways on the offside (non-towpath side) as these can increase their maintenance burden from collection of litter into the water etc, and anti-social behaviour, and reduce opportunities for biodiversity and secure moorings. Segro also advised them that if a public

walkway was created, they would wish the area to be completely secure from their own site, which would create a barrier and prevent any successful integration between the site and the waterside. They state they would also not maintain the area if it was separated off, and while they said the Council have offered to undertake this work, British Waterways are concerned that this could become an additional burden for the Council and the area could become untended and uninviting. They feel that if the site was retained as private amenity space for the development, it would be better integrated within the existing site, and the site management would be required to maintain it.

British waterways have raised the suggestion with the applicant for the potential of the waterside to be used for private residential moorings – the strip alongside the site is too long and wide enough, and with the adjacent bridge access to the car park could be an ideal moorings opportunity . There is a chronic shortage of residential moorings in London , so additional berths here would help meet this need, as well as enliven this stretch of waterside, and link with the waterbased sports and leisure uses proposed for this area of Ponders End. Conditions are recommended on landscaping , feasibility of freight by water, a risk assessment and method statement outlining all works to be carried out adjacent to the water and the submission of a survey of the condition of the waterway wall

4.1.2 Lea Valley Regional Park Authority

The Authority raises a material consideration requesting that conditions be added to any approval to ensure that the trees and hedges proposed for the car park and landscape buffer areas are at least 1.5 metres high when planted, for them to be planted within 2 planting seasons of commencement of development, and for the landscaped areas to be maintained as approved.

4.1.3 Thames Water

Thames Water raises no objection to the development in terms of impact on sewerage or water infrastructure.

4.1.4 Traffic and Transportation

Traffic and Transportation note:

- The site is the former car park that served a Visteon UK manufacturing plant and a former disused bus depot.
- Access is currently from the loop section of Morson Road. Both the loop section of Morson Road and Morson Road itself are public adopted highway.
- The proposed access will also be from the loop section of Morson Road, but it will only be from the South side. The northern part of the loop section will 'Stopped Up' ie a Stopping Up Order will be applied which will stop the land being highway land, and revert the ownership back to the owners of the subsoil.
- PTAL of the site is 1a which is low.

- The site will employ 89 staff, comprised of 53 drivers, 7 management sales/customer support and 29 operational loading / unloading staff in the warehouse.
- Fifty car parking spaces, 7 HGV spaces, and 8 covered cycle spaces will be provided.
- Pedestrian access to the west of the site
- The predicted trip generation has been calculated from comparing the site with similar Visteon sites and used to demonstrate that the trip generation will not result in an unacceptable level of traffic generation.

Parking Provision

The proposed use is B8 storage. The London Plan standards state that a parking provision of 1 space per 100sqm– 600sqm should be sought in areas with a low PTAL. The provision of 50 spaces for 3511sqm works out at 1 per 70sqm which is although slightly above the standards is still considered an acceptable level. (The Draft London Plan 2009 advises 1 space per 50-100 sqm). Cycle parking provision of 8 spaces is low but can be conditioned. HGV provision is acceptable and the tracking plans submitted with the application show that access and manoeuvring space for these vehicles is acceptable.

Access / Servicing

The main concern with the access is not the proposed new access but the stopping up of the existing northern side of the loop road. This would require a stopping up order –it should be noted that this has already been considered acceptable and although this still requires further consultation, there are no objections from Traffic & Transportation with the principal of the stopping up of the highway. The entrance from the south side of the loop is acceptable and presents no safety concerns. Pedestrian access is acceptable but the site also offers scope for the public footpath adjacent to River Lea Navigation to be opened up to the public should it be connected to the northern part of the site, although this needs to be coordinated over the whole of the site redevelopment.

Traffic Generation

The predicted trip generation through using comparisons with other sites is considered a valid approach and there are no objections to the predicted traffic generation in terms of accuracy or the level of traffic.

4.1.5 Environmental Protection and Regulation

No response at the time of writing this report

4.1.6 Biodiversity Officer

The Biodiversity Officer is satisfied with the proposals for the location of the bat boxes and the biodiversity corridor.

4.1.6 Environment Agency

Originally two objections were forwarded by the Environment Agency firstly on the acceptability of the submitted Flood Risk Assessment and secondly on the Agency's concern that the proposed development fails to restore the

ecological value of the river Lea Navigation. Further drainage information was submitted by the applicant which has overcome the Agency's first objection however the second objection on the river restoration still stands.

4.1.7 National Grid

No reply at the time of writing this report

4.1.8 English Heritage

English Heritage state that the site lies in an area where heritage assets of archaeological interest can be anticipated. The geotechnical and archaeological work undertaken to date shows that there is the potential for archaeological and environmental remains from early prehistory through the medieval periods on the site. There is a palaeo-channel running along the eastern boundary of the site, along with peat and alluvial deposits that suggest the potential for riverside activity as well as preserved wooden and other waterlogged remains. English Heritage have received a copy of the method statement for an archaeological evaluation at the above site prepared by Oxford Archaeology. This accords with English Heritage guidelines and they would be pleased to monitor the works on behalf of the borough. Should significant archaeological assets be revealed during the evaluation, further field or analytical work may be required to mitigate the impact of development or otherwise protect archaeological interest. Following completion of the fieldwork, the results will be assessed and a report produced. English Heritage therefore recommend that the conditions will not have been satisfied until all works are complete and any programme of analysis leading to publication has been agreed.

4.1.9 Natural England

Natural England acknowledges that the applicant has recognised the proximity of the Lea Valley Site of Interest for Nature Conservation (SINC). The Design and Access Statement – paragraph 5.5 Landscape and Biodiversity refers to opportunities for enhancements and naturalisation of the river and this is to be encouraged. Natural England would recommend contact with the Environment Agency to discuss the naturalisation of the river, especially with regards to the proposed 8m Canal corridor. The proposed Canal corridor has the potential to provide a wildlife/green corridor which is to be encouraged and the application should give consideration to an appropriate lighting strategy for the scheme, especially in respect of the proposed provision of bat boxes. Subject to the above comments Natural England has no objections to the proposed application.

4.1.10 EDF energy

No reply at the time of writing this report

4.1.11 Enfield Disablement Association

No reply at the time of writing this report

4.1.12 Metropolitan Police

No reply at the time of writing this report

4.1.13 Meridian Business Park

No reply at the time of writing this report

4.2 Public Response

Letters have been sent to the occupiers of 4 nearby properties. In addition notices have been displayed on site and in the local press. No responses have been received.

5 Relevant Policy

5.1 National Policy

PPS1 Delivering sustainable development
PPS4 Planning for sustainable economic growth
PPS9 Biodiversity and Geological Conservation
PPS22 Renewable Energy
PPS25 Development and Flood Risk
PPG13 Transport

5.2 London Plan

3B.1 Developing London's Economy
3B.4 Industrial locations
3C.1 Integrating transport and development
3C.21 Improving conditions for walking
3C.22 Improving conditions for cycling
3C.23 Parking strategy
3D.14 Biodiversity and nature conservation
4A.1 Tackling climate change
4A.2 Mitigating climate change
4A.3 Sustainable design and construction
4A.4 Energy Assessment
4A.5 Provision of heating and cooling networks
4A.6 Decentralised Energy: Heating, cooling and power
4A.7 Renewable energy
4A.9 Adaption to climate change
4.A.10 Overheating
4.A.11 Living roofs and walls
4A.12 Flooding
4A.13 Flood risk management
4A.14 Sustainable drainage
4B.1 Design principles for a compact city
4B.2 Promoting world class architecture and design
4B.3 Enhancing the quality of the public realm
4B.5 Creating an inclusive environment
4B.8 Respect local context and communities
4B.15 Archaeology
4C.21 The strategic importance of the Blue Ribbon Network
4C.2 Context of sustainable growth
4C.3 The natural value of the Blue Ribbon Network
4C.4 Natural landscape
4C.6 Sustainable growth priorities of the Blue Ribbon Network

- 4C.8 Freight uses on the Blue Ribbon Network
- 4C.11 Increasing access alongside and to the Blue Ribbon Network
- 4C.20 Development adjacent to canals
- 4C.22 Rivers, brooks and streams

5.2 Unitary Development Plan

- (II)GD3 Design
- (II)GD6 Traffic implications
- (II)GD8 Access and servicing
- (II)T13 Access onto public highway

5.3 Local Development Framework

- 5.3.1 The Planning Inspector has found that the Core Strategy provides an appropriate basis for the planning of the Borough over the next 15 years, and makes no recommendations for changes to the Core Strategy related to its soundness. The Planning Inspector has endorsed the Council's 'proposed minor changes' and 'further minor changes' as suggested in response to points raised by participants or for purposes of clarity, factual correction, consistency, correcting typographical errors or to improve referencing/signposting within the document. The formal adoption of the Core Strategy took place at a full Council meeting on 10th November 2010,
- 5.3.2 The following policies from the Core Strategy are considered of relevance to the consideration of this application:

Strategy Objectives

- SO1 Enabling and focusing change
- SO2 Environmental sustainability Core Policy 13 Promoting economic prosperity
- SO6 Maximising economic potential
- SO7 Employment and skills
- SO8 Transportation and accessibility
- SO9 Natural environment
- SO10 Built environment

Core Policies

- Core Policy 14 Safeguarding Industrial Locations
- Core Policy 16 Taking part in economic success and improving skills
- Core Policy 20 Sustainable energy use and energy infrastructure
- Core Policy 21 Delivering sustainable water supply, drainage and sewerage infrastructure
- Core Policy 24 The Road Network
- Core Policy 25 Pedestrians and Cyclists
- Core Policy 27 Freight
- Core Policy 28 Managing Flood risk through development
- Core Policy 29 Flood management infrastructure
- Core Policy 30 Maintaining and improving the quality of the built and open environment
- Core Policy 32 Pollution
- Core Policy 36 Biodiversity
- Core Policy 40 North East Enfield

Core Policy 46 Infrastructure Contributions

- 5.3.3 The North East Action Plan Issues and Options report, which identified the key issues facing North East Enfield and a range of possible options to address these issues, was published in February 2008. The closing date for comments was Friday 4th April 2008. The results of the Issues and Options consultation helped to inform the preferred options report. Consultation on the preferred options report commenced on Friday 27th February and closed on Tuesday 14th April 2009.

6 Analysis

Principle

- 6.1 The site is located within a Strategic Employment Area and within the Strategic Industrial Land (SIL) in the London Plan wherein B8 uses such as that proposed are encouraged to locate. The London Plan highlights the importance of Strategic Industrial Land and these objectives are echoed in the London SPG on Industrial capacity which identifies Enfield as a Borough which should have 'limited transfer of industrial sites' to other uses and as the application brings a vacant industrial land back into employment use the proposal meets these objectives. The proposed occupier Geopost has advised that the proposal are likely to create 89 direct full time jobs that will span a range of occupations and skill levels.

Access, Traffic and Parking

- 6.2 Access into the site will continue to be provided via the established route from the south side Morson road. A Transport Impact Assessment was submitted to accompany the application which states that the existing signalised junction of the A1055 Meridian Way with Morson Road will continue to operate within capacity following the completion of the development and the applicant argues therefore that no enhancement works are required to this junction.
- 6.3 The employee car parking area has been separated from the HGV and mini van parking area for security purposes and is located on the eastern periphery of site closest to the River Lea Navigation. 50 staff car parking spaces are proposed to accommodate the staff working at the development. Parking standards within the London Plan provide for a range of non-operational (B1) uses. For outer London the ratio of 1 per 100-600 square metres. The London Plan states that standards for B2 and B8 employment uses should have regard to the B1 standards although a degree of flexibility may be required to reflect different trip generation characteristics associated with B2 and B8 employment uses. The applicant argues that whilst the provision of 50 car parking spaces is less than the 89 members of staff which would be employed, it reflects the shift working patterns of the proposed Geopost facility. The applicant also states that the future occupier of the site will also enter into a Travel Plan which will mean that unnecessary car journeys will be actively discouraged.
- 6.4 As part of the application submission an Interim Travel Plan was submitted and it is proposed that a full Travel Plan will be worked up at a later stage and will form part of the future tenants occupancy agreement. The proposed measures within the Interim Travel Plan include promoting local public transport, cycling and walking links to Navigation Park via tenant notice

boards, car sharing schemes and 'travel awareness days' This Travel Plan can be secured within the S106 Agreement and once agreed by the Council the applicant states that a Travel Plan Co-ordinator will be appointed to manage its day to day implementation and planning.

6.5 The parking and access arrangements are considered acceptable and the site traffic generation will not have any detrimental impacts to the surrounding road network. Although the access is subject to a stopping up order, this process has already commenced and the Transport section did not make any objections. The scheme also offers an opportunity to link in the pathway next to the River Lea Navigation to Morson Road should it be continued throughout the whole site (both to the north and south), improving pedestrian access to the surrounding area. Subject to the legal agreements concerning the stopping up and the footpath being made public being completed, then the Authority's Traffic & Transportation section do not object to the application.

Impact on the character of the area

- 6.6 One of the important considerations to the scheme is the view from the tow path running along the River Lea Navigation to the east of the site. The proposed building whilst of some scale and bulk, would be sited over 80m back from the River Lea Navigation frontage and tree planting within the car park and within the 8 metre buffer zone will eventually, when mature, be effective in screening the building from pedestrians walking along the river Lea. The elevation facing the river Lea will comprise of a partly glazed section and a HGV docking bay. The building itself when viewed from the east would not appear incongruous due to its set back position.
- 6.7 The building will however be within 7 metres of the western boundary with Morson road and the west elevation will comprise of the gable end with a ridge height of 9.5 metres. The very narrow landscaping strip of approximately 1 metre between the access road which skirts this western elevation and Morson road will not allow significant tree planting to screen the western gable end. However, a condition shall be attached to any approval requiring some degree of vegetation planting along this western boundary. Notwithstanding this the gable end faces onto other industrial buildings within the industrial estate and would therefore not appear out of place. Different coloured sheeting along the western gable end would succeed in breaking up the scale of this elevation.
- 6.8 The building is very long due to its function with the southern and northern elevations comprising mostly of 13 HGV docking openings. However the building would be seen in the context of the industrial units to the north south and west and screened from the main public roads nearby. Consequently the design and scale of the buildings is acceptable in its location in the middle of the Navigation Business Park.

Sustainable Design and Construction

- 6.9 Policy 4A.1 "Tackling Climate Change" of the London Plan requires local authorities to encourage developments that achieve the highest possible environmental standards through mitigation of and adaption of climate change and minimising emissions of carbon dioxide. An energy strategy for the site

demonstrates that through the use of a range of active and passive energy efficiency measures and the use of renewables (air source heat pumps to provide under floor heating) the building's carbon dioxide generation can be reduced by 31% by energy efficient design and a further 20% carbon dioxide reduction from renewable technologies. The development is designed to achieve a BREEAM 'very good' rating. Conditions are recommended to secure Design Stage and Post Construction Stage Certification. The applicant has also agreed that the Section 106 agreement would also include an obligation to install a pipe from the building to the boundary of the land to facilitate the future connection to a district energy network.

Archaeology

- 6.10 An archaeological desk-based assessment has been undertaken for the site and identifies that there is potential for archaeological deposits from the prehistoric, Roman and medieval period. English Heritage have received a copy of the method statement for an archaeological evaluation which accords with their guidelines. Should significant archaeological assets be revealed during the evaluation, further field or analytical work may be required to mitigate the impact of development or otherwise protect archaeological interest. Following completion of the fieldwork, the results will be assessed and a report produced. English Heritage therefore have recommended that the conditions will not have been satisfied until all works are complete and any programme of analysis leading to publication has been agreed.

Air Quality

- 6.11 The London Plan policy 4A.19 'Improving Air Quality' requires boroughs to ensure that air quality is taken into account at the planning application stage and that formal air quality assessments are undertaken where necessary, particularly in Air Quality Management Areas. An Air Quality Statement has been prepared and accompanied the planning application. The Air Quality Statement whilst noting that the site is located within an Air Quality Management Area, indicates that air quality monitoring data shows that background concentrations are below the air quality objectives. The comments of the Environmental Health department have not been received at the time of writing this report and will be relayed verbally to committee.

Flooding

- 6.12 There is a requirement for developments in areas of risk from flooding to demonstrate that there will be no increase risk of flooding or that flood prevention measures are proposed as part of a development scheme. This is in accordance with PPS25 which requires a Flood Risk Assessment to be submitted for the application site as it exceeds 1 hectare. Whilst the Environment Agency had concerns over the initially submitted Flood Risk Assessment additional drainage information was supplied by the applicant's agent and the Environment Agency are now satisfied subject to conditions limiting the surface water run-off generated by the 1 in 100 year critical storm event and provision of storage on site to attenuate all storm events up to and including the 1 in 100 year event, taking the effects of climate change into account.

Land Contamination

- 6.13 London Plan policy 4A.33 'Contaminated land' states that any land that may be affected by contamination will require measures to be put in place to prevent contamination being activated or spread when building takes place. Geo-environmental site investigations were undertaken at the site together with groundwater monitoring. The assessments did not determine any risk to human health from the contamination within the Geopost application site.

Biodiversity

- 6.14 Phase I Ecological Assessment, comprising a desk study and walkover survey, and a Bat Survey has previously been undertaken for the wider Navigation Park site and have been incorporated into the Ecological Assessment submitted with the application. The Ecological assessment confirms that no protected species were identified at the application site. Bat boxes are proposed to be located within the 8 metre buffer landscaped zone between the car park and the river Lea Navigation. This landscaped buffer zone is of significant benefit to biodiversity as it would include a strip of meadow grass along the river edge and significant planting of native trees .
- 6.15 As mentioned in the consultee section, the Environment Agency at the time of writing this report have maintained an objection on the basis it feels the development fails to restore the ecological value of the River Lea Navigation. The Agency seeks to restore and enhance watercourses to a more natural channel wherever possible as required under the Water Framework Directive. The banks are currently supported by large metal units and the Agency wishes that these are removed and replaced by a more natural treatment. Discussions are ongoing between the developer and the Environment Agency and a resolution appears to be possible either by riverbank biodiversity enhancement or via contributions to the Agency to fund water vole habitat creation along the river Lea if it is unfeasible to carry out enhancements to the current river bank. Were the application be deemed acceptable it would be prudent to delegate the decision to the department to resolve this outstanding issue and incorporate if needs be any contribution to the Section 106 head of terms.

Landscaping and Footpath link

- 6.16 The landscaping scheme as mentioned includes the creation of a public footpath along the western river bank within the 8 metre buffer strip. The department acknowledges the comments of British Waterways who have concerns that the footpath should be private rather than public and that the creation of a footpath on the opposite side of the bank be resisted because of maintenance issues and propensity to cause litter and anti social behaviour. The department feels however that the comments of British Waterways seem to conflict with its statutory functions which include the maintenance and enhancement of leisure, recreation for the general public. The proposed public footpath would be the first link to create another footpath leading from the current pedestrian access to the north along the western riverbank of the Lea Navigation to eventually connect with the Lea Valley Regional Park to the south. Agreements have already been reached with adjoining land owners except one in the extreme north of the Navigation Business Park. The department feels that the creation of this public footway would provide public access to a previously inaccessible area therefore enhancing both public access and the linkages to adjoining community facilities as well as providing

enhancements in biodiversity and promote urban regeneration. The maintenance issues still need to be addressed and the Council would not accept responsibility for maintenance without the provision of a commuted sum by the applicant. Discussions are on-going with the applicant and appropriate arrangements will need to be secured through the S106 Agreement. The department cannot accept British Waterways reservation about the creation of this public footpath as the proposal would considerably enhance the western banks of the Lea Navigation and maximise its social and environmental potential, an aim central to British Waterways remit as a public body to develop inland waterways in a sustainable manner. British Waterways suggestion that the canal bank can be utilised for residential moorings utilising the adjacent bridge access is supported but appears to contradict their previous argument that the footpath should be private, attached to the development, and not be a public access. In conclusion the department feels the concerns of British Waterways can not be supported and that the benefits of securing this footpath access outweighs any minor maintenance issues which might affect British Waterways.

S106 Agreement

- 6.17 In order to secure jobs for local people from the proposed development it is recommended that a S106 Agreement be entered into requiring the applicant to sign up to a local employment strategy. The applicant has confirmed a willingness to enter such an agreement and the detailed terms are currently under discussion. The S106 Agreement will also require the provision of public footpath and associated landscaping to the River frontage and for this to be maintained in perpetuity, in accordance with terms to be agreed and the submission for approval of a travel plan. The Head of terms would also include an obligation to install a pipe from the building to the boundary of the land to facilitate the future connection to a district energy network.

7 Conclusion

- 7.1 In conclusion the proposal allows for the bringing back into beneficial use of this redundant employment site, which has now stood vacant for a number of years, together with the opportunity to provide over 89 jobs on the site. This is to be welcomed and this land use is consistent with both local and regional policy. The design of the buildings and associated works are considered acceptable in the context of the area. The scheme includes considerable planning gain in respect of a footpath/cycleway and a biodiversity buffer zone between the site and the River Lea Navigation. There remain a number of outstanding issues regarding the maintenance of the biodiversity strip. However, it is considered that with the conditions and minor amendments to the Section 106 Head of Terms this is capable of resolution.
1. The proposed development will ensure a beneficial use for this significant site within the Prime Employment Area. In this respect the proposal complies with Policies (I)E1, (I)E2 and (II)E2 of the Unitary Development Plan.
 2. Subject to the S106 Agreement proposed and in view of the established use of the site, the traffic generated by the development is considered acceptable. In this respect the proposal complies with Policies (II)T13 and (II)GD6 of the Unitary Development Plan.
 3. Subject to the conditions of planning permission, it is considered that the proposed development has appropriate regard to its surroundings. In this

respect the proposal complies with Policies (I)GD1, (I)GD2 , (I)GD3 and (II)EN6 of the Unitary Development Plan.

- 8 Recommendation: That officers be afforded delegated powers to approve the application subject to conditions, subject to the applicant overcoming the Environment Agency's outstanding objection and the satisfactory completion of a S106 Agreement to include the head of terms referred to above.**

Conditions to follow.



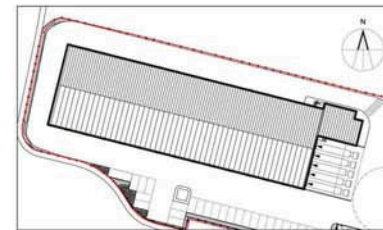
01 WEST ELEVATION
203 1:200



02 NORTH ELEVATION
203 1:200



03 EAST ELEVATION
203 1:200



05 SITE PLAN
203 1:1000



04 SOUTH ELEVATION
203 1:200

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A	25/08/2010	NORTH ELEVATION AMENDED	FW	AC
-	21/07/2010	Issue for planning	NR	AC
REV	DATE	NOTE	DRAW	CHECK



CHAMBERS ARCHITECTS
11 PLATO PLACE
11 DORSET ROAD
LONDON SW8 4TL
TELEPHONE 020 7706 8162
FAX 020 7706 3868
www.msparks.co.uk



TITLE
GEOPOST - NAVIGATION PARK
PONDERS END, ENFIELD

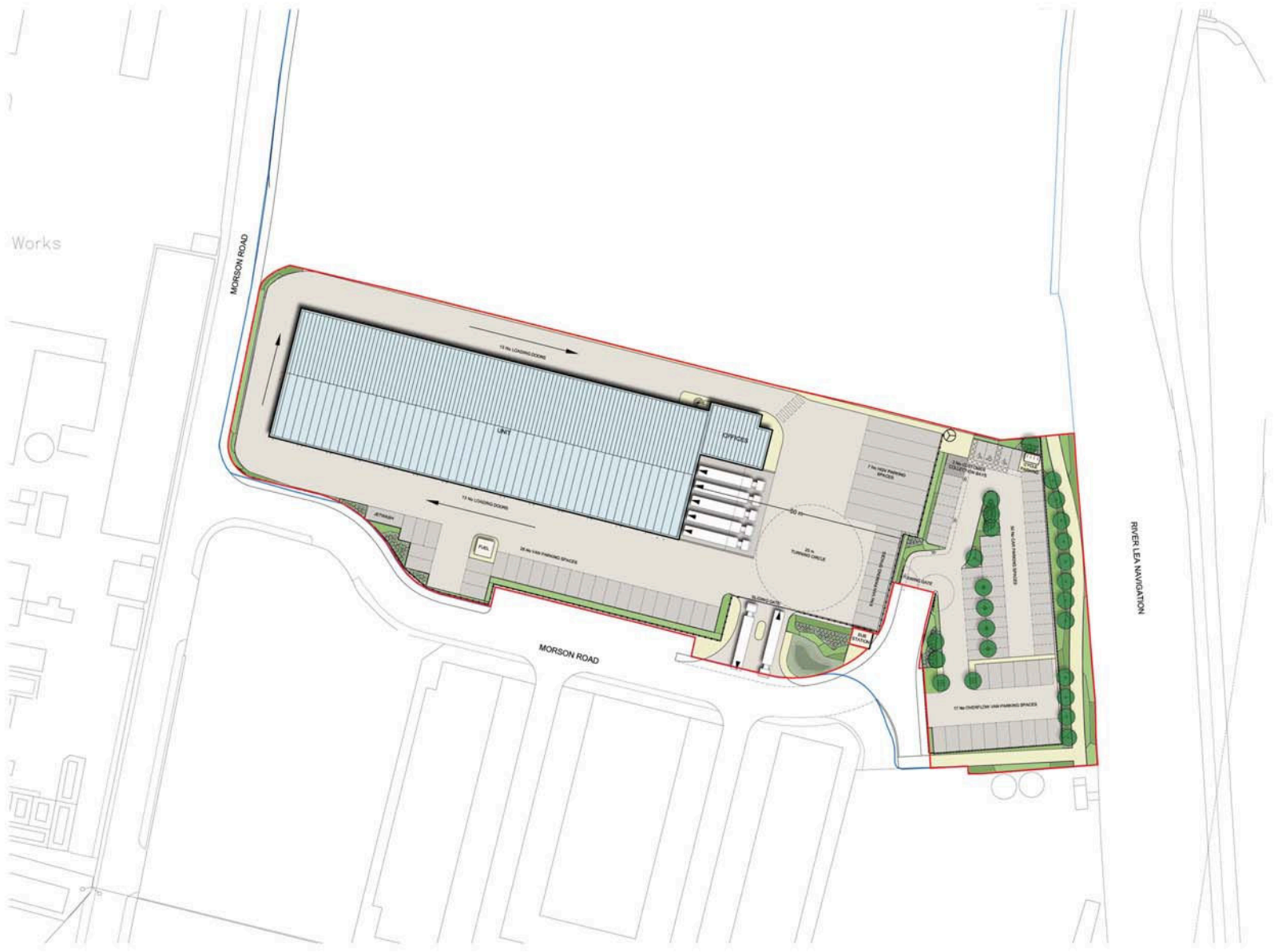
DRAWING
COLOURED ELEVATIONS

CLIENT
SEGRO PROPERTIES LIMITED

DATE AUGUST 2010	SCALE 1:200 @ A1	DRAWN NR
	STATUS PLANNING	CHECKED AC

DRAWING NUMBER
2708-PL-203A

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REV	DATE	NOTE	FW	AC
C	24/06/2010	Office area increased / access stairs added Landscape amendments Highways layout updated	FW	AC
B	03/06/2010	Landscape amended	AC	FW
A	29/07/2010	Cycle parking & pedestrian route shown	FW	AC
-	27/07/2010	Issue for planning	FW	AC



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 11 PLATO PLACE
 12 JAMES ROAD
 LONDON SW8 4TS
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 FAX 020 7736 3888
 www.msa-architects.co.uk



SEGRO
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TITLE
GEOPOST - NAVIGATION PARK
PONDERS END, ENFIELD

DRAWING
SITE LAYOUT PLAN

CLIENT
SEGRO PROPERTIES LIMITED

DATE AUGUST 2010	SCALE 1:500 @ A1	DRAWN NR
	STATUS PLANNING	CHECKED AC

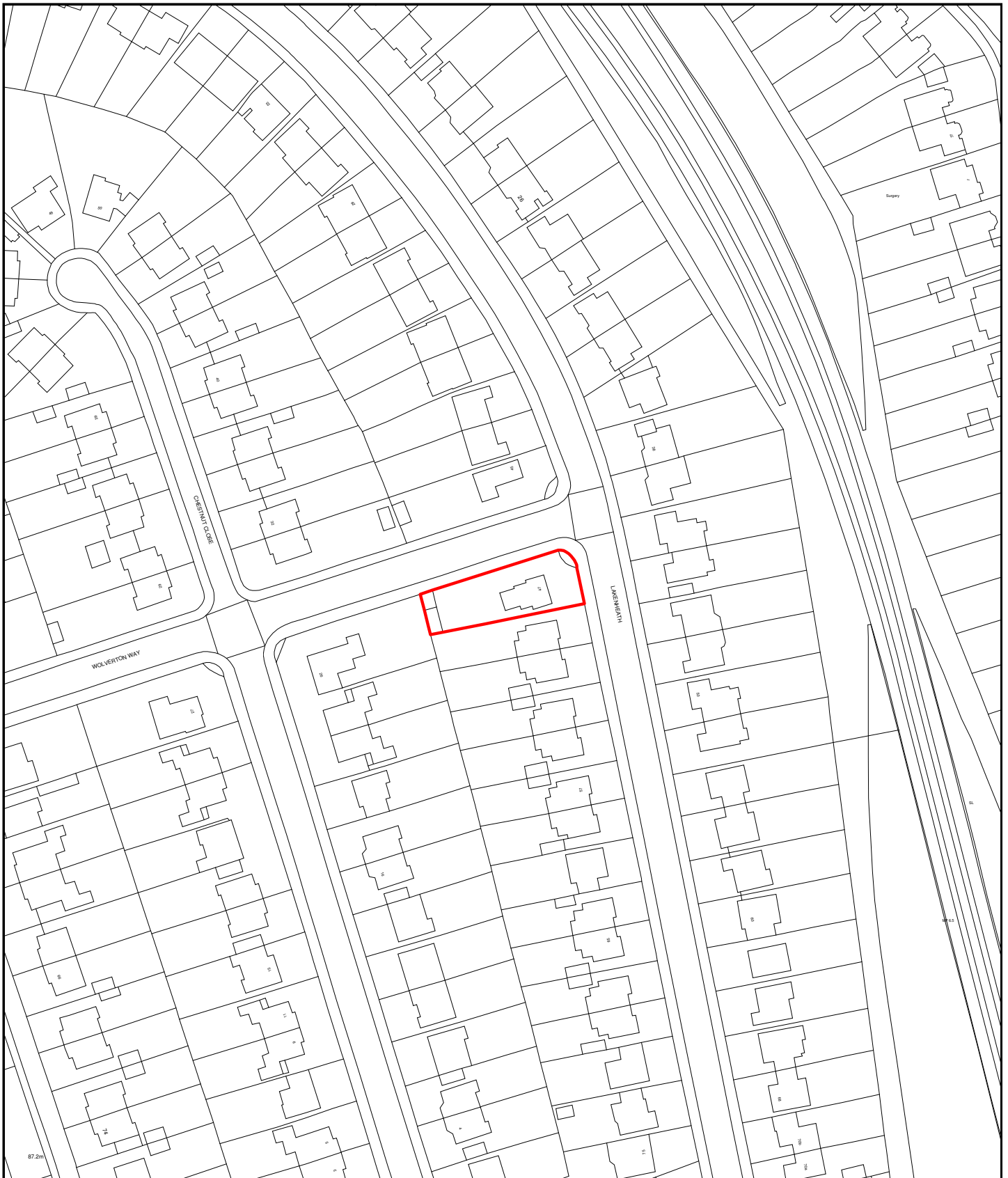
DRAWING NUMBER
2708-PL-201C

01 SITE LAYOUT PLAN
 201 1:500

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LONDON BOROUGH OF ENFIELD**PLANNING COMMITTEE****Date :** 23rd November 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/10/1294**Category:** Householder
Developments**LOCATION:** 47 Lakenheath, London N14 4RR**PROPOSAL:** Erection of detached garage with pitched roof involving demolition of existing garage.**Applicant Name & Address:**Mr Amir Faizollahi
47 Lakenheath
London
N14 4RR**Agent Name & Address:****RECOMMENDATION:**That planning permission be **GRANTED** subject to conditions.**Note for Members**

Although an application of this nature would normally be determined under delegated authority, the Applicant is a member of staff within development Management and in accordance with the Scheme of delegation, the application needs to be reported to the Planning Committee for determination.



Development Control



Scale - 1:1250
Time of plot: 11:54

Date of plot: 05/11/2010

1. Site and Surroundings

- 1.1 The application property which comprises a two storey end of terrace dwelling, is located on the western side of Lakenheath and has a return frontage along Wolverton Way. There is an existing crossover and detached garage at the end of the garden accessed from Wolverton Way.
- 1.2 The surrounding area is predominantly residential in character. Detached garages located at the end of rear gardens are a common feature of the area.

2. Proposal

- 2.1 The application proposes the demolition of the existing flat roof single garage and the construction of a detached single storey double garage.
- 2.2 The building will be 6.2 metres wide, 7.2 metres long and 3.5 metres high to the top of the hipped roof. A parapet wall with integral gutter is provided to the front and rear. The building is cut into the ground by 0.35 metres, to reflect the difference between the pavement and site levels. The top of the parapet is at a height of 2.5 metres above the site level. A garage door is provided facing Wolverton Way, with a large glazed window on the elevation facing the property's garden.
- 2.3 The scheme will also involve the insertion of a door and ramp to the car park elevation of the building to allow direct access to the unit.

3. Relevant Planning Decisions

- 3.1 TP/10/0293 Enlargement of existing garage with pitch roof withdrawn in May 2010 following discussions with officers.

4. Consultations

4.1 Statutory and non-statutory consultees

- 4.1.1 None.

4.2 Public

- 4.2.1 Consultation letters were sent to 3 neighbouring properties. No responses have been received.

5. Relevant Policy

5.1 Local Development Framework: Core Strategy:

At the meeting of the full Council on 10th November 2010, the Core Strategy of the Local Development Framework was approved. The document and the policies contained therein, are now material considerations to be taken into account when considering the acceptability of development proposals. The following are of relevance:

SO1	Enabling and focusing change
SO8	Transportation and accessibility

SO10 Built environment

CP24 The road network

CP25 Pedestrians and cyclists

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

5.2 Saved UDP Policies

After the adoption of the Core Strategy, a number of UDP policies are retained as material considerations pending the emergence of new and updates policies and development standards within the Development Management Document. The following are of relevance

(II)GD1	Appropriate location
(II)GD3	Character / Design
(II)GD6	Traffic Generation
(II)GD8	Site Access and Servicing
(II)T13	Access
(II)H8	Privacy and Overlooking
(II)H9	Amenity Space

5.3 London Plan

2A.1	Sustainability criteria
3C.21	Improving Conditions for Walking
3C.22	Improving conditions for cycling
3C.23	Parking Strategy

5.4 Other Relevant Considerations

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

6. **Analysis**

The main issues for consideration are the impact on the character of the surrounding area, on neighbouring properties and on highway safety.

6.1 Impact on Character of Surrounding Area

6.1.1 The proposal involves the replacement of a single garage by a double garage at the end of the rear garden. Such garages are a common feature of the area and whilst the proposed building is a relatively large garage, it is set 3 metres from the pavement edge. Moreover, a building with a far larger footprint could be erected under permitted development rights. However, the proposed building requires planning permission because its height exceeds 2.5 metres within 2 metres of the site boundaries.

6.1.2 The proposed parapet walls will be only 2.5 metres high when measured above ground level. In addition, although the roof extends to a height of 3.15 metres above ground level, it is hipped, albeit relatively steeply, to reduce its

impact. It is considered that the combination of these factors will sufficiently limit the visual impact of the proposal on the character of the area.

- 6.1.3 The garage includes a large glazed section facing back towards the application property. Whilst not a common feature of such garages, it is considered this would not be harmful to the character of the area.
- 6.1.4 The use of the garage will be limited to purposes that are incidental to the enjoyment of the dwellinghouse to ensure it does not adversely affect the residential character of the area.
- 6.1.5 Overall, it is considered the proposed development would have an acceptable impact on the character of the surrounding area.

6.2 Impact on Neighbouring Properties

- 6.2.1 The proposed garage will be built on the boundary with no. 49 Lakenheath and 26 Chestnut Close. In the case of no. 49 Lakenheath, this will be located towards the end of the garden and will present a 2.5 metre high wall with a hipped roof behind. Whilst there will be an increase in width when compared with the existing garage, the height will be reduced from 3 to 2.5 metres. In the case of no. 26 Chestnut Close, the garage would be located at the end of the garden and would present a 2.2 metre high eaves level with a shallow pitched roof behind. Again, there would be an increase in width but a reduction in height when compared with the existing garage. Having regard to the scale of development proposed, the existing situation and the fallback permitted development position, it is considered these relationships are acceptable.
- 6.2.2 As set out above, the use of the garage will be restricted, which will also protect the amenities of neighbouring residents.
- 6.2.3 Overall, it is considered the proposal will not detract from the residential amenities of neighbouring properties.

6.3 Access, Traffic Generation and Parking

- 6.3.1 The site will utilise the existing access to the site and while the existing fences provide some restrictions on vehicular and pedestrian visibility that to the south will have a section of the existing fence removed to improve visibility. The fence to the north of the access falls outside the application site and cannot be controlled but overall, the access arrangements are considered acceptable.
- 6.3.2 It is considered the development would not result in any material increase in traffic generation and would at the same time increase parking provision at the site.
- 6.3.3 Overall, in respect of highway safety the proposal is considered acceptable.

7. **Conclusion**

- 7.1 The proposal involves the provision of a detached garage that is well sited and of an acceptable scale and design within the contexts of the surrounding area. Moreover, the proposal would not have an unacceptable impact on

neighbours amenities or highway safety. In light of the above, it is considered that the proposed development is acceptable.

8. Recommendation

8.1 That planning permission be GRANTED for the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: OA-06-06-A/01, OA-06-06-A/02A, OA-06-06-A/03A, Site Location Plan.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The external finishing materials shall match those detailed within the application, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance.

3. 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.

4. The detached garage shall only be used for purposes that are incidental to the enjoyment of no. 47 Lakenheath and for no other purpose.

Reason: To ensure that the development complies with adopted standards and is in character with the existing form of development in the locality.

5. 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.

8.2 The reasons for granting planning permission are as follows

1. The proposed development would not have an unacceptable impact on the character and appearance of the area having regard to Policies CP30 of the adopted Core Strategy and Policies (II)GD1 and (II)GD3 of the Unitary Development Plan as well as the objectives of PPS1 and PPS3.
2. The proposed development would not unacceptably impact on the amenities of nearby residents having regard to Policies CP30 of the adopted Core Strategy and Policies (II)GD1 and (II)H8 of the Unitary Development Plan, as well as the objectives of PPS1 and PPS3.
3. 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.

NOTES:
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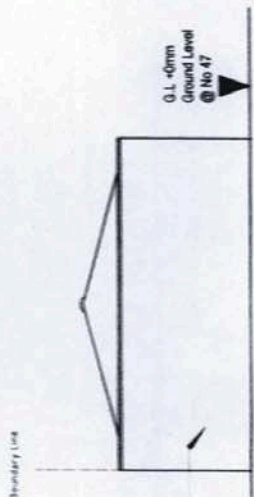
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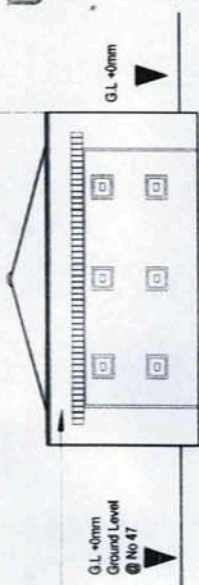
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project	47 Lakenheath LONDON N14 4RR
drawing title	Proposed
scale	1/100 @ A3
date	NOVEMBER 2010
draw.no	CA 06 - 05-A/02 1A

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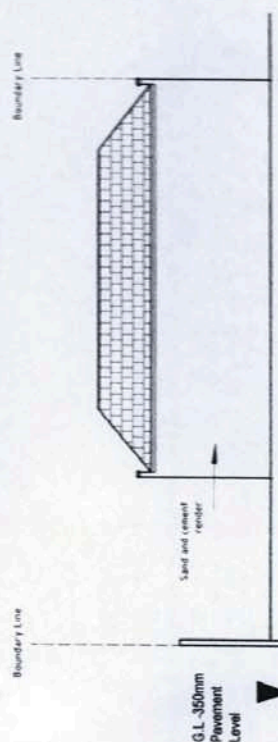
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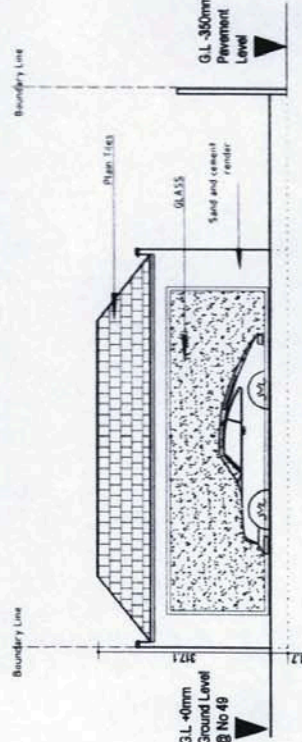
PROPOSED FRONT ELEVATION



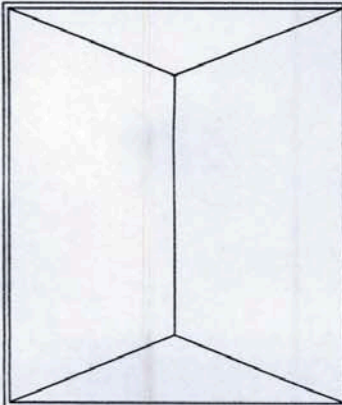
PROPOSED SIDE ELEVATION



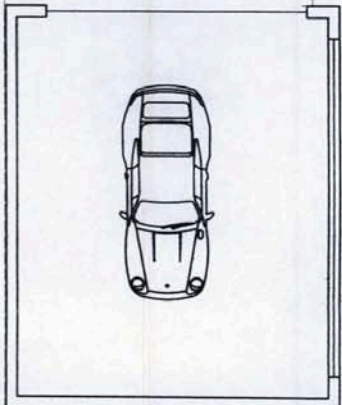
PROPOSED SIDE ELEVATION



PROPOSED ROOF PLAN



PROPOSED FLOOR PLAN



DEVELOPMENT SERVICES
08 NOV 2010
LONDON BOROUGH OF ENFIELD

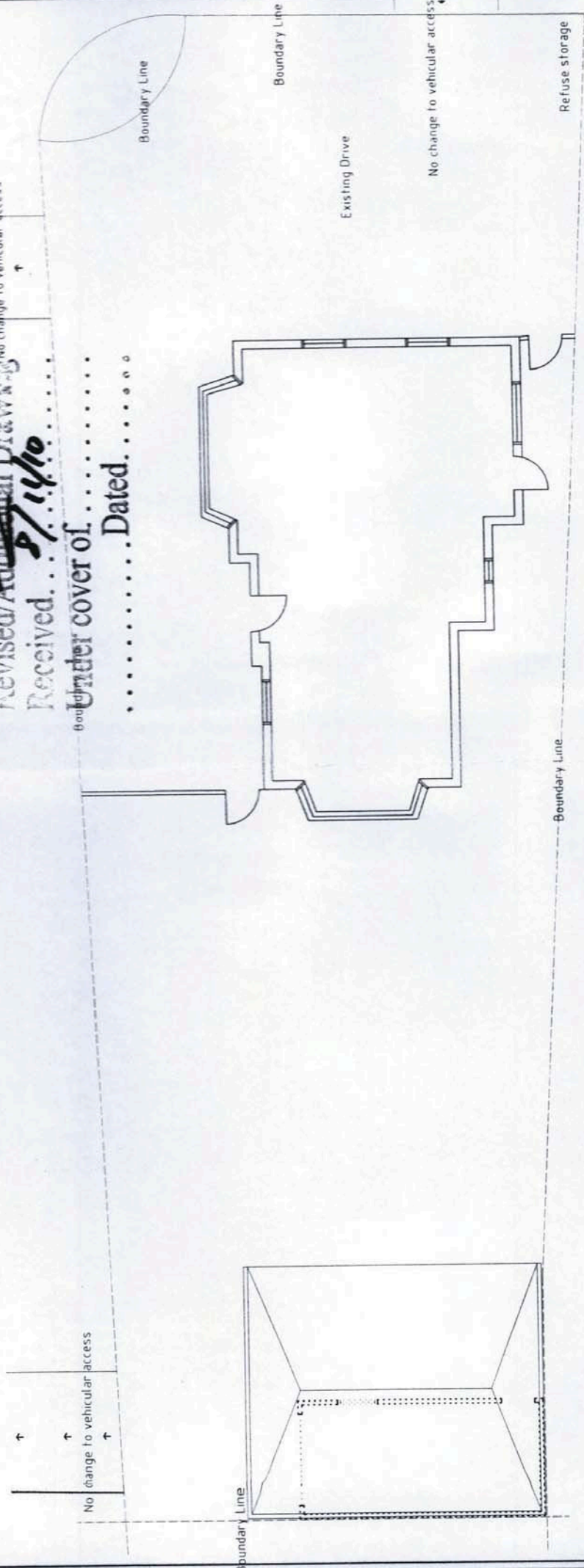
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TP 10 / 1294
 Revised/~~Original~~ Drawing
 Received. 8/14/10

No change to vehicular access

Order cover of
 Dated.

No change to vehicular access



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project	47 LAKENHEATH LONDON N14 4RR
drawing title	EXISTING/PROPOSED
scale	1/100 @ A3
date	NOVEMBER 2009
drw.no	OA 05-06-A/03 IA
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Monthly Decisions on Town Planning Application Appeals

- 1.1 Between the 12th October and the 10th of November, 20 appeal decisions had been received from the Planning Inspectorate. One of those was withdrawn. The table below confirms how many appeals were upheld and how many were dismissed. Details of each appeal can be viewed on the departmental website.

OVERALL PERFORMANCE

APPEALS RECEIVED	DISMISSED	ALLOWED	WITHDRAWN	PERCENTAGE DISMISSED
20	11	8	1	57%

- 1.2 Of the overall number of appeals these have been divided between delegated decisions, i.e those made by officers under the scheme of delegation and committee decisions.

DELEGATED DECISIONS

No. of APPEALS	DISMISSED	ALLOWED	WITHDRAWN	PERCENTAGE DISMISSED
16	9	7	0	56%

COMMITTEE DECISIONS

	No. of APPEALS	DISMISSED	ALLOWED	WITHDRAWN	PERCENTAGE DISMISSED
Refusal as per officer recommendation	3	2	1	0	66%
Refusal against officer recommendation	1	0	0	1	Not applicable as appeal was withdrawn

2. Key Issues raised

- 2.1 Following and assessment of all the appeal decisions certain trends and issues were noticeable and these will be noted not only to improve the departments performance but also to improve the quality of appeal statement and planning decisions.
- 2.2 The percentage of appeals dismissed has reduced to 57% compared to 80% in October. There are some trends to report in that 50% of householder developments were dismissed. This means half of householder appeals were allowed which is a disappointing and clearly various Inspectors' opinions do vary on the acceptability of the design of extensions. However this is a continuing issue as the assessment of domestic extensions has always been open to individual Inspectors subjective judgements. Two other appeals which were upheld involved extension to opening hours of retail premises at 29 Green Lanes and 131 St Marks Road, Enfield.
- 2.3 Three appeals against refusals for conversion of single family houses to flats were also decided. The two delegated refusals were dismissed although one which was refused by Members contrary to officer recommendation was allowed. This was at 172 Elsinge Road which was reported at the 26th April committee meeting and proposed subdividing a family dwelling to a 1 bed and a 2 bed flat. The inspector in that appeal dismissed the Enfield Housing Market Assessment which was produced to inform the preparation of the Council's Core Strategy and did not consider it a material consideration to which he attached significant weight. This decision was disappointing however given the adoption of the Core Strategy the department feels that such a stance in the future would be an unreasonable one. Since November 11th, when the Core Strategy was adopted by the Authority, the Enfield Housing Market Assessment provides a sound evidence base in which to resist loss of family dwellings within the borough. Other key appeal decisions relating to residential conversions offers more reassurance. One inspector when dismissing an appeal at 10 Bath Road N9 for the subdivision of a family dwelling to two 1 bed self contained flats has backed the Authority's stance on the importance of attaining the minimum floor space standards on any residential accommodation. In addition the Inspector dismissing an appeal for the conversion of a single family dwelling house to 3 x 1 bed and 1 x3 bed flats at 56 Osborne Road EN3 reinforced the departments stance that there should that an acceptable amenity space needed to be provided for flats.

MUNICIPAL YEAR 2010/2011 REPORT NO. 123

MEETING TITLE AND DATE:
PLANNING COMMITTEE
 23rd November 2010

Agenda – Part: 1	Item: 13
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REPORT OF:

Assistant Director,
 Planning & Environmental
 Protection

<p>Subject: Communities and Local Government Consultation Document on Planning and Schools</p>

<p>Wards: All</p>

Contact officer

Aled Richards; 020 8379 3857

E mail: aled.Richards@enfield.gov.uk

1. EXECUTIVE SUMMARY

1.1 This consultation document, invites views on the Government's proposals to make changes to the General Permitted Development Order (GPDO) to give a permitted development right for change of use planning permission for schools development. The purpose of the proposals is to support the Department for Education's policy on new free schools. The expiry date of the consultation exercise is the 10th of December

2. RECOMMENDATIONS

2.1 That the response to the consultation document be agreed by Members and forwarded to the CLG

3. BACKGROUND

3.1 This consultation document looks at the changes proposed to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), which the government aims at freeing-up the planning system in relation to schools development. The Secretary of State for Communities and Local Government made a statement to the House of Commons on 26 July 2010 outlining the importance of establishing new free schools and making clear that in considering applications for schools development, significant weight should be given to the desirability of establishing the school. He also outlined his intention to consult on changes to the Use Classes Order to reduce

unnecessary regulation and make it easier for buildings currently in other uses to be converted to schools. This consultation will only affect only those developments that involve purely converting non-school buildings for school use. Where a schools development requires any additional work to change the exterior of an existing building or is a new build development, planning permission will be required in the normal way.

4. LEGAL BACKGROUND AND CURRENT PLANNING FRAMEWORK

- 4.1 Under the Town and Country Planning Act 1990, development control extends not only to building work but also to changes in the use of buildings or land. Planning permission is usually required for material changes of use. What constitutes a material change of use is a matter of fact and degree, to be determined in each case by the local planning authority.
- 4.2 The Town and Country Planning (General Permitted Development) Order 1995 (as amended) provides further flexibility by classifying certain moves between the use classes as permitted development, which similarly does not require express planning permission. The current Use Classes Order places non-residential education and training centres within the D1 class alongside a number of other non-residential institutional uses. There is no permitted change either to or from class D1 to another class. There are a number of buildings that could already be used as schools without the need for a planning application. These are the uses included alongside schools in the D1 use class, namely: clinics, health centres, crèches, day nurseries, day centres, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law courts, non-residential education and training centres.

5. OPTIONS FORWARDED

- 5.1 The consultation paper outlines 4 options for consultation. These are listed below:
- 5.2 **Option 1: Retain the current planning framework and make no changes to the planning system**
- 5.2.1 Under this option, no changes would be made to the current planning system. There is already a good stock of buildings, categorised alongside schools within the D1 use class, that could become schools without the need to apply for planning permission
- 5.3 **Option 2: Give a permitted development right for *some* uses to convert to school use**
- 5.3.1 In considering the current classifications within the Use Classes Order,

The consultation paper argues that there are a number of other uses that could be seen to have similar impacts upon a local area as a school because they: generate a certain amount of daytime activity (i.e. people travelling to and from the location); run the risk of additional traffic and pressure on local parking; and create associated impacts relating to noise, litter and the need for public transport. The Consultation paper therefore proposes that the following uses be given permitted development right to convert to a school use:

- *A1 Shops* - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafés.
- *A2 Financial and professional services* - Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies and betting offices.
- *B1 Business* - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.
- *B8 Storage or distribution*.
- *C1 Hotels* - Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels).
- *C2 Residential institutions* - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
- *C2A Secure Residential Institution* - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
- *D2 Assembly and leisure* - Cinemas, music and concert halls, bingo and dance halls (but not nightclubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sport and recreations (except for motor sports, or where firearms are used).

5.4 **Option 3: Give a permitted development right for *all* uses to convert to a school use**

- 5.4.1 The Government recognises that the impacts of a school on a neighbourhood may differ from those of other uses but wishes to create the freedom for innovative and creative schools development and to that end, is seeking to broaden the potential stock of available

accommodation for schools as far as possible. This option the government argues would achieve that objective by extending the permitted development right for school use to all uses.

5.4.2 The Government also recognises that there are some uses that would be impracticable to be used as a school, without development that would trigger the need to apply for planning permission.

5.4.3 This option offers maximum flexibility for those intending to set up a school, in their search for premises. The government wish to make it easier for school promoters to take advantage of existing properties that have much to offer without the need for costly new development. This would mean that, in addition to the uses set out in option 2, the Government in this option is also considering giving a permitted development right to become a school to the following types of development:

- *A3 Restaurants and cafés* - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafés.
- *A4 Drinking establishments* - Public houses, wine bars or other drinking establishments (but not nightclubs).
- *A5 Hot food takeaways* - For the sale of hot food for consumption off the premises.
- *B2 General industrial* - Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).
- *C3 Dwellinghouses* - this class is formed of 3 parts:
 - C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
 - C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
 - C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

-C4 Houses in multiple occupation - small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

5.4.4 This option proposes that the permitted development right will cover sui generis uses (sui generis uses are those uses which do not fall within a use class in the Use Classes Order such as casinos and nightclubs).

5.5 **Option 4: Give a permitted development right, with attached conditions, to *all* uses to convert to a school use**

5.6 Option 4 seeks to offer the same freedoms to school providers as option 3, by extending the permitted development right to all uses (including sui generis uses), but would in addition provide safeguards within the planning system against any adverse impacts that might result from transport impacts. However, the government within the consultation paper acknowledges that this option could result in an inbuilt delay - while the travel assessment is considered - which could impede school development.

5.7 The Government is inviting views as to whether conditions should be attached to require the school promoter to assess some of the impacts that could arise from its proposed development, specifically around transport impacts, and to submit that assessment for prior approval by the local planning authority before they can activate the permitted development right. The conditions could require the school promoter to assess important matters such as road safety and car parking, transport accessibility and traffic generation, as illustrated in the annexed draft statutory instrument. The use of conditions will however build into the system unavoidable delay as the local planning authority considers the transport assessment

6. DISCUSSION OF OPTIONS

6.1 The detailed draft answers to the CLG's standard questions are included within Appendix A in the draft response sheet at the end of this report. However concerns are raised about the implications of three of the four options and it is felt that the current planning regime adequately assesses educational proposals which include a robust consultation exercise. Therefore Option 1 which proposes the retention of the current regime is supported

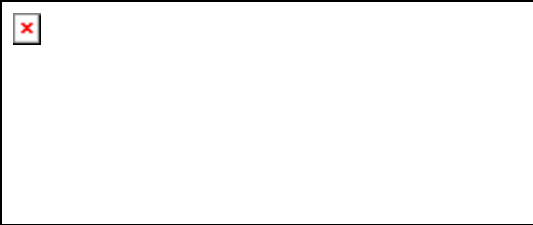
6.2 The planning system plays a very important function in mediating between the needs of education providers, different community aspirations and legitimate local concerns about school developments. Accordingly, the proposed changes in the use classes order as set out in option 2,3 and 4 to automatically permit certain existing buildings to be converted to school use is problematical. It will deny the people

what they see as their legitimate right to challenge the acceptability of a school development. It could also lead to unintended consequences

- 6.3 The London Borough of Enfield seeks to support local communities having a say over their own future and would want proposals for schools to be in accord with local and neighbourhood plans, otherwise issues such as infrastructure provision, noise, light pollution and traffic management could be totally ignored. The strong policy presumption in favour of school proposals as outlined in the Ministerial Statement can be taken on board in determining applications and can be further strengthened the Statement by incorporating it in national policy. The London Borough of Enfield consider that the planning system plays a valuable role in ensuring schools are appropriately located and meet community needs without undue disturbance to the local neighbourhood, the Council feels that taking this control away would disadvantage local communities to be consulted on developments which will have a considerable impact on their quality of life.
- 6.4 Local councillors at Enfield frequently have to respond to angry residents being frustrated by school traffic congestion and the impact of schools on neighbourhood amenity. Local residents often feel noise and flood lighting of games areas as unwelcome intrusions. This can be exacerbated by out of school hours community use of school facilities. Schools by their very nature result in intensive vehicular movements at set times of the day (i.e morning drop off and afternoon pick up of children). The Authority feels that it would be unfair for local residents to be denied the opportunity to object to new schools as the impact on their amenities with the possible high increase in cars and on street parking could be considerably higher than encountered were the existing use of the premise properties remain. Schools, in particular primary schools have the propensity to generate considerably higher vehicular movements during the early morning and late afternoon than the other land uses listed above. Apart from the highway safety and detrimental impact of noise on residents, many would feel that the initiative would run contrary to the Coalition government's localism agenda as it would deny local residents the opportunity to object or be consulted on developments which they would have previously had the opportunity to do so.
- 6.5 There are a complexity of communities that have different stakes in school developments. The ambitions of one community be it geographic, ethnic or faith based may not be shared another one which might host a school. It should not be viewed that school developments automatically have consensual community support. Indeed applications for new schools can generate hundreds of objections from the local community.
- 6.6 Local Authorities would also be expected to pick up local resident's concern over noise and traffic generated by new schools when no comprehensive transport or noise assessment was carried out

beforehand. Whilst option 4 does include such an assessment it does not include provisions to consult with local communities.

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Planning for schools development

The consultation questionnaire

The Government welcomes your views on all aspects of the proposals set out in this consultation.

A range of questions are set out in the attached questionnaire. We would value your opinion on as many or as few questions as you can answer. Your response should follow the format of the questionnaire below.

You have the option of responding to this consultation via the downloadable questionnaire available on our website at:
www.communities.gov.uk/consultations

The questionnaire will be available from 14 October 2010. You can email it to the Schools Team at the following address: schools@communities.gsi.gov.uk

Our preference is to receive responses electronically using the consultation questionnaire where possible. If you wish to post your response, however, please send it to the Planning Development Management Division at the following address:

Sharmila Meadows
Schools Team
Planning Development Management Division
Communities & Local Government
1/J3, Eland House
Bressenden Place
London SW1E 5DU

This consultation will run from 14 October to 10 December 2010.

The deadline for submissions is Friday 10 December 2010.

Data protection

This is to inform you that we may, with your consent, quote from your response in a published summary of the response to this consultation. If you are content for your views to be made public in this way, please tick the box.



Otherwise, your views may be set out in the response, but without attribution to you as an individual or to you as an organisation.

We shall treat the contact details you provide us with carefully and in accordance with the data protection principles in the Data Protection Act 1998. We shall not make them available to other organisations, apart from any contractor (“data processor”) who may be appointed on our behalf to analyse the results of this questionnaire, or for any other purpose than the present survey without your prior consent. We shall inform you in advance if we need to alter this position for any reason.

Questionnaire

About you

(i) Your details

Name:	Aled Richards
Position:	Head of Development Management
Name of organisation (if applicable):	London Borough of Enfield
Address:	Enfield Civic Centre, Silver Street, Enfield. EN1 3XH
Email:	aled.richards@enfield.gov.uk
Telephone number:	02083793857

(ii) Are the views expressed on this consultation an official response from the organisation you represent, or your own personal views?

Organisational response	<input checked="" type="checkbox"/>
Personal views	<input type="checkbox"/>

(iii) What category do you consider your organisation falls into?

Local planning authority	<input checked="" type="checkbox"/>
School promoter	<input type="checkbox"/>
Community group/representative	<input type="checkbox"/>
Parish council	<input type="checkbox"/>
Business	<input type="checkbox"/>
Private developer	<input type="checkbox"/>
Land owner	<input type="checkbox"/>
Voluntary sector or charitable organisation	<input type="checkbox"/>
Other public body (please state)	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>

The consultation questions

**Q1. Do you think that the uses listed under option 2 should be given a permitted development right to convert to a school?
Please tick one box for each use**

	Yes	No
A1 shops	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A2 financial and professional services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B1 business	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B8 storage or distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C1 hotels	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C2 residential institutions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C2A secure residential institution	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D2 assembly and leisure	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Q2. Do you think that the further uses listed under options 3 and 4 should be given a permitted development right to convert to a school?
Please tick one box for each use**

	Yes	No
A3 restaurant and cafés	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A4 drinking establishments	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A5 hot food takeaways	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B2 general industrial	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C3 dwellinghouses	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C4 houses in multiple occupation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sui generis uses	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Q3. Should a use converting to a school for a temporary period retain the right to revert to the previous use if it does so within 5 years?

Please tick one box	⇒	Why do you say that?
Yes <input checked="" type="checkbox"/>		This does not seem to be problematical as effectively it will be returning to its established use or one which received planning approval previously.
No <input type="checkbox"/>		
Don't know <input type="checkbox"/>		

Q4. Would allowing the following uses to convert to a school use without the need for planning permission have any unintended consequences?

	Yes	No
A1 shops	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A2 financial and professional services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B1 business	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B8 storage or distribution	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C1 hotels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C2 residential institutions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C2A secure residential institution	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2 assembly and leisure	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A3 restaurant and cafés	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A4 drinking establishments	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A5 hot food takeaways	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B2 general industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C3 dwellinghouses	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C4 houses in multiple occupation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sui generis uses	<input checked="" type="checkbox"/>	<input type="checkbox"/>

And if so, what are they?

Local councillors frequently have to respond to angry residents being frustrated by school traffic congestion. Other issues concern the impact of schools on neighbourhood amenity. Local residents often feel noise and flood lighting of games areas as unwelcome intrusions. This can be exacerbated by out of school hours community use of school facilities. Schools by their very nature result in intensive vehicular movements at set times of the day (i.e morning drop off and afternoon pick up of children). The Authority feels that it would be unfair for local residents to be denied the opportunity to object to new schools as the impact on their amenities with the possible high increase in cars and on street parking could be considerably higher than encountered were the existing use of the premise properties remain. Schools, in particular Primary schools have the propensity to generate considerably higher vehicular movements during the early morning and late afternoon than the other land uses listed above. Apart from the highway safety and detrimental impact of noise on residents, many would feel that the initiative would run contrary to the Coalition government's localism agenda as it would deny local residents the opportunity to object or be consulted on developments which they would have previously had the opportunity to do so.

There are a complexity of communities that have different stakes in school developments. The ambitions of one community be it geographic, ethnic or faith based may not be shared another one which might host a school. It should not be viewed that school developments automatically have consensual community support. Indeed applications for new schools can generate hundreds if not thousands of objections from the local community.

Local Authorities would also be expected to pick up local resident's concern over noise and traffic generated by new schools when no comprehensive transport or noise assessment was carried out beforehand.

Q5. Should the local planning authority have to approve a transport assessment before the permitted development right can be activated for changes from some or all non D1 uses?

Please tick one box

⇒

Why do you say that?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

This would be essential due to the propensity of such school developments to place additional pressure on in most cases overstretched local road infrastructure and lack of off street parking provision

Q6. Do you think that there are any other matters that the conditions should address?

Please tick one box	
Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

⇒

Why do you say that?

Noise assessments,

Q7. Should the compensation provisions contained in section 189 of the Planning Act 2008 be applied to change of use to a school, if a permitted development right is given?

Please tick one box	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
Don't know	<input type="checkbox"/>

⇒

Why do you say that?

In restricting permitted development rights, local authorities may face claims for compensation if they refuse a planning application for development that would formerly have been permitted. Section 189 of the Planning Act 2008 which commenced in April 2010, limits the time period for which there may be liability for compensation following the restriction of permitted development rights to 12 months, and prevents claims for compensation if 12 months notice of the revocation is given prior to its coming into force. Section 189 will also apply where a local development order is amended so as to become more restrictive, or is revoked. The Authority fails to see if greater flexibility is proposed in the consultation paper rather than more restrictions and further limits on permitted developments why section 189 of the 2008 Act needs to be applied

Q8. The Government would like to permit schools to co-exist with certain dual uses, but not with other. Do you have views about whether and how this can be achieved?

Please tick one box	
Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

⇒

Why do you say that?

Schools are able to operate quite effectively as a dual community use and in many cases is proven. The use of school facilities by the community helps cement school as an integral hub of the community.

Q9. Which is your preferred option and why?

Please tick one box	
Option 1	<input checked="" type="checkbox"/>
Option 2	<input type="checkbox"/>
Option 3	<input type="checkbox"/>
Option 4	<input type="checkbox"/>

⇒

Why do you say that?

The current planning regime is effective in assessing proposals for new schools and incorporates a very robust consultation exercise with local communities and statutory consultees. This consultation is essential in addressing community concerns and if possible mitigate against them. The current framework while it does delay projects the outcomes are a quality scheme which incorporates mitigation measures which overcome local residents concerns.

Q10. Do you think these proposals should be applied solely to new free schools or to all schools? Why?

Please tick one box	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

⇒

Why do you say that?

It should not be applied to any school irrespective of whether it is a free school or a Local Authority school as the land use planning implications would be the same.

Q11. Are there any further comments or suggestions that you wish to make?

If so, please provide comments in the box below.

The planning system plays a very important function in mediating between the needs of education providers, different community aspirations and legitimate local concerns about school developments. Accordingly, the proposed changes in the use classes order as set out in the Written Ministerial Statement of the 26 July 2010 to automatically permit existing buildings to be converted to school use is problematical. It will deny the people what they see as their legitimate right to challenge the acceptability of a school development. It could also lead to unintended consequences of the nature outlined above.

The London Borough of Enfield seeks to support local communities having a say over their own future and would want proposals for schools to be in accord with local and neighbourhood plans, otherwise issues such as infrastructure provision, noise and light pollution and traffic management could be totally ignored. The strong policy presumption in favour of school proposals as outlined in the Ministerial Statement can be taken on board in determining applications and can be further strengthened the Statement by incorporating it in national policy.

The London Borough of Enfield consider that the planning system plays a valuable role in ensuring schools are appropriately located and meet community needs without undue disturbance to the local neighbourhood, the Council feels that taking this control away would disadvantage local communities to be consulted on developments which will have a considerable impact on their quality of life.

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