

# Public Document Pack



## **PLANNING COMMITTEE**

Tuesday, 23rd September, 2014 at 7.30 pm  
Venue: Conference Room,  
The Civic Centre, Silver Street,  
Enfield, Middlesex, EN1 3XA

Contact: Jane Creer / Metin Halil  
Committee Administrator  
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Council website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

## **MEMBERS**

Councillors : Abdul Abdullahi, Lee Chamberlain, Dogan Delman, Christiana During, Christine Hamilton, Ahmet Hasan, Suna Hurman, Derek Levy (Vice-Chair), Andy Milne, Anne-Marie Pearce, George Savva MBE and Toby Simon (Chair)

**N.B. Any member of the public interested in attending the meeting should ensure that they arrive promptly at 7:15pm**

**Please note that if the capacity of the room is reached, entry may not be permitted. Public seating will be available on a first come first served basis.**

**Involved parties may request to make a deputation to the Committee by contacting the committee administrator before 12:00 noon on 22/09/14**

## **AGENDA – PART 1**

- 1. WELCOME AND APOLOGIES FOR ABSENCE**
- 2. DECLARATION OF INTERESTS**

Members of the Planning Committee are invited to identify any disclosable pecuniary, other pecuniary or non pecuniary interests relevant to items on the agenda.

- 3. MINUTES OF THE PLANNING COMMITTEE 19 AUGUST 2014 (Pages 1 - 6)**

To receive the minutes of the Planning Committee meeting held on Tuesday 19 August 2014.

**4. REPORT OF THE ASSISTANT DIRECTOR, PLANNING, HIGHWAYS AND TRANSPORTATION (REPORT NO. 65) (Pages 7 - 8)**

To receive the covering report of the Assistant Director, Planning, Highways & Transportation.

**5. P13-02505PLA - 17, GROSVENOR GARDENS, LONDON, N14 4TU (Pages 9 - 18)**

RECOMMENDATION: Approval subject to conditions  
WARD: Cockfosters

**6. P14-01298PLA - 30A, NOBEL ROAD, LONDON, N18 3BH (Pages 19 - 30)**

RECOMMENDATION: That condition number 5 be removed from application TP/08/0744/REN1 and conditions be re-imposed  
WARD: Edmonton Green

**7. FUTURE MEETINGS**

Discussion about forthcoming Planning Committee and Planning Panel meetings.

**8. EXCLUSION OF THE PRESS AND PUBLIC**

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

## PLANNING COMMITTEE - 19.8.2014

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE  
HELD ON TUESDAY, 19 AUGUST 2014**

**COUNCILLORS**

**PRESENT** Toby Simon (Chair), George Savva MBE (Acting Vice Chair) , Abdul Abdullahi, Lee Chamberlain, Dogan Delman, Christiana During, Christine Hamilton, Ahmet Hasan, Andy Milne and Anne-Marie Pearce

**ABSENT** Derek Levy and Suna Hurman

**OFFICERS:** Bob Griffiths (Assistant Director - Planning, Highways & Transportation), Andy Higham (Head of Development Management), Linda Dalton (Legal Services), Geoff Burrage (Transport Planning & Policy), Sean Newton (Principal Planning Officer), Andrew Ryley (Principal Planning Officer) and Metin Halil (Secretary)

**Also Attending:** Approximately 6 members of the public, applicants, agents and their representatives

**92****WELCOME AND APOLOGIES FOR ABSENCE**

1. Councillor Simon, Chairman, welcomed everyone to the meeting.
2. Apologies for absence were received from Councillors Levy and Hurman.
3. Councillor Savva acted as Vice Chair for the meeting.

**93****DECLARATION OF INTERESTS**

There were no declarations of interest.

**94****MINUTES OF THE PLANNING COMMITTEE**

**AGREED** the minutes of the Planning Committee meeting held on Tuesday 22 July 2014.

Subject to noting apologies for absence for Councillors Chamberlain, Hurman and Simon.

**95**

**P13-03739PLA - 22, FAIRGREEN, BARNET, EN4 0QS**

**PLANNING COMMITTEE - 19.8.2014**

NOTED

1. Introduction by Sean Newton, Principal Planning Officer, clarifying the proposals.
2. A scheme was previously refused under delegated powers for the reasons set out in section 3 of the Officer report. It is considered that the revisions made adequately address those reasons for refusal:
  - The dwelling has been set 2m away from the common boundary, when 1m was previously proposed.
  - It achieves the same building line as No.24 and is marginally in front of No.20.
  - Whilst the whole building has been shifted further back into the plot, it does not compromise the 45- and – 30-degree angles taken from the nearest affected windows – ground and upper floors respectively.
  - The terrace at the rear is no higher than the existing.
3. The deputation of Mr Roger Twohey, neighbouring resident, against the officers' recommendation.
4. The statement in response of Mr Alan Cox, the agent.
5. Response of the Head of Development Control and Principal Planning Officer to issues raised. These included the following points:
  - Construction management plan to include mitigation of noise, dust, large machinery and vibration.
  - Basement concerns associated with excavation and flooding.
  - Party wall concerns regarding neighbouring properties.
  - The application was not an over development.
  - The footprint of the development had increased by 319m<sup>2</sup>.
6. Following a debate, a vote was taken and members resolved to accept the officers' recommendation by 7 votes to 3.

**AGREED** that planning permission be granted subject to an additional condition for a construction management plan and to the conditions set out in the report.

**96**

**P14-01867PLA - 8 MORSON ROAD, ENFIELD, EN3 4NQ.**

NOTED

1. Introduction by the Principal Planning Officer.
2. The applicant would like Condition 13 (Restriction of open Storage) to be amended to allow for open storage outside of the racking area and is willing to limit the size of this area and its location within the site to an area to be agreed with the Local Planning Authority and to also limit the height of any open storage to no more than 3m. It is therefore recommended that Condition 13 is amended to reflect the suggested amendment:  
'No plant, machinery, goods, products or articles of any description shall be stored on any open part of the site unless within the approved

**PLANNING COMMITTEE - 19.8.2014**

racking area located on the eastern part of the site as indicated on Drawing No.34903/LON/CVD/001/E or within any other area to be agreed in writing by the Local Planning Authority. Any storage within the approved racking area shall not be to a height exceeding 2.5m above ground, and that stored within the area, to be agreed, shall not be to a height exceeding 3m'.

3. Drainage condition (18) details of the kerbing at the entrance. The use of the site for flood storage purposes is generally acceptable, however additional information was required for kerbing at the entrance.
4. Response of the Principal Planning Officer to issues raised.
5. Following a debate the officers' recommendation was unanimously approved.

**AGREED** that planning permission be granted, subject to amendment to the Open Storage condition (13) as reported and details of the kerbing at the site entrance and the conditions set out in the report.

**97**

**14/00033/RE4 - DE BOHUN PRIMARY SCHOOL, GREEN ROAD, NEW SOUTHGATE, LONDON**

NOTED

1. Introduction by the Principal Planning Officer.
2. The following was highlighted:
  - The height of the weld mesh fence would in fact be 2.4m and not 1.8m as referred to in the report (the railings are proposed to be 1.8m).
  - The Council's Heritage Officer had now commented on the application and had advised that "the proposal was discussed with the heritage team at the pre application stage and we have no objection in principle in terms of impact on the setting of the two listed buildings".
  - The Council's Heritage Officer has advised that there is no objection to green for the weld mesh.
3. Following a debate the officers' recommendation was unanimously approved.

**AGREED** that in accordance with regulation 4 of the Town and Country Planning (General) Regulations 1992, planning permission be granted subject to conditions set out in the report.

**98**

**P14-01016PLA - 19A NATAL ROAD, LONDON, N11 2HU**

NOTED

1. Introduction by the Principal Planning Officer.
2. The response of the Principal Planning Officer to issues raised.

**PLANNING COMMITTEE - 19.8.2014**

3. Following a short debate, the officers' recommendation was unanimously approved.

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

**99**

**P14-01677PLA - 83. OLD PARK RIDINGS, LONDON, N21 2ER**

NOTED

1. Introduction by the Principal Planning Officer.
2. Planning permission was only required because the dwelling is covered by an Article 4 (2) Direction which removes permitted development rights for developments visible from the public highway. In this instance, the extension would project 1.08m to the side of the dwelling and therefore would be visible from the public highway.
3. The existing raised patio will be extended over to replace the garage. Without adequate boundary screening, this could have a potentially detrimental impact on the amenity of the occupiers of No.85. It is noted that the proposed ground floor plan does appear to show a wall along that boundary. An additional condition is therefore proposed to seek details of the boundary treatment to ensure a minimum height of 1.8m above the finished patio level to protect the privacy of the adjoining occupier.
4. Following a debate the officers' recommendation was unanimously approved.

**AGREED** that planning permission be granted subject to an additional condition for details of the boundary treatment to protect the privacy of the adjoining occupier and subject to conditions set out in the report.

Additional Condition

"Development shall not commence until details of the boundary treatment between Nos.83 & 85 Old Park Ridings in the area of the extended raised terrace has been provided to the Local Planning Authority for approval in writing. The boundary treatment shall be no less than 1.8m in height above the finished terrace level and permanently retained".

Reason: To protect the privacy of the neighbouring occupier".

**100**

**14/02253/FUL - FERNY HILL FARM, FERNY HILL, ENFIELD, EN4 0PZ.**

NOTED

1. Introduction by the Principal Planning Officer.
2. Following a debate, a vote was taken and members resolved to accept the officers' recommendation by 9 votes and 1 abstention.

**PLANNING COMMITTEE - 19.8.2014**

**AGREED** that planning permission be granted, subject to expiry of consultation date on 20<sup>th</sup> August 2014 and subject to the conditions set out in the report.

**101**

**14/02591/HOU - 20 DRAPERS ROAD, ENFIELD, EN2 8LU**

NOTED

1. Introduction by the Principal Planning Officer.
2. The application would normally be considered under delegated powers, however the applicant is a member of staff of the Regeneration & Environment Directorate.
3. One further letter to report, from the occupier of No.18 Drapers Road, advising that there were no objections to the development.
4. Following a debate, the officers' recommendation was unanimously approved.

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

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**MUNICIPAL YEAR 2014/2015 - REPORT NO 065**

**COMMITTEE:**  
PLANNING COMMITTEE  
23.09.2014

<b>AGENDA - PART 1</b>	<b>ITEM 4</b>
<b>SUBJECT -</b>	
MISCELLANEOUS MATTERS	

**REPORT OF:**  
Assistant Director, Planning,  
Highways and Transportation

**Contact Officer:**  
Planning Decisions Manager  
Sharon Davidson Tel: 020 8379 3841

**4.1 APPLICATIONS DEALT WITH UNDER DELEGATED POWERS** INF

4.1.1 A Schedule of Decisions will be available in October 2014.

**4.2 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.

**4.3 APPEAL INFORMATION** INF

A Schedule will be available in October 2014.

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## LONDON BOROUGH OF ENFIELD

### PLANNING COMMITTEE

Date : 23<sup>rd</sup> September 2014

**Report of**

Assistant Director, Planning,  
Highways & Transportation

**Contact Officer:**

Andy Higham 020 8379 3848  
Sharon Davidson 020 8379 3841  
Mr H Heywood 020 8379 3013

**Ward:**

Cockfosters

**Ref:** P13-02505PLA

**Category:** Householder

**LOCATION:** 17, Grosvenor Gardens, London, N14 4TU

**PROPOSAL:** Erection of outbuilding in rear garden for use as gym, ancillary to residential dwelling (RETROSPECTIVE).

**Applicant Name & Address:**

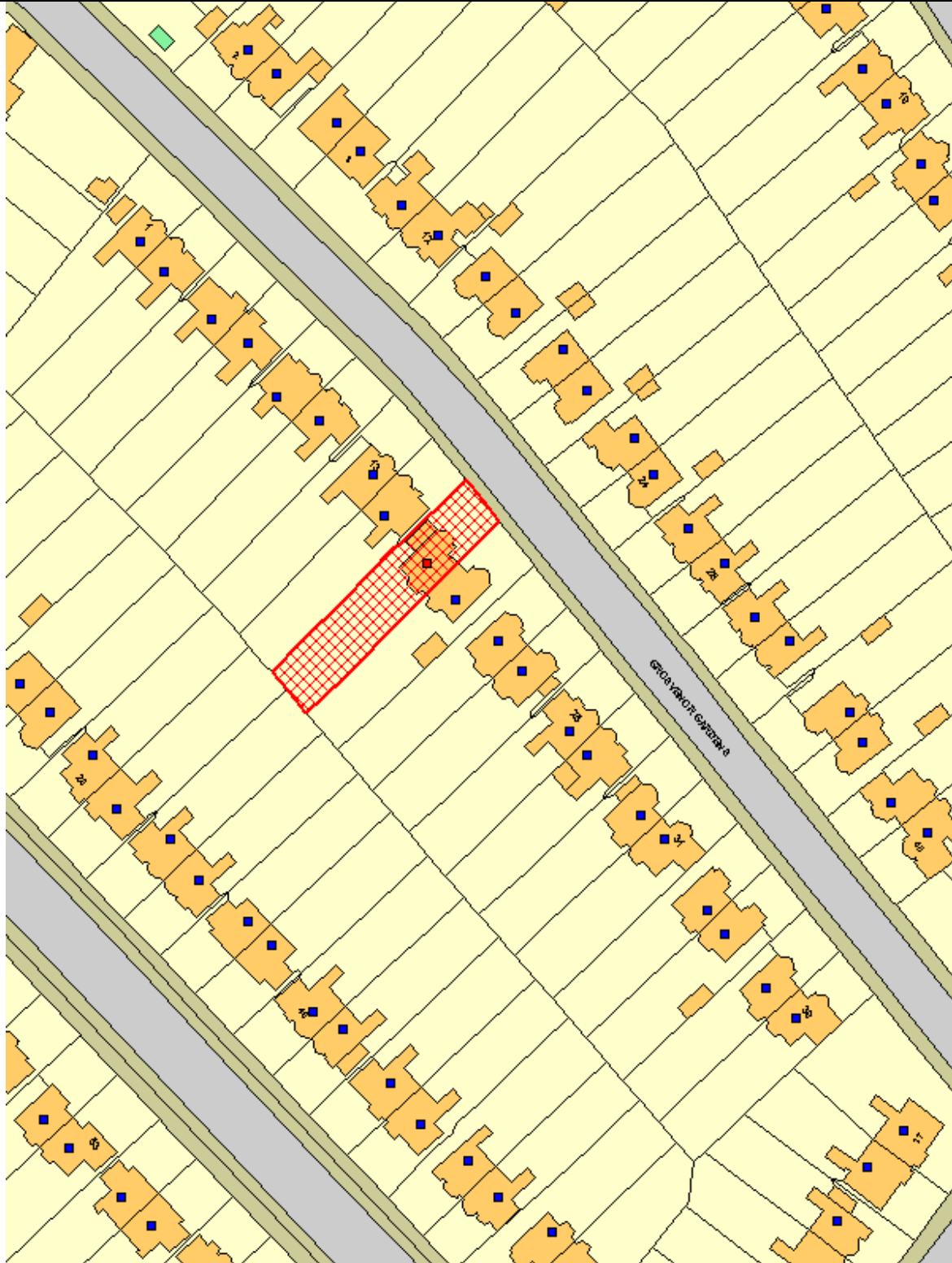
Mr Hercules Eracli  
17, Grosvenor Gardens,  
London,  
N14 4TU

**Agent Name & Address:**

Mr Antoni Kudos Plan & Design  
17, Grosvenor Gardens,  
London,  
N14 4TU

**RECOMMENDATION:**

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



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Scale 1:1250

North



## **1 Site and Surroundings**

- 1.1 The property 17 Grosvenor Gardens is a two storey semi-detached house. The surrounding area is residential in terms of its character. Grosvenor Gardens slopes quite steeply with No 15 Grosvenor Gardens sited on a higher level than the application property and No.19 at a lower level.

## **2 Proposal:**

- 2.1 The application seeks retrospective planning permission for the retention of a flat roofed, single storey outbuilding, which has been constructed in the rear part of the garden. It is sited 0.53 metres from the rear boundary, with 0.48 metres and 0.80 metres from the two side boundaries. The building is sited approximately 18m from the rear wall of the single storey rear extension.
- 2.2 The "L" shaped building has dimensions of 7.2 metres in width, a maximum of 6.1 metres in depth and 3.1 metres in height from ground level (including the plinth on which it sits). The building has been painted white and is used as a domestic gym for the personal use only of the applicants.

## **3. Relevant Planning Decisions:**

- 3.1 INV/13/0244 – Enforcement investigation regarding the outbuilding built. This has resulted in the retrospective planning application currently submitted.
- 3.2 P13-02858LDC – An application to establish whether it would be lawful to use the original integral garage by the residential occupier for beauty treatments. This application was withdrawn. At a site visit on 10<sup>th</sup> September 2014 the applicant confirmed that whilst some equipment has been installed in the room it is not presently used.

## **4. Consultations**

### **4.1 Statutory and non-statutory consultations:**

- 4.1.1 None required.

### **4.2 Public**

- 4.2.1 Consultation letters were originally sent to four neighbouring properties. Six letters of objections have been received, which raise the following issues:
- Levels raised in the garden and the building sits on top of the raised patio area.
  - Loss of privacy
  - Anyone inside/using the building can see over the fence
  - Structure has caused damage to the fence
  - Poor drainage
  - Light attached to the building causes a nuisance
  - The building is used for business purposes
  - The building is too large for the garden
  - Will set a precedent for similar structures in the gardens

- The applicant has converted the garage, created a second front door with an additional doorbell.
- Introduction of a business will set a precedent, increase traffic and add to parking pressures.

4.2.2 One letter of support has been received from a local resident speaking to the character of the applicants.

## **5. Relevant Policy**

5.1 The National Planning Policy Framework (NPPF) published in March 2012 allowed Local Planning Authorities a 12 month transition period to prepare for the full implementation of the NPPF. Within this 12 month period Local Planning Authorities could give full weight to the saved Unitary Development Plan policies (UDP) and the Core Strategy, which was adopted prior to the NPPF. The 12 month period has now elapsed and as from 28th March 2013 the Council's saved UDP and Core Strategy policies will be given due weight in accordance to their degree of consistency with the NPPF.

5.2 The Development Management Document (DMD) policies have been prepared under the NPPF regime to be NPPF compliant. The Submission version DMD document was approved by Council on 27th March 2013 and has now successfully been through examination. It is expected that the document will be adopted at full Council in November 2014. The DMD provides detailed criteria and standard based policies by which planning applications will be determined, and is considered to carry significant weight.

5.3 The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.

### 5.4 London Plan

Policy 7.4 Local Character

### 5.5 Core Strategy

CP30 – Maintaining and improving the quality of the built environment

### 5.6 Unitary Development Plan (UDP)

- (II) GD3 – Character and design
- (II) H8 – Privacy and overlooking

### 5.7 Submission Version – Development Management Document

- DMD12 – Outbuildings
- DMD 37 – Achieving high quality and design led development

### 5.8 Other Relevant Policy

National Planning Policy Framework

National Planning Practise Guidance

**6.0 Analysis**

6.1 The main issues to consider with this application relate to the impact of the outbuilding on the character and appearance of the area and the residential amenities of the occupants of the adjoining properties, having regard to the policies referred to above.

6.2 Impact on the character and appearance of the area

6.2.1 The single storey flat roofed outbuilding, which is painted white, is relatively modest in scale and appropriate in design for this type of domestic building within a rear garden.

6.2.2 The design and appearance of the outbuilding is not out of character with the domestic garden setting and it does not cause harm to the wider character or appearance of the area . The proposal is in line with policies (II) GD3 of the UDP, Policy CP30 of the Core Strategy and Policies DMD12 and DMD 37 of the Submission version Development Management Document.

6.3 Impact upon neighbouring amenities

6.3.1 The single storey domestic outbuilding is located at the end of the rear garden and sits on a raised patio. The front wall of the outbuilding is sited at least 18m away from the rear wall of the single storey extension to the rear of No.17. Given its size and siting, it does not have a detrimental impact upon the amenities of the occupants of the adjoining properties in terms of light or outlook.

6.3.2 The outbuilding does not have any windows in the side elevations. There is one window and a set of patio doors in the front elevation of the building, facing into the garden. Due the fact the building is slightly elevated, sitting on a raised plinth, and given the fact that No.19 Grosvenor Gardens is sited on a lower level, when inside the building views can be obtained back towards No. 19 and the patio area to the rear of the property. The occupiers of No. 19 have objected to the development on grounds of overlooking and loss of privacy. The applicant has fitted a blind to the window concerned. However, it is considered appropriate to require that this window be obscure glazed and the applicant has agreed to do this. Accordingly a condition is recommended requiring that the window be obscure glazed within 2 months of the date of this decision. The patio doors are sited closest to No.15, which is on a higher level and the existing enclosure along the boundary prevents views into the rear garden of this property. With the condition recommended, it is considered that the outbuilding is acceptable and does not give rise to unacceptable overlooking or loss of privacy to neighbouring occupiers.

6.4 Response to the representations from the neighbours

6.4.1 There is no evidence at this time that the building is used for business purposes. However, if residents consider that the building is being used for commercial purposes that this can be investigated again. A condition is recommended to require that the building is used only for purposes ancillary to the existing dwelling and not for business purposes.

- 6.4.3 Surface water drainage and run off between residential properties is a civil matter that would need to be resolved between neighbours.
- 6.4.4 External lighting affixed to the building does not require planning permission. However, if a statutory light nuisance was established then formal notice could be served requiring the nuisance to be abated.
- 6.4.5 The provision of a separate front door to the existing garage has been investigated. The garage has a lawful development certificate to allow conversion into habitable accommodation which in itself does not require planning permission. The applicant had made an application for a Lawful Development Certificate seeking confirmation that planning permission would not be required for the use of the former garage for the undertaking of beauty treatments by the occupier of the dwelling. This application was withdrawn. A recent site visit confirms that some equipment associated with beauty treatments has been provided in the room, but that much of the space is also used for domestic storage. The applicant confirmed at the site visit that the room was not presently being used.
- 6.5 Community Infrastructure Levy (CIL)
- 6.5.1 As of the April 2010, legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow “charging authorities” in England and Wales to apportion a levy on net additional floorspace for certain types of qualifying development to enable the funding of a wide range of infrastructure that is needed as a result of development. Since April 2012 the Mayor of London has been charging CIL in Enfield at the rate of £20 per sqm. The Council is progressing its own CIL but this is not expected to be introduced until spring / summer 2015.
- 6.4.2 The development in this instance is not CIL Liable.

## 7 Conclusion

- 7.1 There are no planning objections to the retention of the domestic outbuilding which has been constructed on the site and accordingly a recommendation of approval is made.

## 8 Recommendation

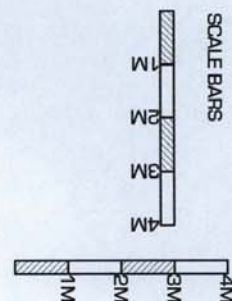
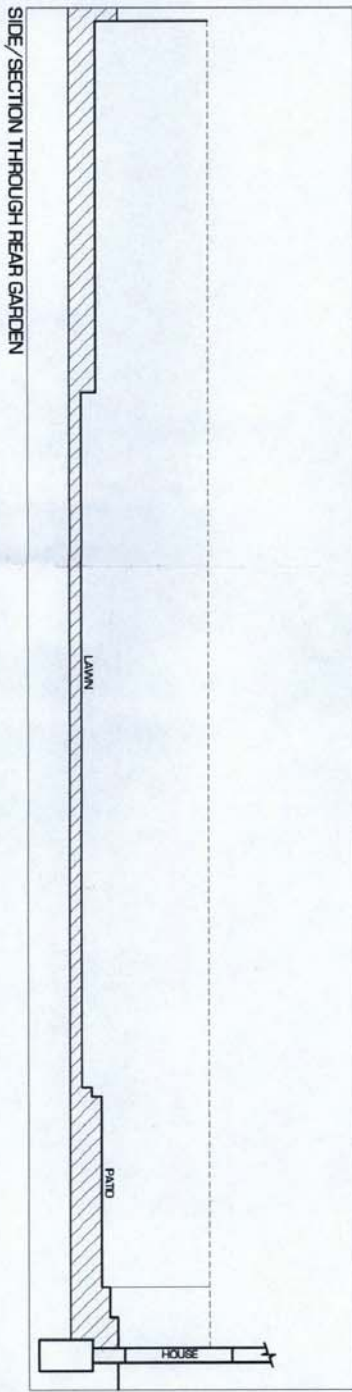
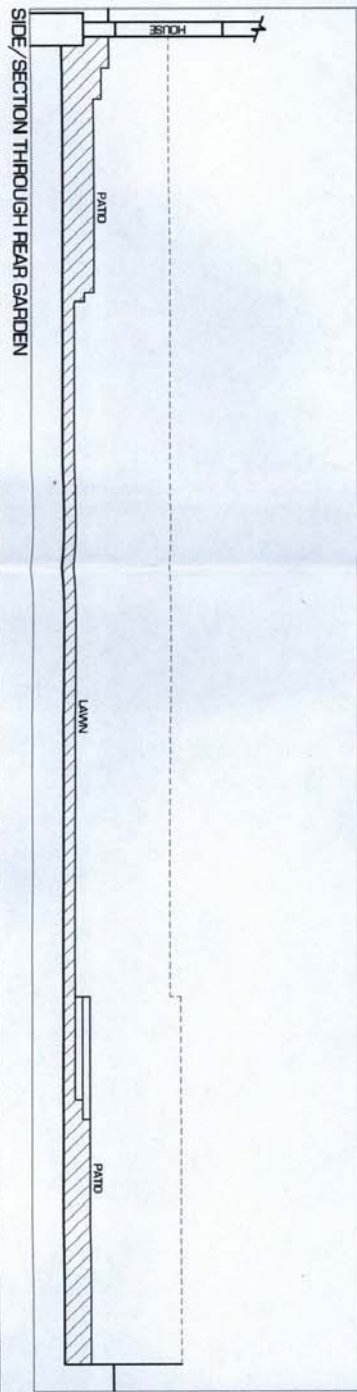
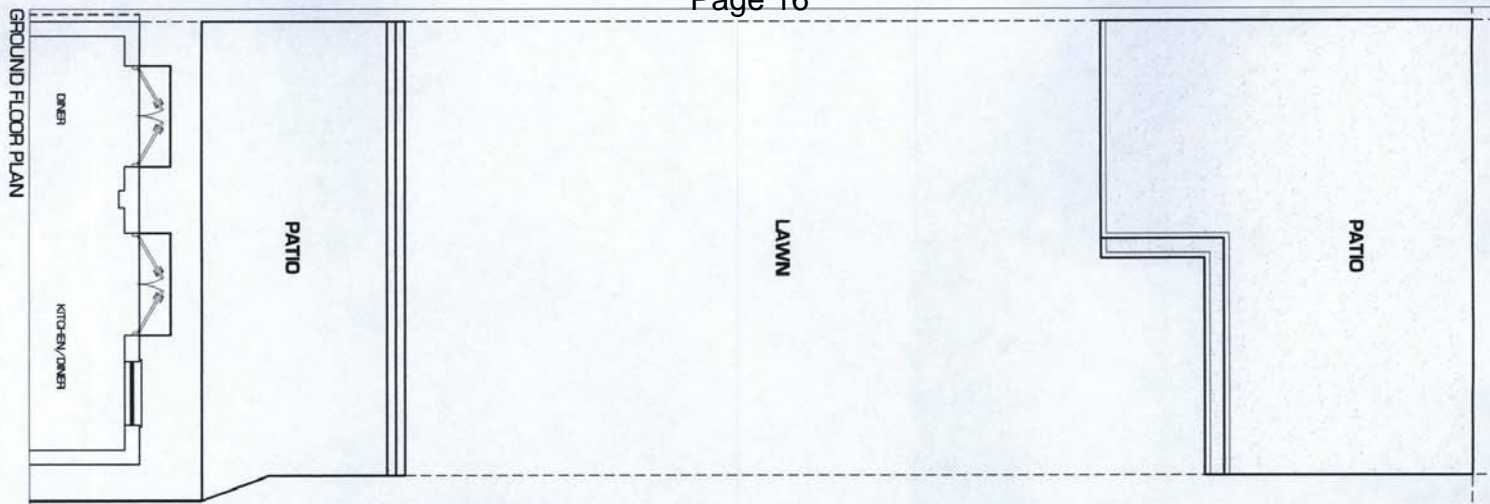
- 8.1 That planning permission is **GRANTED** subject to the following conditions:
1. C60 – Approved Plans
  2. C25 – No additional fenestration
  - 3 That within 2 months from the date of this decision the existing window to the front elevation of the outbuilding shall be fitted with obscure glass with an equivalent obscuration as level 3 on the Pilkington Obscuration Range. The glazing shall not be altered without the approval in writing of the Local Planning Authority.



Reason: In order to protect the amenities of the surrounding residents

- 4 The outbuilding shall only be used for purposes incidental to the enjoyment of the dwelling, excluding any form of habitable accommodation or any business purposes.

Reason: In order to protect the amenities of the surrounding residents



Notes:  
 The building contractor is responsible for verification of all dimensions on site.  
 Any works carried out prior to Local authority consent (both planning and building control) is the responsibility of the contractor.

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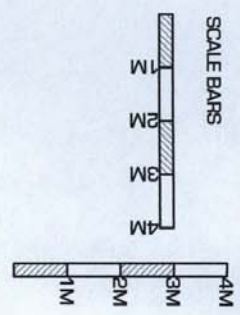
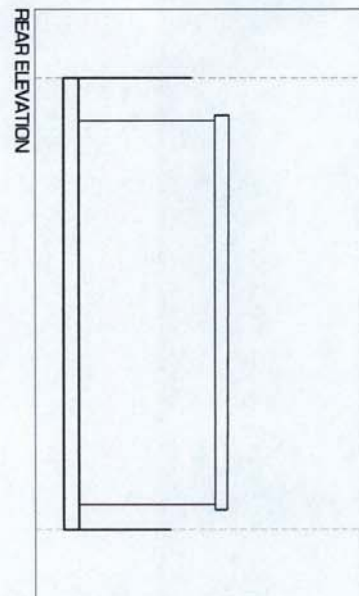
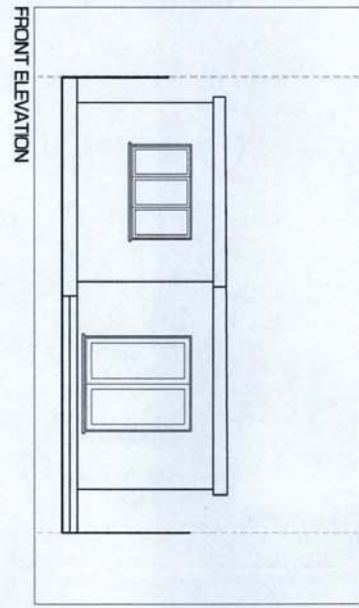
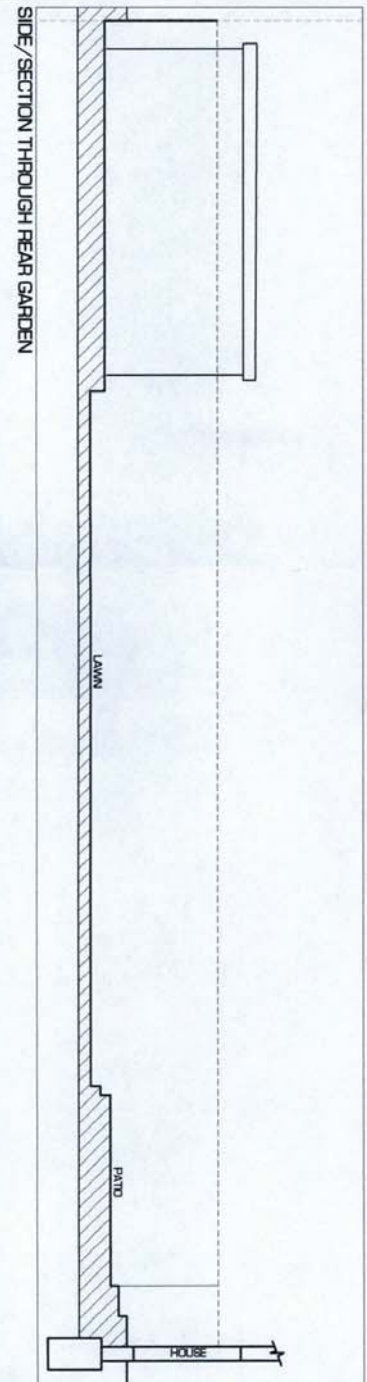
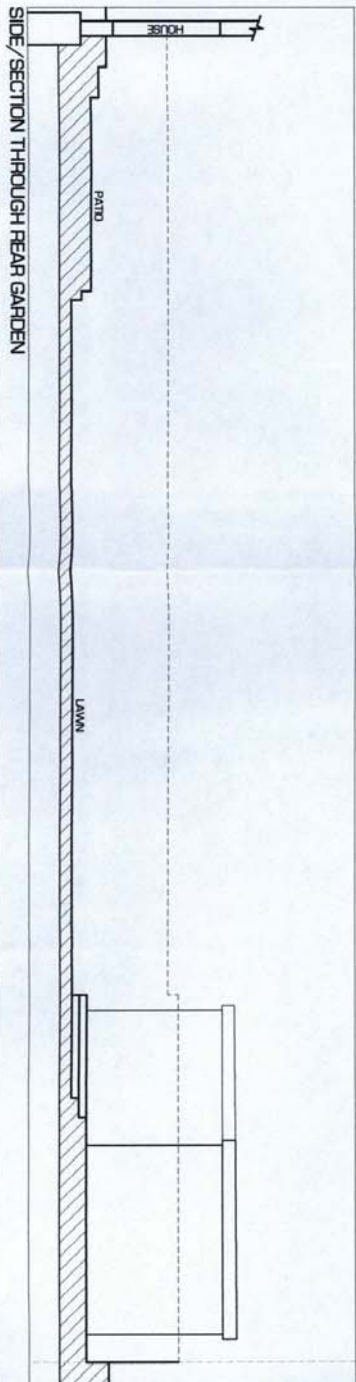
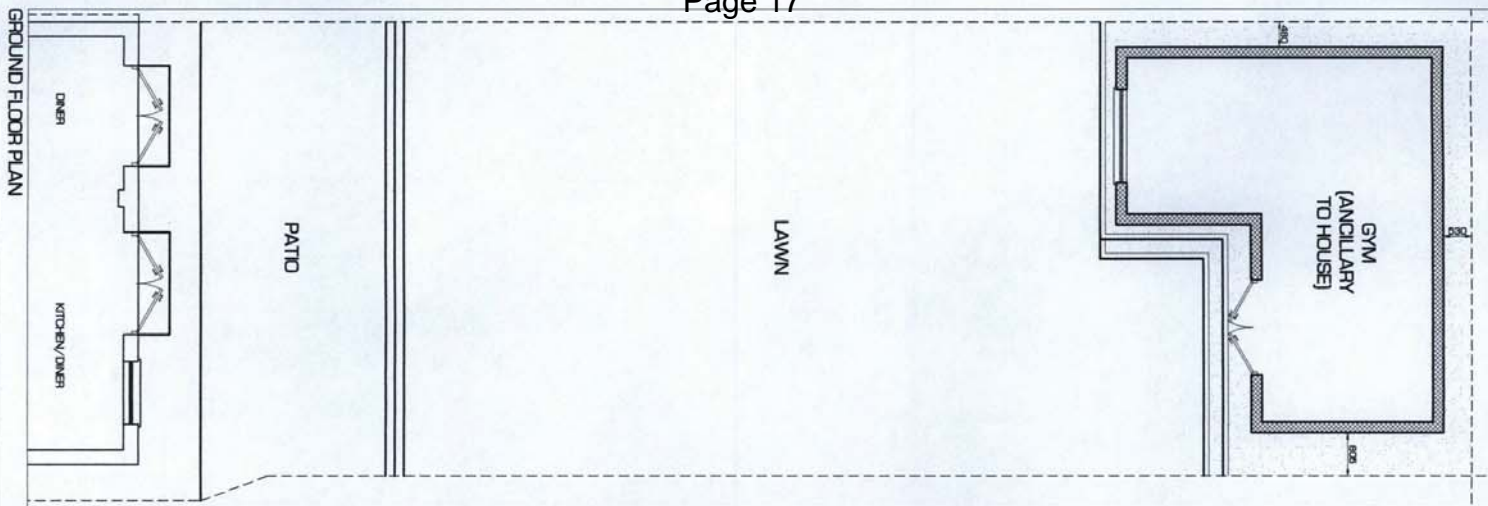
**EXISTING PLANS (RETROSPECTIVE)**

Customer name & site address:  
 Mr. H. Eracli  
 17 Grosvenor Gardens  
 London, N14 4TU

Works:  
 Retrospective Planning - Outbuilding  
 as an auxiliary to property - Private  
 Gym

Council: Enfield  
 Date: 16th August 2013  
 Scale: 1:100 @ A3  
 Dwg no. GROS/2013/01

P13 - 06505 PA



Notes:  
 The building contractor is responsible for verification of all dimensions on site.  
 Any works carried out prior to Local authority consent (both planning and building control) is the responsibility of the contractor.

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**PROPOSED PLANS (RETROSPECTIVE)**

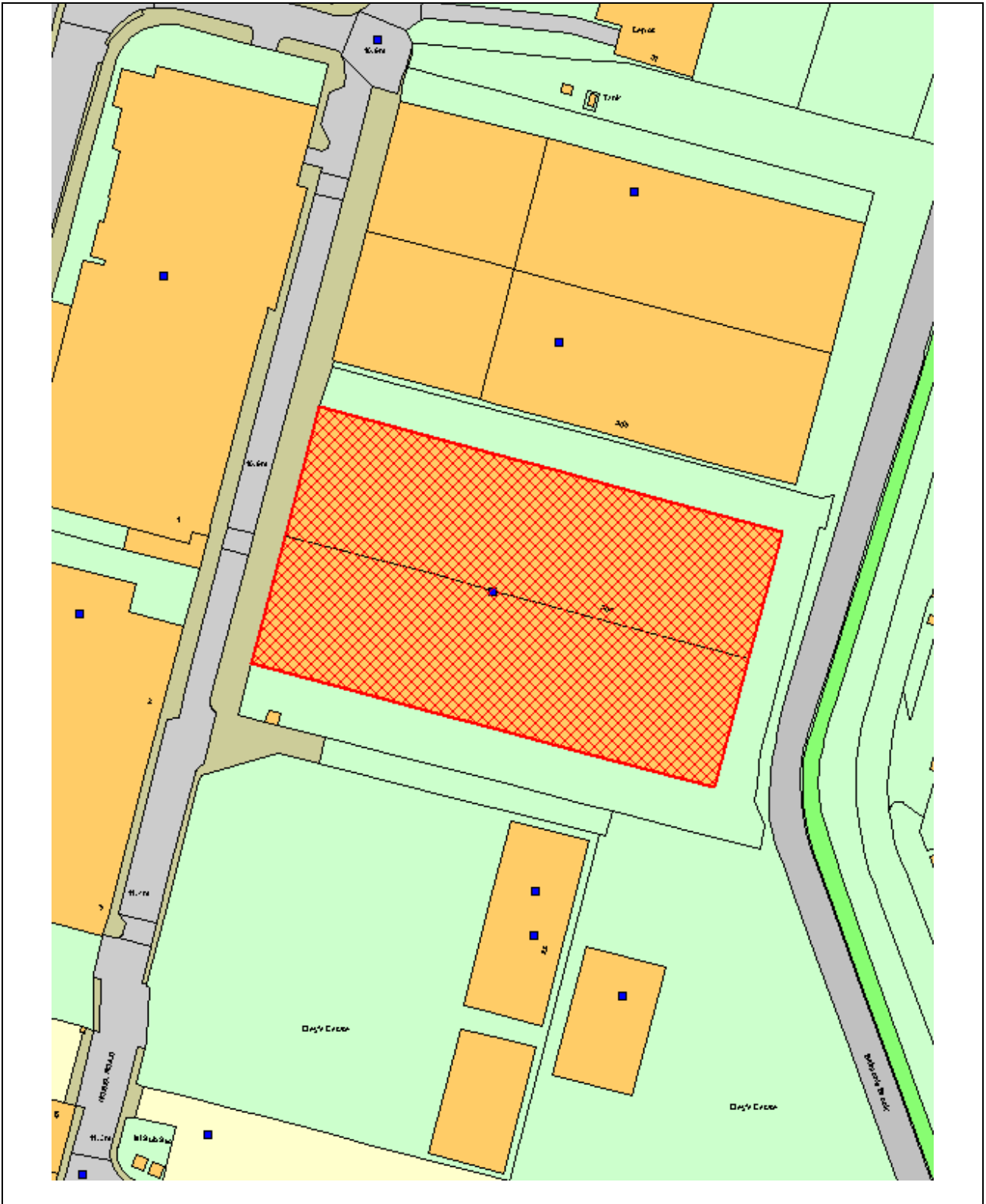
Customer name & site address:  
 Mr. H. Eracli  
 17 Grosvenor Gardens  
 London, N14 4TU

Works:  
 Retrospective Planning - Outbuilding  
 as an auxiliary to property - Private  
 Gym

Council: Enfield  
 Date: 16th August 2013  
 Scale: 1:100 @ A3  
 Dwg no. GROS/2013/02



<b>LONDON BOROUGH OF ENFIELD</b>		
<b>PLANNING COMMITTEE</b>		<b>Date :</b> 23rd September 2014
<b>Report of</b> Assistant Director, Planning, Highways & Transportation	<b>Contact Officer:</b> Andy Higham 020 8379 3848 Sharon Davidson 020 8379 3841 Ms M Demetri 02083796843	<b>Ward:</b> Edmonton Green
<b>Ref:</b> P14-01298PLA		<b>Category:</b> Full Application
<b>LOCATION:</b> 30A, Nobel Road, London, N18 3BH		
<b>PROPOSAL:</b> Removal of condition 5 of approval TP/08/0744/REN1 for the continued use of the unit for go-kart racing and manufacturing centre with ancillary conference facilities.		
<b>Applicant Name &amp; Address:</b> TeamSport (North London) Ltd 30A, Nobel Road, London, N18 3BH		<b>Agent Name &amp; Address:</b> Savills 30A, Nobel Road, London, N18 3BH
<b>RECOMMENDATION:</b> That condition number 5 be removed from application TP/08/0744/REN1 and conditions be re-imposed		



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Scale 1:1250

North



## **1.0 Site and surroundings**

- 1.1 30A Nobel Road has been in use as a go-karting centre for TeamSport since December 2008. The site is located within the Eley Industrial Estate to the west of Nobel Road approximately 80 metres south of Thornton Road. The site contains a large industrial building, where the go-karting centre is located, while the remainder of the site is laid to hard standing. Access is from Nobel Road in the southeast corner of the site.
- 1.2 The area is characterised by predominantly heavy industry and storage uses. The nearest residential dwellings are approximately some 360 metres to the west, fronting Montague Road.
- 1.3 The whole of the site lies within Flood Zone 3 in close proximity to the boundary with Flood Zone 2.

## **2.0 Proposal**

- 2.1 This is a Section 73 planning application seeking the removal of condition number 5 of application TP/08/0744/REN1 as worded below:

*This permission is granted for a limited period expiring on 22nd June 2014 when the use hereby permitted shall be discontinued and the land reinstated.  
Reason: To ensure that the unit within a Strategic Industrial Location remains available for industrial use in the medium to long term, to protect the supply of industrial land within the Borough and protect the objectives of the forthcoming Central Leaside Area Action Plan.*

## **3.0 Relevant Planning History**

- 3.1 30A Nobel Road has been in use as a go-karting centre for TeamSport since December 2008. An initial temporary 3 year planning permission was granted in May 2008 for the use as an indoor go-karting centre (TP/08/0744). This was renewed in June 2011 for a further temporary 3 years associated with condition number 5 (TP/08/0744/REN1).

## **4.0 Consultation**

### **4.1 Statutory and non-statutory consultees**

#### **4.1.1 Traffic and Transport**

No objection raised. There have been no known complaints relating to the site.

#### **4.1.2 Environmental Health**

No objection raised. No environmental complaints about the premises. The continued use of the development is unlikely to have a negative environmental impact. In particular there are no issues regarding noise, contaminated land, air quality or nuisance.

### **4.2 Public response**

- 4.2.1 Nine neighbours have been notified directly by letter and a site notice erected. No response received.

## **5.0 Relevant policies**

5.1 The National Planning Policy Framework (NPPF) published in March 2012 allowed Local Planning Authorities a 12 month transition period to prepare for the full implementation of the NPPF. Within this 12 month period Local Planning Authorities could give full weight to the saved Unitary Development Plan policies (UDP) and the Core Strategy, which was adopted prior to the NPPF. The 12 month period has now elapsed and as from 28th March 2013 the Council's saved UDP and Core Strategy policies will be given due weight in accordance to their degree of consistency with the NPPF.

5.2 The Development Management Document (DMD) policies have been prepared under the NPPF regime to be NPPF compliant. The Submission version DMD document was approved by Council on 27<sup>th</sup> March 2013 and has now successfully been through examination. It is expected that the document will be adopted at full Council in November 2014. The DMD provides detailed criteria and standard based policies by which planning applications will be determined.

5.3 The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.

### 5.4 London Plan

Policy 2.17 Strategic Industrial Locations  
Policy 4.4 Managing Industrial Land and Premises  
Policy 6.3 Assessing effects of development on transport capacity

### 5.5 Core Strategy

CP14 Safeguarding Strategic Industrial Locations  
CP25 Pedestrian and Cyclists  
CP30 Pollution

### 5.6 Unitary Development Plan

(II) GD3 Planning Standards  
(II) GD6 Planning Standards  
(II) GD8 Planning Standards  
(II) T13 Highway Improvements

### 5.7 Submission Version DMD

DMD 19 Strategic Industrial Location (SIL)  
DMD 45 Parking Standards and Layout  
DMD46 Vehicle Crossovers and Dropped Kerbs  
DMD 47 New Roads, Access and Servicing  
DMD 48 Transport Assessments  
DMD 64 Pollution Control and Assessment



DMD 66 Land Contamination and Instability  
DMD 68 Noise

5.8 Other relevant considerations

Manual for Streets 1 and 2  
NPPF (2012)  
NPPG (2014)  
Employment Land Review (2012)  
North London Employment Land Study (updated 2009)  
Council's Central Leaside Area Action Plan (CLAAP) (draft 2012)  
Upper Lee Valley Opportunity Area Planning Framework (2013)

**6.0 Analysis**

6.1 Background

6.1.1 TP/08/0744 and TP/08/0744/REN1 were approved subject to temporary 3 year permissions. Condition number 5 was imposed so that the Council could retain control of the use of the unit until the Council's Central Leaside Area Action Plan (CLAAP) and the Development Management Document (DMD) were published. It was envisaged that the CLAAP and DMD would be likely to improve future demand and the unit could be returned to industrial use in the long-term. It should be noted that the CLAAP has been in draft form since 2012.

6.1.2 The Council has now received the Inspector's Report into the soundness and legal compliance of Enfield's Development Management Document (DMD). The Inspector has concluded that the DMD (part of Enfield's Local Plan) provides an appropriate basis for the planning of the Borough, satisfies the requirements of Section 20(5) of the 2004 Planning & Compulsory Purchase Act and meets the criteria for soundness in the National Planning Policy Framework.

6.2 Policy and principle

6.2.1 Enfield's Local Plan, particularly the Core Strategy (adopted 2010) sets the context for the Central Leaside area, and it is supported by an evidence base, including the Employment Land Review (2012) and the North London Employment Land study and its update report in (2009). The Core Strategy sits within a suite of planning documents including the Development Management Document (submission version March 2013), and the draft Central Leaside Area Action Plan (May 2012), as well as the Mayor's Upper Lee Valley Opportunity Area Planning Framework (July 2013). Together these planning policies and guidance at the local and sub-regional level provide a clear steer on appropriate development in the area.

6.2.2 Additionally, the Council has formally submitted its Development Management Document (DMD) to the Secretary of State for independent examination. Examination to determine the soundness of the DMD was held in April 2014. Chapter 4 of the DMD deals with Enfield's economy. It re-affirms the Council's position to supporting businesses and facilitating economic growth. Based on an up-to-date evidence of demand and supply, the Council will continue to protect industrial land and employment premises, including those safeguarded as SIL and Locally Significant Industrial Sites (LSIS). This approach is supported by the findings of the Employment Land Review (2012), which identified that the supply of industrial land in North London is limited and there is a need to retain industrial capacity to

accommodate existing and future demand. The Review concludes that, even in the context of the current economic climate, Enfield should protect its employment sites.

6.2.3 Unit 30A Nobel Road is situated within Eleys Industrial Estate. Core Policy 14: Strategic Industrial Location (SIL) safeguards Eleys Estate as SIL, and identifies it within a 'Preferred Industrial Location' (PIL). The objective of this policy is to strengthen the role of industrial areas within the Borough, which are in employment use. Consequently, the principle use of the site as an indoor go-karting centre (sui generis use) is contrary to policies set out in Enfield's Local Plan as its retention would result in a loss of industrial capacity. However, material considerations exist that are required to be considered.

### 6.3 Material considerations for the retention of the go karting use

#### *A history of 30 A to D Nobel Road*

6.3.1 The whole unit at 160,000 sqf, known as number 30, was originally built to accommodate a steel foundry. The building was purpose built to suit the specific requirements of the steel foundry. Upon relocation of this company in the 1980's the entire unit was let to Coca Cola Enterprise Limited. In the early 1990's Coca Cola moved out and a removal firm and logistic company occupied the site. In 2006 both the removal firm and a logistic company vacated. The whole unit was marketed as a whole for 18 months with no success. In 2008 the unit was split into separate units and advertising commenced for the separate units. Team Sport Go-Karting occupied unit A and Professional Print Finishing Services Limited occupied unit D. The remaining space remained unoccupied until 2013. In August 2013 Dogtas Limited (B8 use) let 26,000 sqft. There is still approximately 60,000 sqft of space remaining to be let within the unit.

6.3.2 Over the years it is apparent that there has been very little demand for this particular unit to be retained as an industrial/warehouse use. This is further demonstrated by the 60,000 sqft of the unit still not let and the length it has taken to let even part of the whole unit. The potential loss of the go karting use could further add to the empty floor space available within the unit to the detriment of the Eley Estate.

#### *Specific analysis of 30A to D Nobel Road*

6.3.3 The following bullet points are an account from Pater Johnson Merriman, the letting agents and chartered surveyors acting on behalf of the owners of the unit. They have collated information to demonstrate how the whole unit has been marketed, incentives offered to draw leaseholders to the site and why the unit is deemed to be unattractive. This information has been gathered since 2006 when the unit first became fully vacant.

#### *The unit itself*

- The age of the unit makes it less attractive given the number of modern units within the industrial areas of the Borough. New modern units are currently being erected in the Eley Estate making 30 Nobel Road even more unattractive to prospective leaseholders. Modern operational needs are in demand hence why new industrial units are being erected.

- The poor condition of the unit given the length of time it has not been leased for. The existing unit is deemed to be part of the poor existing stock and is not adaptable without major investment.
- The ceiling height is too low for some of the B use classes to use given that the unit was specifically designed to be used as a steel foundry.
- The impression of the wider Eley Estate which appears run down.
- The general access and roadway are poorer than competing space which can clearly be seen on site through the quality of the road.
- The smell from the adjoining waste facility is unattractive.
- Levels of break ins in the Eley Estate may not be exceptionally high but still occur.

6.3.4 The above demonstrates that in order to make 30 Nobel Road attractive to users within the B Use Class, the applicant would need to demolish the unit and erect a new building but also repair the roads and access outside of their ownership.

*Type of marketing and incentives offered since 2006*

- Incentives offered to lease the unit included large rent free periods, the flexibility of the unit, short term lettings and internal refurbishment works.
- The rent for the unit is low which in terms of marketability indicates the poor quality of the space in terms of the B use classes.
- Since 2007 there has been an agents marketing board for the whole site.
- The unit has been advertised on industries' websites and circulated to all Central London industrial agents.
- The unit has been advertised in a variety of industrial marketing literature nationwide.
- Since 2006 the majority of the unit still remained unleased. In 2013 Dogtas Limited leased part of the remaining unit because of its proximity to its local retail stores and the lower than average rent within the Eley Estate.

6.3.5 The whole site has been marketed since 2007 and is still not fully occupied. Where it has been marketed in more recent years there was a niche reason as to why Dogtas Limited leased part of the reason. This did not have anything to do with the draft CLAAP (2012) document which aims to regenerate the employment sites within the Borough. Given the evidence submitted, it is considered that the site has been widely marketed for a number of years with a number of incentives offered, although occupancy at the unit still remains low.

*Assessment of the Eley Estate and Strategic Industrial Locations within Enfield*

6.3.6 R Morris Associates have undertaken extensive survey work of the Eley Estate and all of the other designated SILs within the Borough at the request of Officers. The survey has involved site visits, desk-top research using Focus.net amongst other tools and extensive discussions with marketing agents who are active in the Borough. It was required to consider not just the Eley Estate, but also availability in the other SILs within the Borough. This is because an industrial/warehouse occupier when looking for premises will not focus their search in a specific estate. Instead, they would consider a wider area/region. The summary of the survey is as follows:

- The survey of all of the SILs establishes that there is approximately 1,234,000 sq ft of available industrial and warehouse space. This demonstrates that there is a considerable level of supply and choice of availability within the SILs of the Borough.
- The 1,234,000 sq ft comprises 42 different units of sizes from 7,000 sqft to circa 100,000 sqft. Of this, approximately 1,100,000 sq ft has been marketed for one year or more. Although not all of this space is actually vacant, in regards to marketing,

89% of all of the space on the market has been available for leasing for at least 12 months.

- There is more available space in the vicinity of the site now compared to when the application was considered in 2011.

6.3.7 The review by the Council found that Enfield should not see any net reduction in the employment land stock. Given that the 2014 survey undertaken by the Agent portrays an up to date representation of the Eley Estate and SILs it would be unreasonable to rely solely on the Employment Land Review (2012). The loss of the go karting unit would just add to the existing vacant units and the amount of industrial space not occupied. Specifically in the Eley Estate, 15 additional units are being built (reference P12-03055PLA). Therefore, it is considered given current vacancy rates, the amount of units in the SILs, future provision and that there is a net increase of units at the Eley Estate, it is considered that the retention of the go karting business would not harm the employment land stock.

#### *Enfield's economy*

6.3.8 The fundamental aim of Section 4 of the submission Development Management Document (2013) is to ensure that there is sufficient employment land stock to provide employment. The go karting business at 30A Nobel Road employs a total of 28 people from the local area. An industrial/warehouse unit of this particular size may not employ as many people given the low level of employment generated by an industrial/warehouse use generally. The loss of this unit would therefore result in the loss of 28 jobs. Further, there would be no guarantee that another business would replace this business and provide equivalent replacement employment.

6.3.9 One of the fundamental aims of the NPPF (2012) is to achieve sustainable development through building a strong and competitive economy. The business appears to be thriving, implied by the expressed need to remain in situ. Therefore, the use brings members of the community to the Borough of Enfield who would not have generally come to this part of the Borough. Although the use cannot necessarily be described as tourism, visitors to this recreational facility would serve to support the community and promote economic prosperity in the Borough. The retention of the business would ensure that existing jobs and prosperity are maintained.

#### *Overall*

6.3.10 It is acknowledged that by removing condition number 5 this would be a departure from the Local Plan. However, it is considered that there are positive benefits arising from the permanent retention of this unit that need to be balanced against the principle of the loss of the industrial use. These positive benefits have been discussed above and on balance it is considered that condition number 5 should be removed from application TP/08/0744/REN1.

#### 6.4 Conditions and Decision Notice

6.4.1 An application under Section 73 of the Town and Country Planning Act 1990 (as amended) to remove condition number 5 has been submitted. Thus planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Therefore, it is recommended that conditions number 1, 2, 3 and 4 of TP/08/0744/REN1 shall be re-imposed to any granting of permission.

#### 6.5 Community Infrastructure Levy

- 6.5.1 As of the April 2010, legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow 'charging authorities' in England and Wales to apportion a levy on net additional floorspace for certain types of qualifying development to enable the funding of a wide range of infrastructure that is needed as a result of development. Since April 2012 the Mayor of London has been charging CIL in Enfield at the rate of £20 per sqm. The Council is progressing its own CIL but this is not expected to be introduced until spring / summer 2015.
- 6.5.2 The existing building has been continuously and lawfully occupied as an indoor go-karting centre for at least 6 months within the last 36 months and has not increased in net floor space. In accordance with Regulation 40, the proposal would not be CIL liable.

## **7.0 Conclusion**

- 7.1 On balance, given the premises has now been used as a go-karting centre for 6 years and provides 28 jobs, taken together with the marketing evidence submitted, no objection is raised to the removal of condition number 5 from application TP/08/0744/REN1.

## **8.0 Recommendation**

- 8.1 That condition number 5 be removed from application TP/08/0744/REN1 and the following conditions be re-imposed:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Cover Letter, PA-01, PA-02, PA-03, Planning, Design and Access Statement

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

2. There shall be no raising of existing ground levels on the site.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.

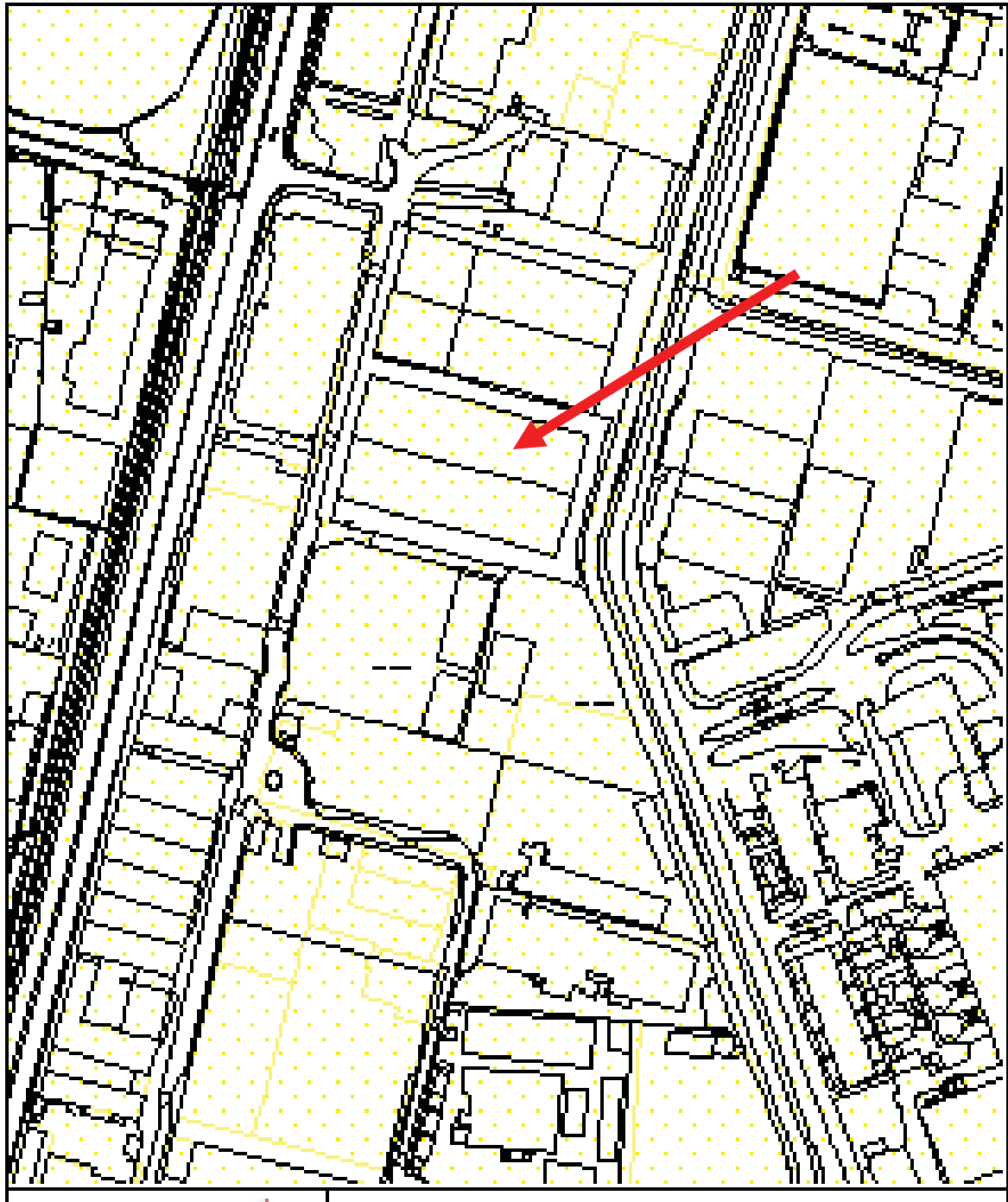
3. The parking, turning and refuse facilities shown on approved plan PA-02 shall remain available for their respective uses at all times the premises is in use. The parking areas shall only be used for the parking of private motor vehicles and shall not be used for any other purpose.

Reason: In the interests of highway safety.

4. The premises shall be used only as a go-kart racing and manufacturing centre with ancillary conference facilities and shall not be used for any other purpose.

Reason: To protect the amenities of the surrounding properties.

Site location





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