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PLANNING COMMITTEE

Tuesday, 22nd September, 2015 at 7.30 pm

Venue: Conference Room, The Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XA Contact: Jane Creer / Metin Halil

Committee Administrator Direct: 020-8379-4093 / 4091

Tel: 020-8379-1000 Ext: 4093 / 4091

E-mail: jane.creer@enfield.gov.uk

metin.halil@enfield.gov.uk

Council website: www.enfield.gov.uk

MEMBERS

Councillors: Dinah Barry, Lee Chamberlain, Jason Charalambous, Dogan Delman, Christiana During, Christine Hamilton, Ahmet Hasan, Jansev Jemal, Derek Levy (Vice-Chair), 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 21/09/15

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 1 SEPTEMBER 2015 (Pages 1 - 4)

To receive the minutes of the Planning Committee meeting held on Tuesday 1 September 2015.

4. REPORT OF THE ASSISTANT DIRECTOR, PLANNING, HIGHWAYS AND TRANSPORTATION (REPORT NO. 74) (Pages 5 - 6)

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

- 4.1 Applications dealt with under delegated powers. (A copy is available in the Members' Library.)
- 5. 15/01192/CEA 17 GROSVENOR GARDENS, LONDON, N14 4TU (Pages 7 18)

RECOMMENDATION: That the Certificate of Lawfulness be granted. WARD: Cockfosters

6. 15/01191/HOU - 17 GROSVENOR GARDENS, LONDON, N14 4TU (Pages 19 - 36)

RECOMMENDATION: Approval subject to conditions.

WARD: Cockfosters

7. 15/02547/FUL - VACANT LAND, FORMALLY KNOWN AS 216 HIGH STREET, ENFIELD, EN3 4EZ (Pages 37 - 76)

RECOMMENDATION: Refusal

WARD: Ponders End

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 - 1.9.2015

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON TUESDAY, 1 SEPTEMBER 2015

COUNCILLORS

PRESENT Dinah Barry, Lee Chamberlain, Jason Charalambous, Dogan

Delman, Christine Hamilton, Ahmet Hasan, Jansev Jemal,

Derek Levy, Anne-Marie Pearce and Toby Simon

ABSENT Christiana During and George Savva MBE

OFFICERS: Sharon Davidson (Planning Decisions Manager), Bob Griffiths

(Assistant Director - Planning, Highways & Transportation), Paula Harvey (Legal Services), Andy Higham (Head of

Development Management) and David B Taylor (Transportation Planning) and Metin Halil (Secretary)

Also Attending: Approximately 14 members of the public, applicant and agent

representatives

116 WELCOME AND APOLOGIES FOR ABSENCE

Councillor Simon, Chair, welcomed all attendees and explained the order of the meeting.

Apologies for absence were received from Councillors During and Savva.

117 DECLARATION OF INTERESTS

There were no declarations of interest.

118 MINUTES OF THE PLANNING PANEL HELD 10 JUNE 2015

The minutes of the Alma Estate planning panel held on 10 June 2015 were noted.

119 MINUTES OF THE PLANNING COMMITTEE 11 AUGUST 2015

AGREED the minutes of the Planning Committee meeting held on 11 August 2015 as a correct record.

120 15/02039/OUT - ALMA ESTATE, EN3

PLANNING COMMITTEE - 1.9.2015

NOTED

- 1. The introduction by the Planning Decisions Manager clarifying the application site which includes further additional sites, as detailed at 1.2 (page 15) of the report.
- 2. The additional sites had been incorporated into the application site to achieve a more comprehensive approach to redevelopment, increase housing numbers and provide the opportunity to enhance the community facilities.
- 3. The demolition of all existing buildings including the existing 746 residential units and the re-provision of 993 new dwellings, an increase of 247 dwellings, spread over 4 phases. Further details of the application proposal at paragraph 2.3 (page 18) of the report.
- 4. Provision of car parking in a combination of on street and dedicated parking. The proposed parking ratio was equivalent to 0.6 spaces per unit.
- 5. The accommodation mix is not policy compliant but the proposed mix had been viably tested to establish whether a greater proportion of family units could be provided. The independent viability consultant concluded that a more fully compliant mix would not be financially viable.
- 6. 40% of the total number of units proposed would be affordable units comprising a 50:50 split of social rent and intermediate housing.
- 7. Two further representations had been received:
 - London Fire and Emergency Planning Authority No objection.
 - Alma Residents Association (ARA) No objection in principle and expressed support for both applications, but have concern about some aspects of the design on the south side of Street particularly around the Welcome Point Community Centre.
- 8. Committee Report discrepancies There were a number of minor discrepancies/updates in terms of the points identified in the report:
 - Para 6.5.40 The applicant has submitted alternative proposals to the zip car proposal for the car club and this will be considered by officers as part of the Section 106 discussions.
 - 6.2.41 where the 4 bed + units in the table, the difference between proposed and existing is 26 units, not 25 units, and the percentage should therefore be 520%.
 - 6.5.42 The need or otherwise for a CPZ will first need to be established through monitoring and then if confirmed required, secured through a CPZ.
 - 6.5.45 Delete the sentence Cycle parking should be provided in the form of Sheffield stands across all phases and replaced with 'A condition is recommended requiring details of cycle parking across all phases, together with a strategy for allocation/management of spaces and strategy to secure an uplift in provision where possible towards the new London Plan standards.
- The Alma Road Residents Association did not wish to make a deputation but their written concerns regarding the Welcome point site were noted.

PLANNING COMMITTEE - 1.9.2015

- 10. The deputation of Jeff Field (Longwood Properties London Ltd).
- 11. The deputation of Caroline Harper (Metropolitan Housing Trust (MHT).
- 12. The response of Rosie Baker and Leigh Bullimore, on behalf of Terence O' Rourke (Agents) and Pollard Thomas Edwards, Architects, respectively.
- 13. Members discussion and questions responded to by officers, including Members comments of support for the scheme.
- 14. Following a debate, the unanimous support of the officers recommendation by the committee.

AGREED that subject to the completion of a Section 106 Agreement and referral to the Greater London Authority, the Head of Development Management/Planning Decisions Manager be authorised to grant planning permission subject to the conditions set out in the report.

121 15/02040/FUL - KESTREL HOUSE, 15 - 29A AND 31 45A, ALMA ROAD, EN3

NOTED

- 1. The introduction by the Planning Decisions Manager clarifying the application which was for Phase 1A of the Alma redevelopment.
- 2. This was a free standing application that is not reliant on the outline planning application and must be considered on its own merits.
- 3. One further letter had been received from the Alma Residents Association who had confirmed that that they were happy to support the development.
- 4. Minor amendments to the Committee report:
 - 6.5.24 In terms of car club alternative providers were being considered that offer different options in terms of length of membership and access to credits. This would be subject of further discussion and appropriate arrangements secured through the Section 106 agreement.
- 5. Members were also asked to note at para 6.5.30 the need for a stopping up order for some parts of the adopted highway to deliver the scheme. There was therefore a need for an addition to the recommendation to request that Members grant officers delegated authority to commence the stopping up process.
- 6. Members' debate, and questions responded to by officers.
- 7. The officers' recommendation was supported by a majority of the committee: 9 votes for and 1 abstention.
- 8. The Chair also wished to record his thanks to officers for their comprehensive reports regarding the Alma Estate Redevelopment.

AGREED that subject to the completion of a Section 106 Agreement and referral to the Greater London Authority, the Head of Development Management/Planning Decisions Manager be authorised to grant planning

PLANNING COMMITTEE - 1.9.2015

permission subject to the conditions set out in the report together with delegated authority for officers to commence the stopping up process.

122 APPEAL INFORMATION

NOTED

The Head of Development Control would provide appeal information at the end of the 12 month period.

123 FUTURE MEETINGS

NOTED

1. The next meeting of the Planning Committee will be held on Tuesday 22 September 2015. The venue will be the Conference Room, Civic Centre.

MUNICIPAL YEAR 2015/2016 - REPORT NO 74

COMMITTEE:

PLANNING COMMITTEE 22.09.2015

REPORT OF:

Assistant Director, Planning, Highways and Transportation

Contact	Officer:
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Planning Decisions Manager

Sharon Davidson Tel: 020 8379 3841

AGENDA - PART 1	ITEM	4
SUBJECT -		
MISCELLANEOUS MA	TTERS	

4.1 APPLICATIONS DEALT WITH UNDER DELEGATED POWERS

INF

- 4.1.1 In accordance with delegated powers, 421 applications were determined between 29/07/2015 and 10/09/2015, of which 311 were granted and 110 refused.
- 4.1.2 A Schedule of Decisions is available in the Members' Library.

Background Papers

To be found on files indicated in Schedule.

4.2 PLANNING APPLICATIONS AND APPLICATIONS TO DISPLAY ADVERTISEMENTS

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.



LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 22nd September 2015

Report of

Assistant Director, Planning, Highways & Transportation

Contact Officer:

Andy Higham 020 8379 3848 Sharon Davidson 020 8379 3841 Mr Nigel Catherall 020 8379 3833 Ward:

Cockfosters

Ref: 15/01192/CEA

Category: Cert of Lawful Use/Operation -

Proposed

LOCATION: 17 Grosvenor Gardens, London, N14 4TU

PROPOSAL: Outbuilding at rear.

Applicant Name & Address:

Mr H Eracli

17 Grosvenor Gardens

Southgate Enfield N14 4TU

United Kingdom

Agent Name & Address:

Mr Antoni Eracli email or send to applicant

United Kingdom

RECOMMENDATION:

That the Certificate of Lawfulness be **GRANTED** for reasons.

Ref: 15/01192/CEA LOCATION: 17 Grosvenor Gardens, London, N14 4TU, **₹** GROS-JENOR CARREN Reproduced by permission of Ordnance Survey on behalf of HMSO. ©Crown Copyright and database right 2013. All Rights Reserved. Ordnance Survey License number 100019820 North Scale 1:1250

1. Site and Surroundings

1.1 The application property comprises a semi-detached dwellinghouse and a rear garden with a depth of 27m when measured from the rear building line of the original dwellinghouse. There has been previous works at the property a single storey side and rear extension, a conversion of the adjoining side garage to a habitable room, a raised patio, and an outbuilding to the rear of the site which is currently unlawful. The rear garden also features a pair of wooden sheds. Ground level slopes downhill from north to south across the site.

2. Proposal

- 2.1 This application is for a Lawful Development Certificate under Part 1 Class E of the General Permitted Development Order and seeks confirmation that planning permission would not be required for the erection of an outbuilding in the rear garden. The proposed building would be 12.3m in length, 7.24m in width and 2.5m in height.
- 2.2 The proposed outbuilding would encompass the footprint of the existing unauthorised outbuilding but would be larger, extending towards the main dwelling and would be lower in height than the existing structure.
- 2.3 Members should note that an application for Planning Permission (15/01191/HOU) to retain the existing structure but with a reduction in height of 0.3m was received at the same time as this Lawful Development Certificate application and will be considered separately.

3. Relevant Planning Decisions

- 3.1 15/01191/HOU Erection of outbuilding in rear garden for use as gym, ancillary to residential dwelling (PART RETROSPECTIVE). Currently under consideration.
- 3.2 15/00009/ENFORC Without planning permission the erection of an unauthorised outbuilding within the rear garden of the Premises. Enforcement Notice currently under appeal and a decision is awaited.
- 3.3 P13-02505PLA Erection of outbuilding in rear garden for use as gym, ancillary to residential dwelling (RETROSPECTIVE). Refused, September 2014. Appeal dismissed, February 2015.
- 3.4 CON/6914 Without planning permission the erection of an unauthorised outbuilding (outlined in blue on the attached plan for identification purposes) within the rear garden of the Premises.

4. Consultations

4.1 Public

- 4.1.1 Consultation letters were sent to two neighbouring properties. Two replies were received raising the following relevant points:
 - Remind the council that letters were provided to the Council in support of an earlier application fraudulently written in our names.

- The plans, sections and site levels too freely dismiss the topography of the site.
- Believe that these ground levels are intentionally shown to be misleading.
- Photos have been submitted demonstrating that the levels of the garden 15 Grosvenor Gardens have not be altered since its purchase in 1966.
- The garden level of 17 Grosvenor Gardens garden's was raised in 2010 under permitted development. Fraudulent letters (of support) submitted to the council's planning enforcement department.
- Existing Building (built in 2013). Fraudulent letters (of support) submitted again to the council's planning enforcement department.
- The ground level that has been submitted by 17 Grosvenor Garden has not been measured from the original ground level.
- In the application it says that 15 Grosvenor Gardens has lowered the garden level. Therefore implying that No. 19 Grosvenor Gardens' have done so to, this is not true (photographs available to prove this).
- Loss of privacy built only 13m away from back door and windows.
- Irrespective of any planning applications until the garden levels are back to its original state, any outbuilding will always impose an invasion of privacy and have a great impact upon my family.
- 4.1.2 Whilst the comments of adjoining residents are noted, Members should note that such comments are not material to the assessment of an application for a Certificate of Lawful Development.

5. Relevant legislation

5.1 The Town and Country Planning (General Permitted Development) (England) Order 2015.

6. Analysis

- 6.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out development that can be undertaken without the need for planning permission. Class E of this Order sets out the criteria against which ancillary outbuildings within the gardens of residential properties must be assessed. The relevant criteria are as follows:
 - The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) should not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
 - ii) No part of the building should be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
 - iii) The building should not have more than a single storey;
 - iv) The height of the building should not exceed:
 - a) 4 metres in the case of a building with a dual-pitched roof,
 - bi) 2.5 metres in the case of a building within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - c) 3 metres in any other case;
 - v) the height of the eaves of the building should not exceed 2.5m;
 - vi) the building should not be situated within the curtilage of a listed building; and
 - vii) it should not include the construction or provision of a verandah, balcony or raised platform

- 6.2 Having reviewed the submitted documents the criteria which requires further analysis under Part 1, Class E is the height of the proposed building in relation to ground levels.
- 6.3 Key to the above assessment is what constitutes the original ground levels. Ground levels generally slope downhill from north to south, as such each property steps down with No.15 higher than No.17, and No.17 higher than No.19 and so on.
- 6.4 Information which has been submitted by the applicant and both neighbours is conflicting. However, following a site visit to Nos 15, 17, and 19, and having viewed the documents submitted with regard to this application, along with additional information provided by residents of all three properties, it is considered that the existing rear garden level at No.17, adjacent to the boundary with No. 19 is not the original rear garden level and that the levels here have been raised. Photographic evidence provided includes a historic picture where the dilapidated fence along the shared boundary of Nos 17 and 19 reveals a low retaining wall at its base, which appears to be roughly at the same level as the adjacent garden level at No.17. Having visited No.19, the same low retaining wall is still in existence, yet the ground level at No.17 is now evidently higher than the top of the retaining wall. However, there is little evidence to suggest that levels adjacent to the boundary with No.15 have been changed and therefore on balance it is considered that these levels should be taken as original
- . 6.5 The technical guidance supporting the General Permitted Development Order confirms that where ground levels change across a site, the relevant level for the purpose of considering the height of the structure and whether it is permitted development, is the higher level. Therefore, where an out building is located within 2m of a property boundary, providing that outbuilding is no more than 2.5m in height taken from the higher ground level, then it would fulfil this particular criterion, regardless of the height of the structure in relation to the lower ground level. This is the case in this instance. The proposed outbuilding would be 2.5m in height from the higher ground level nearest the boundary with No.15 Grosvenor Gardens.
- 6.6 It is noted that adjoining residents have raised objections to the proposed development on grounds of loss of privacy and intrusiveness of the proposed structure. However, the impact of the development on neighbouring properties cannot be considered with this type of the application. The Council's remit is limited to whether the development is lawful or not.

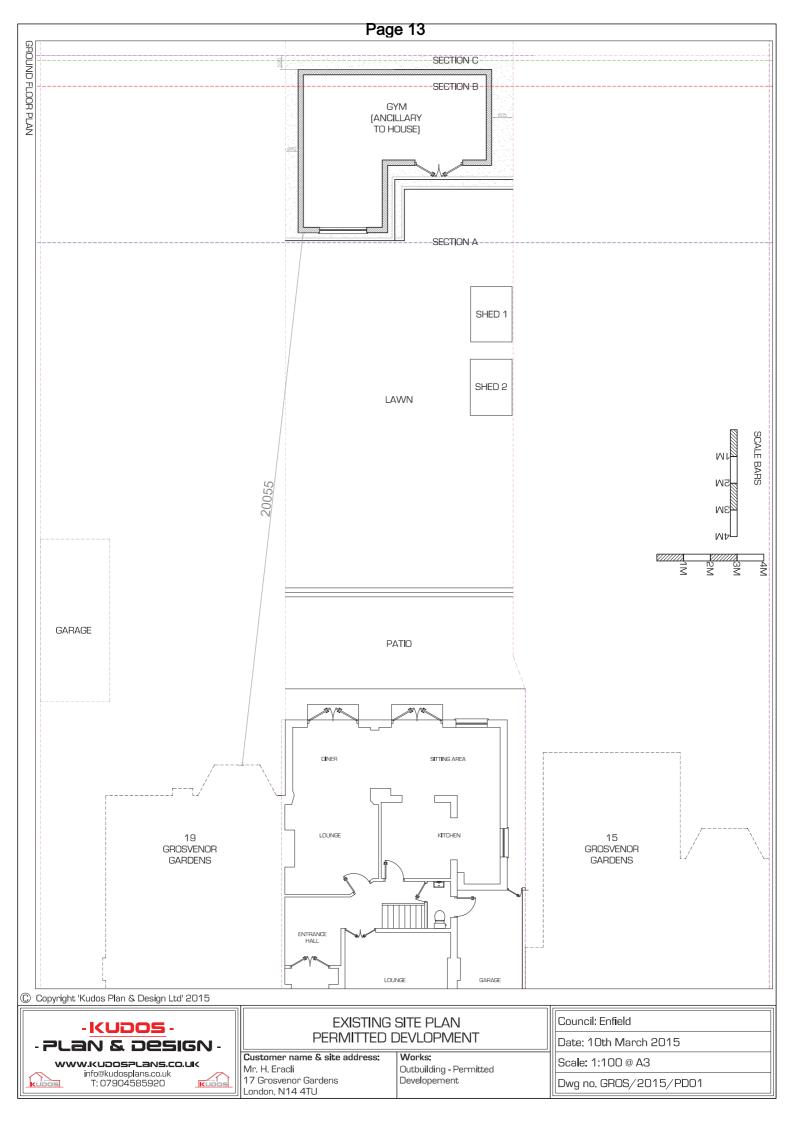
7. Conclusion

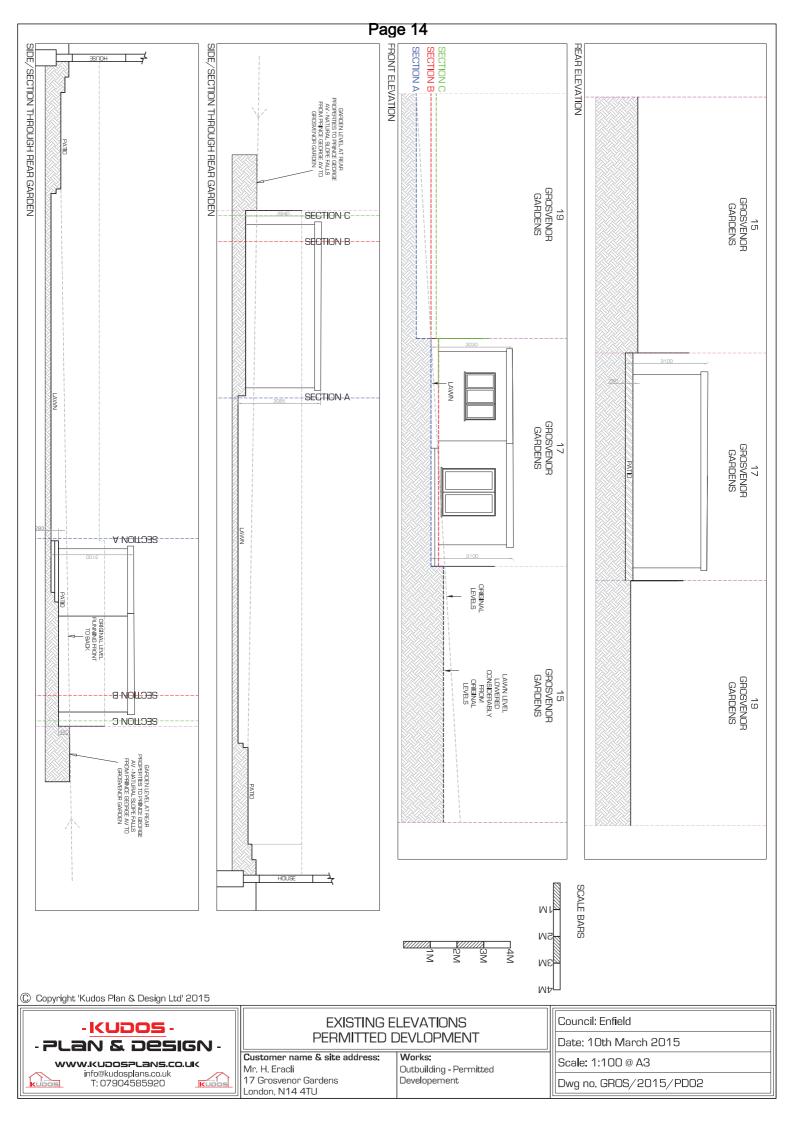
7.1 The proposed development satisfies all the relevant criteria listed in Class E of the General Permitted Development Order and therefore it is concluded that the proposed development constitutes permitted development and planning permission would not be required.

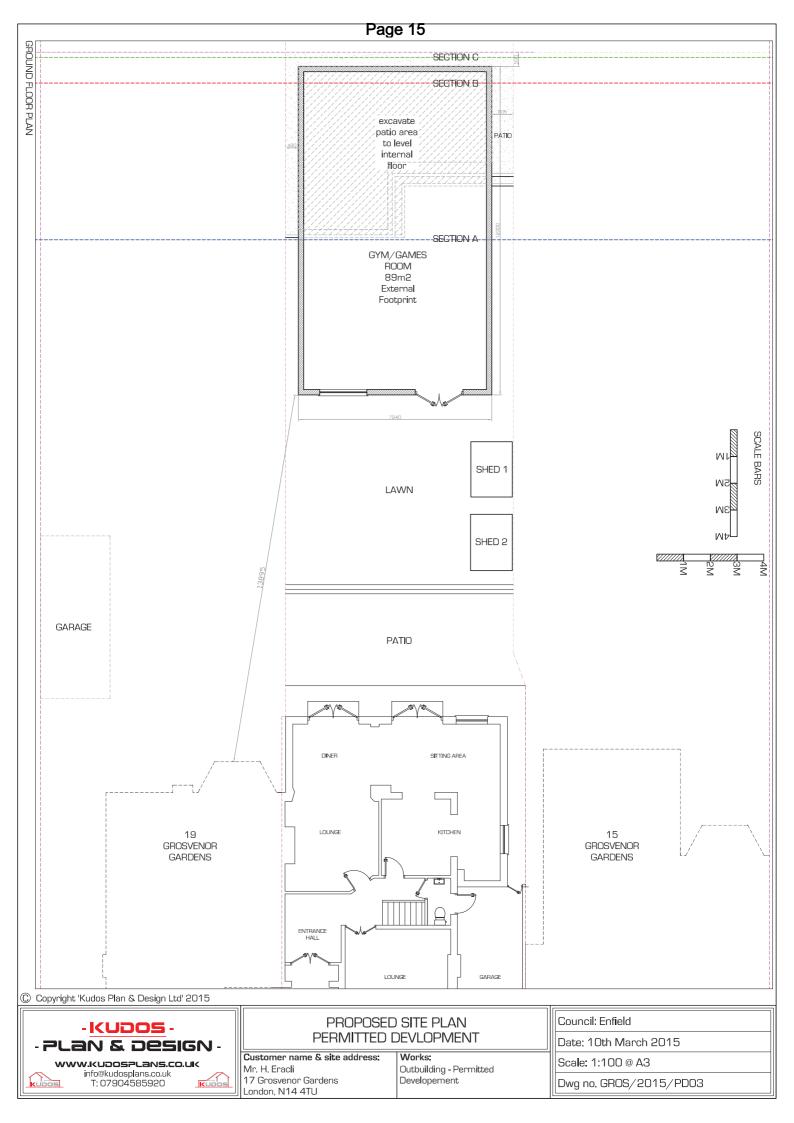
8. Recommendation

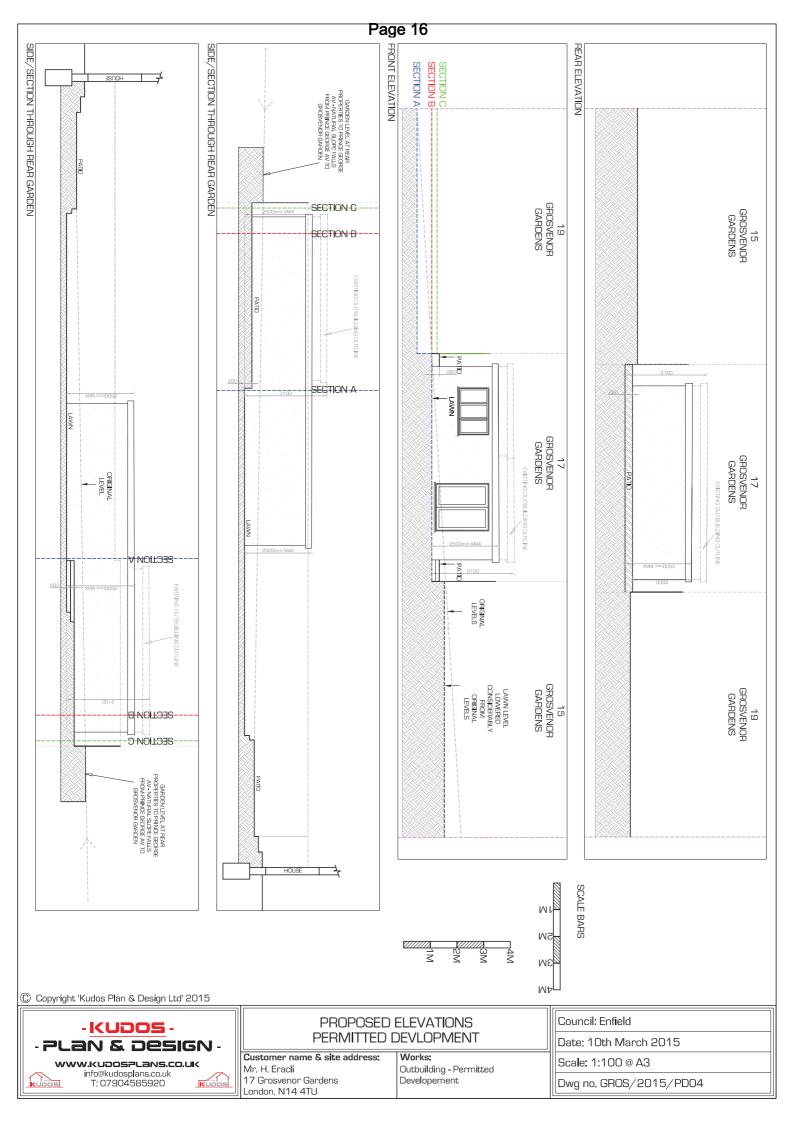
8.1 That the Certificate of Lawfulness be GRANTED for the following reasons:

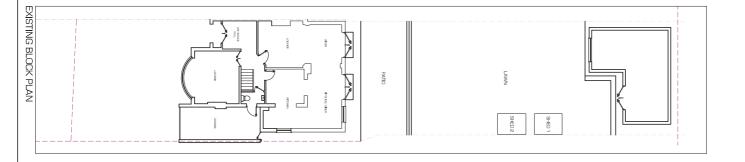
1. The proposed outbuilding would constitute "Permitted Development" under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015.

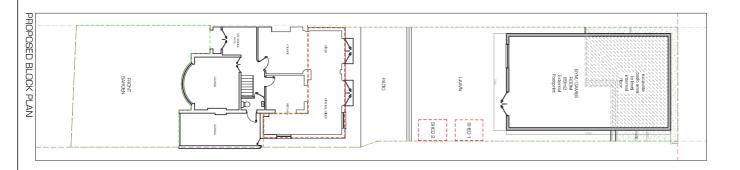












PERMITTED DEVELOPMENT RIGHTS & AREA CALCULATION:

extensions built after the original property was built. original land. This includes any other outbuildings and Outbuilding(s) must not cover more than 50% of the

the curtilage of the site. This equates to = $325m^2$ Green Dash line represents the area of the original land within

Existing Developments = 30m² (red dashed area) (permissible development area under PD) 50% of the original land within the curtilage = 162.5m²

Shed $1 = 3.2m^2$ Shed $2 = 3.3m^2$

Proposed Outbuilding = 90m²

Total area to be utilised = 90 + 36.5 = 126.5m² (below

162.5m² and therefore within permitted development criteria) Overall height of the outbuilding must not exceed 2.5m if

No part of the proposed structure shown higher than 2.5m (eaves level) off the evel of the land within 2m of any boundary of the curtilage.

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

Works: Outbuilding - Permitted Developement

Council: Enfield Date: 10th March 2015 Scale: 1:200 @ A3 Dwg no. GROS/2015/PD05

the contractor.

M8 Any works carried out prior to Local

NZ Νħ

M9

SCALE BARS

verification of all dimensions on site. The building contractor is responsible for

building control) is the responsibility of authority consent (both planning and

EXISTING & PROPOSED BLOCK PLAN



LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 22nd September 2015

Report of

Assistant Director, Planning, Highways & Transportation

Contact Officer:

Andy Higham 020 8379 3848 Sharon Davidson 020 8379 3841 Mr Nigel Catherall 020 8379 3833 Ward:

Cockfosters

Ref: 15/01191/HOU

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 Eracli

RECOMMENDATION:

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

Ref: 15/01191/HOU LOCATION: 17 Grosvenor Gardens, London, N14 4TU, **₹** GROS JENOR CARREN Reproduced by permission of Ordnance Survey on behalf of HMSO. ©Crown Copyright and North Scale 1:1250 database right 2013. All Rights Reserved.
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1. Site and Surroundings

1.1 The application property comprises a semi-detached dwellinghouse and a rear garden with a depth of 27m when measured from the rear building line of the original dwellinghouse. There has been previous works at the property, a single storey side and rear extension, a conversion of the adjoining side garage to a habitable room, a raised patio, and the outbuilding which is the subject of this application. The back garden also features a pair of wooden sheds. Ground level slopes downhill from north to south. The surrounding area is residential and characterised by semi-detached dwellings.

2. Proposal

- 2.1 Permission is sought for the retention of the existing outbuilding but with the reduction of its overall height by 0.3m. The application also proposes:
 - the erection of new timber supports immediately adjacent to the boundary fence to the common boundary with No.19, to support 300mm of trellis, which would sit above the height of the existing boundary fence; and
 - ii) a new 1.8m high trellis fence perpendicular to the boundary fence with No.19. together with a planting bed in front. The applicant proposes to plant climbers to ultimately cover the proposed trellis.
- 2.2 This application follows a refusal of planning permission for the retention of the existing outbuilding and the dismissal of the subsequent appeal.

3. Relevant Planning Decisions

- 3.1 15/01192/CEA Outbuilding at rear. Currently under consideration.
- 3.2 15/00009/ENFORC Without planning permission the erection of an unauthorised outbuilding within the rear garden of the Premises. Enforcement Notice currently under appeal and a decision awaited.
- 3.3 P13-02505PLA Erection of outbuilding in rear garden for use as gym, ancillary to residential dwelling (RETROSPECTIVE). Refused, September 2014 for the following reasons:
 - The outbuilding, by virtue of its size, siting, external finish and height in relation to surrounding topography, represents a dominant and overbearing structure in this garden setting, detrimental to the amenities of adjoining occupiers. In this respect the development is contract to Core Policy CP30, DMD 8 and 12 of the Submission version Development Management Documents and Policy (II)GD3 of the UDP.
 - 2. The outbuilding due to the presence of a facing window, its height and prominence relative to the adjoining property leads to overlooking and a loss of privacy for the occupiers of No. 19 Grosvenor Gardens, detrimental to their amenities. In this respect the development is contrary to Core Policy CP30, Policy DMD 8 and 12 of the Submission version Development Management Document and Policy (II)H8 of the Unitary Development Plan.

3.4 CON/6914 - Without planning permission the erection of an unauthorised outbuilding (outlined in blue on the attached plan for identification purposes) within the rear garden of the Premises.

4. Consultations

4.1 Public

- 4.1.1 Consultation letters were sent to four neighbouring properties. Two replies were received raising the following points:
 - Remind the council that letters were provided in support of an earlier application fraudulently written in neighbours names.
 - The plans, sections and site levels too freely dismiss the topography of the site.
 - These ground levels are intentionally shown to be misleading. An example of which is that it has been suggested that the lawn level at the neighbouring property has been considerably lowered from the original levels which is untrue.
 - Photos submitted demonstrating that the levels of the garden at 15 Grosvenor Gardens have not been altered since the purchase in 1966.
 - The level of 17 Grosvenor Gardens garden was raised in 2010 under permitted development. Fraudulent letters (of support) submitted to the council's planning enforcement department.
 - Existing Building (built in 2013). Fraudulent letters (of support) submitted again to the council's planning enforcement department.
 - The ground level that has been submitted by 17 Grosvenor Garden has not been measured from the original ground level.
 - In the application it says that 15 Grosvenor Gardens has lowered the garden level. Therefore implying that No 15 and 19 Grosvenor Gardens' have done so to, this is not true (photographs available to prove this).
 - The loss of privacy that will be caused to have such a builing only 13m away from the back door and windows. The situation of the windows and doors of the proposed outbuilding will also impose an invasion of privacy.
 - Irrespective of the any planning applications until the garden levels are back to its original state, any outbuilding will always impose an invasion of privacy and have a great impact upon my family.

5. Relevant Policy

5.1 <u>London Plan</u>

Policy 7.1 Building London's neighbours and communities

Policy 7.4 Local character

Policy 7.6 Architecture

5.2 Core Strategy

CP30 Maintaining and Improving the Quality of the Built and Open

Environment

5.3 Development Management Document

DMD12 Outbuildings

DMD37 Achieving High Quality and Design-Led Development

5.4 Other Material Considerations

National Planning Policy Framework London Housing SPG Strategic Housing Market Assessment (SHMA) (2010)

6. Analysis

- 6.1 <u>Impact on character and appearance of surrounding area</u>
- 6.1.1 When considering the previous application (P13-02505PLA) for the structure that presently exists on site, the Planning Inspector stated the following:
 - It is significant in scale and extends across much of the plot's width with
 the side walls close to and parallel with the shared rear boundaries with
 the properties on either side of the site. Taken together with its flat roof, I
 consider that the appeal scheme appears as a large bulky structure that in
 my experience is atypical of ancillary outbuildings and structures that are
 generally found in the gardens of residential properties.
 - Of the properties close to the site, it is the occupiers of 19 Grosvenor Gardens that are most likely to be affected by the appeal scheme.
 - As the outbuilding occupies an elevated position in relation to the rear garden of No 19 due to the notable difference in ground levels, it projects significantly above the timber fence that largely marks the common boundary between these adjacent properties.
 - When seen from the dining room window and the rear garden of No 19, the outbuilding... due its scale, height and position, it is my judgement that the outbuilding unacceptably dominates the external outlook from the dining room window in particular.
- 6.1.2 The assessment of this application must therefore be based upon whether the proposed reduction in height, together with the additional fencing proposed, would overcome the concerns raised by the Planning Inspector. It should also be noted that the Inspector accepted that the existing structure only really had an impact on the amenities of the occupiers of No.19 Grosvenor Gardens and did not consider there to be any adverse impact on the amenities of the occupiers of No.15.
- 6.1.3 Key to the assessment of impact of the structure on the amenities of the occupiers of the adjoining properties is the issue of the difference in ground levels between the application site and neighbouring properties.
- 6.1.4 Ground levels slope downhill from north to south and west to east, as such each property steps down with No.15 higher than No.17, and No.17 higher than No.19 and so on. The properties to the rear, fronting Prince George Avenue sit noticeably higher than the properties on Grosvenor Gardens, as such the rear gardens along Grosvenor Gardens appear slightly higher at the rear, although as the subject outbuilding is at the rear of the site this point is not readily relevant to this assessment.

- 6.1.5 The ground levels difference has the consequence of causing the outbuilding to appear much taller than is obvious when viewing the submitted plans, particularly in relation to No.19 Grosvenor Gardens which is at the lower level..
- Information which has been submitted by the applicant and both neighbours 6.1.6 in relation to the situation regarding ground levels and whether these have been raised is conflicting. However, following a site visit to Nos 15, 17, and 19, and having viewed the documents submitted, along with additional information provided by residents of all three properties, it is considered that the existing rear garden level at No.17, adjacent to the boundary with No. 19 is not the original rear garden level and that the levels here have been raised. Photographic evidence provided includes a historic picture where the dilapidated fence along the shared boundary of Nos 17 and 19 reveals a low retaining wall at its base which appears to be roughly at the same level as the adjacent garden level at No.17. Having visited No.19, the same low retaining wall is still in existence, yet the ground level at No.17 is now evidently higher than the top of the retaining wall. However, there is little evidence to suggest that levels adjacent to the boundary with No.15 have been changed and therefore on balance it is considered that these levels should be taken as original
- 6.1.7 Notwithstanding the circumstances associated with the garden levels, the levels as they now exist on site are lawful and therefore the issue for Members to consider is whether, having regard to the levels as they now exist, do the alterations proposed to the structure that presently exists, together with the additional fencing proposed, address the previous reasons for refusal and the comments made by the Inspector at appeal.
- It should be noted that the applicant has also submitted an application for a Certificate of Lawful development, seeking confirmation that planning permission would not be required for an alternative single storey outbuilding in the rear garden. The building proposed as part of that application would be 12.3m in length, 7.24m in width and 2.5m in height. The application is reported elsewhere on this agenda. Members should note that the officer recommendation is that the outbuilding proposed as part of that application would not require planning permission. The applicant is asking that Members note this position in the consideration of this application and the size and scale of a building that could be erected on the site without the need for planning permission. It is not unusual for the decision maker to have to consider the fall back position when considering a planning application and Members therefore need to be aware of this alternative fall back position when considering this application. However, the applicants preference is clearly to amend the height of the existing structure as proposed as part of this application. Moreover, the Planning Inspector discussed a fallback position when considering the earlier appeal and noted:
 - While a building constructed under PD (Permitted Development) would be closer to the rear of this adjacent house it would also be lower in height and thus likely to be shielded to a greater extent by the boundary fence.

The Inspector goes on to state that:

 The harm caused by the proposal cannot be justified simply because the same level of harm or additional harm to the occupiers of No 19 could arise through the PD option.

- 6.1.9 Accordingly, it is considered that the fall back position, where the development the subject of the lawful development application could be undertaken as permitted development, must be attributed very little weight in the consideration of this application.
- 6.1.10 This application proposes the retention of the footprint of the building as it exists on site but with a reduction in height by 0.3m. The application also proposes new trellis work to the common boundary with No.19. so as to effectively increase the height of the boundary enclosure by 300mm, and the erection of an additional fence, parallel with the front elevation of the building, 1.8m in height, with a planting bed in front. The applicant has also positioned a line of bamboo trees in pots along the common boundary with No.19 to further assist in breaking up views of the structure when seen from the rear of No.19. Whilst recognising the levels difference between the application site and No.19 Grosvenor Gardens, on balance, it is considered that the combination of works proposed are sufficient to reduce the dominance of the structure when viewed from this property and therefore to address the first reason for refusal of the earlier application and the Inspectors concerns.
- 6.1.9 It is noted that issues of privacy have been raised in relation to the current proposal. The Planning Inspector considered the issues of privacy stating that:
 - Because the front windows of the outbuilding hace obscure glazing there are no views through them towards the rears of adjacent properties and so there is no loss of privacy to neighbouring occupiers with the outbuilding in place. The presence of these windows, which are clearly in view from the rear of No.19, could result in some perception of being overlooked. However, in my experience, some overlooking is often a characteristic of adjacent dwellings in residential areas and, according to the appellant, this would have been possible from the patio that previously occupied this part of the garden. In that context, the sense of being overlooked would be insufficient to withhold planning permission if the appeal scheme were acceptable in all other respects.
- 6.1.10 As there are no proposed alterations to the existing openings it is considered that the Inspector's assessment is still valid and applicable. Therefore no recommendation for refusal will be based on issues of loss of privacy.
- 6.1.11 Conditions are recommended requiring that the works necessary to reduce the height of the structure be undertaken within 6 months of the decision, that the additional fencing to the common boundary with No 19, be provided within 2 months of the decision and that the new fencing parallel with the front wall of the building be provided within 6 months and together with planting in the planting bed in accordance with details that have first been approved

7. Conclusion

7.1 The proposed reduction in height of the existing outbuilding, together with the new fencing proposed is considered sufficient to overcome the previous reasons for refusal and to address the harm identified through the earlier refusal of planning permission.

8. Recommendation

- 8.1 That planning permission be GRANTED subject to the following conditions:
 - 1 C60 Approved plans

Grosvenor Gardens.

- That the height of the building shall be reduced in accordance with drawing number GROS/2015/04A within 6 months of the date of this decision.
 - Reason: To safeguard the amenities of the occupiers of No.19 Grosvenor Gardens.
- That the trellis fencing to the boundary with No.19 Grosvenor Gardens as shown on drawing numbers GROS/2015/03A, 04A and 07 shall be provided in accordance with the approved drawings within 2 months of the date of this decision and shall not thereafter be removed unless otherwise agreed in writing by the Local Planning Authority.

 Reason: To safeguard the amenities of the occupiers of No.19
- That the 1.8m high trellis fencing parallel with the front wall of the building and shown on drawing numbers GROS/2015/03A and 04A shall be provided in accordance with the approved drawings within 6 months of the date of this decision and shall not thereafter be removed unless otherwise agreed in writing by the Local Planning Authority. Reason: To safeguard the amenities of the occupiers of No.19 Grosvenor Gardens.
- That a planting scheme shall be implemented in the new planting bed parallel with the front wall of the building as shown on drawing number GROS/2015/03A in accordance with details that have first been submitted to and approved by the Local Planning Authority within 6 months of the date of this decision. 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 safeguard the amenities of the occupiers of No.19 Grosvenor Gardens.

Appeal Decision

Site visit made on 13 February 2015

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 February 2015

Appeal Ref: APP/Q5300/D/14/3001500 17 Grosvenor Gardens, London N14 4TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Hercules Eracli against the decision of the Council of the London Borough of Enfield.
- The application Ref P13-02505PLA was refused by notice dated 24 September 2014.
- The development proposed is retrospective planning for an outbuilding at the rear of the property being used solely as an ancillary to current dwelling (home gym).

Decision

1. The appeal is dismissed.

Procedural matters

- 2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.
- 3. The proposed development is complete. The outbuilding in question appears to have been erected broadly in accordance with the plans. At the site visit, I saw that all the front windows of the outbuilding were obscurely glazed.
- 4. During the site visit, I was invited by the occupiers of 19 Grosvenor Gardens to view the site from their adjacent property. I accepted this invitation and undertook the viewing from No 19 unaccompanied.
- 5. In November 2014, after the application was refused planning permission and before the appeal against that decision was lodged, the Council adopted its Development Management Document (DMD). The DMD now forms part of the development plan. It replaces the submission version of this document and Policies (II) H8 and (II) GD3 of the Council's Unitary Development Plan that are identified in the reasons for refusal.

Main issue

6. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of nearby properties, particularly 19 Grosvenor Gardens, mainly with regard to outlook, visual impact and privacy.

Reasons

- 7. The development for which planning permission is sought is a detached single storey outbuilding that is sited towards the rear of the long back garden of the appeal property, which is a 2-storey dwelling. The walls of the outbuilding are painted white and the roof is flat. It stands on a plinth base that is slightly raised from the ground level. The entrance doors and window of the outbuilding broadly face towards the rear elevation of No 17.
- 8. My attention has been drawn to an alternative scheme. The appellant states that a similar-sized or a larger outbuilding could be erected under permitted development (PD) if its height were no more than 2.5-metres from the ground, which is some 0.6-metres lower than the existing building. At that reduced height, an outbuilding with a larger footprint could be sited closer to the rears of No 17 and the properties on either side. The Council appears not to contest this opinion. While there would be some obvious inconvenience and cost to lower the height of the existing building in this way, there is nothing before me to indicate that these modifications could or would not take place. Therefore, I consider that this option is a realistic fall back position against which the development before me should be evaluated.
- 9. In my opinion, the outbuilding is a sizeable addition. It is significant in scale and extends across much of the plot's width with the sidewalls close to and parallel with the shared rear boundaries with the properties on either side of the site. Taken together with its flat roof, I consider that the appeal scheme appears as a large bulky structure that in my experience is atypical of ancillary outbuildings and structures that are generally found in the gardens of residential properties. To that extent, I am unable to share the opinions of the appellant and those expressed in the Officer's report that the development, as constructed, is of a relatively modest scale and a standard form for a typical domestic outbuilding in this garden setting.
- 10. Of the properties close to the site, it is the occupiers of 19 Grosvenor Gardens that are most likely to be affected by the appeal scheme. The rear elevation of this adjacent house faces towards the outbuilding albeit at an oblique angle and its rear garden adjoins that of No 17. Views from other properties would tend to be from a greater distance, at an oblique angle and partially shielded by existing boundary features.
- 11. As the outbuilding occupies an elevated position in relation to the rear garden of No 19 due to the notable difference in ground levels, it projects significantly above the timber fence that largely marks the common boundary between these adjacent properties. Consequently, a major part of the new built form is evident from the rear of No 19, as I saw during the site visit.
- 12. Having observed the outbuilding from the rear of No 19 there is little doubt that the considerable size of the development draws the eye notwithstanding the partial screening provided by the boundary fence in the foreground. When seen from the rear ground floor window nearest to the shared boundary with No 17, which serves a dining room, I consider that the outbuilding appears as an unusually large and prominent addition. The elevated position of the development relative to this adjacent property accentuates its visual impact to a far greater degree than might be implied if the visual assessment were made

- solely from the site itself and by reference to the distance that separates the rear elevation of No 19 and the outbuilding.
- 13. When seen from this dining room window and the rear garden of No 19, the outbuilding could not reasonably be described as barely visible or the view limited as the appellant suggests. To the contrary, due its scale, height and position, it is my judgement that the outbuilding unacceptably dominates the external outlook from the dining room window in particular. Furthermore, the appeal scheme has an unduly imposing presence that in my opinion feels intrusive. Hence, in my view, the development materially reduces the living conditions of the occupiers of No 19.
- 14. If the outbuilding were lower in height, as could be the case under PD, it would still be visible from the rear of No 19, and other nearby properties, especially if it occupied a larger footprint than the existing outbuilding and arranged so that the structure was closer to the rear of the adjacent properties including No 19. While few details of this alternative option are before me, the appellant's opinion that a PD scheme would have a greater visual impact and potentially be more overbearing on the occupiers of No 19 than the development is, to my mind, overstated. While a building constructed under PD would be closer to the rear of this adjacent house it would also be lower in height and thus likely to be shielded to a greater extent by the boundary fence. Therefore, I am not convinced on the available evidence that the harm caused by the proposal can be justified simply because the same level of harm or additional harm to the occupiers of No 19 could arise through the PD option.
- 15. Because the front windows of the outbuilding have obscure glazing there are no views through them towards the rears of adjacent properties and so there is no loss of privacy to neighbouring occupiers with the outbuilding in place. The presence of these windows, which are clearly in view from the rear of No 19, could result in a perception of being overlooked. However, in my experience, some overlooking is often a characteristic of adjacent dwellings in residential areas and, according to the appellant, this would have been possible from the patio that previously occupied this part of the garden. In that context, the sense of being overlooked would be insufficient to withhold planning permission if the appeal scheme were acceptable in all other respects.
- 16. Notwithstanding my favourable finding on this latter point, I conclude that the proposal materially harms the living conditions of the occupiers of No 19. Accordingly, it conflicts with Core Policy CP30 and DMD Policies DMD 8 and DMD 12 insofar as they aim to safeguard residential amenity.
- 17. Reference is made to several recent decisions to grant planning permission for outbuildings and garages with details provided in relation to two particular properties: a detached brick outbuilding at 3 Lanercost Gardens and a garage with storage space at 35 De Bohun Avenue. I am not aware of the detailed circumstances of either of these cases and, in my experience, it is rare that direct parallels can be drawn between sites given that local circumstances often vary. To reiterate, it is the specific relationship between the outbuilding and the rear of No 19 that I find to be objectionable in this case. From the limited information provided, I am unable to conclude that the relationship between either of these approved schemes with nearby housing, taking into account

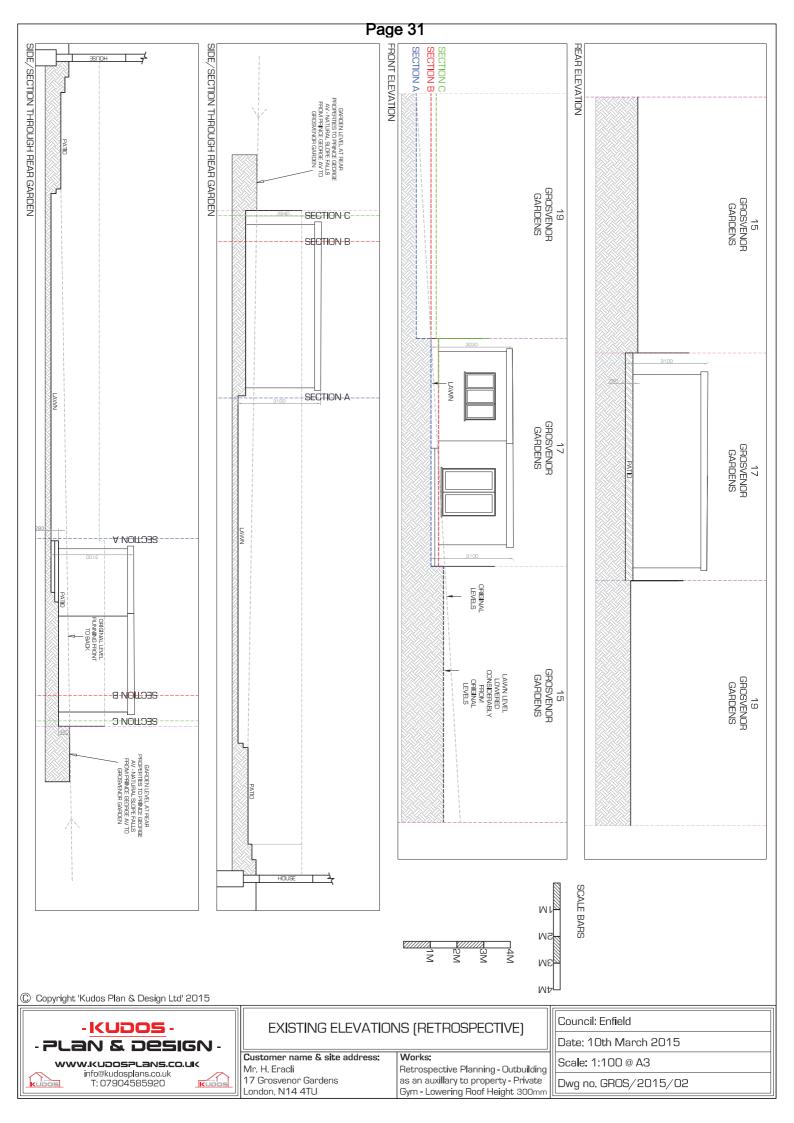
- ground levels, replicates that of the development and No 19. In any event, each development should be assessed on its own merits, as I have done.
- 18. The Officer's report concludes that the design and appearance of the outbuilding would not cause harm to the wider character or appearance of the area. I have no reason to disagree with that general finding. I did observe that several properties in the vicinity of the site also have rear outbuildings although these were generally smaller and more in keeping with their ancillary domestic use. While some properties clearly have sizeable outbuildings, as shown in the appellant's photographs, none that I saw were comparable in their relationship to No 19 as in this case.
- 19. Several additional objections are raised to the development including drainage, external lighting, on-street parking, precedent and the uses to which the outbuilding is put. These are all important matters and I have taken into account all of the representations made. However, given my findings on the main issue, these are not matters on which my decision has turned.

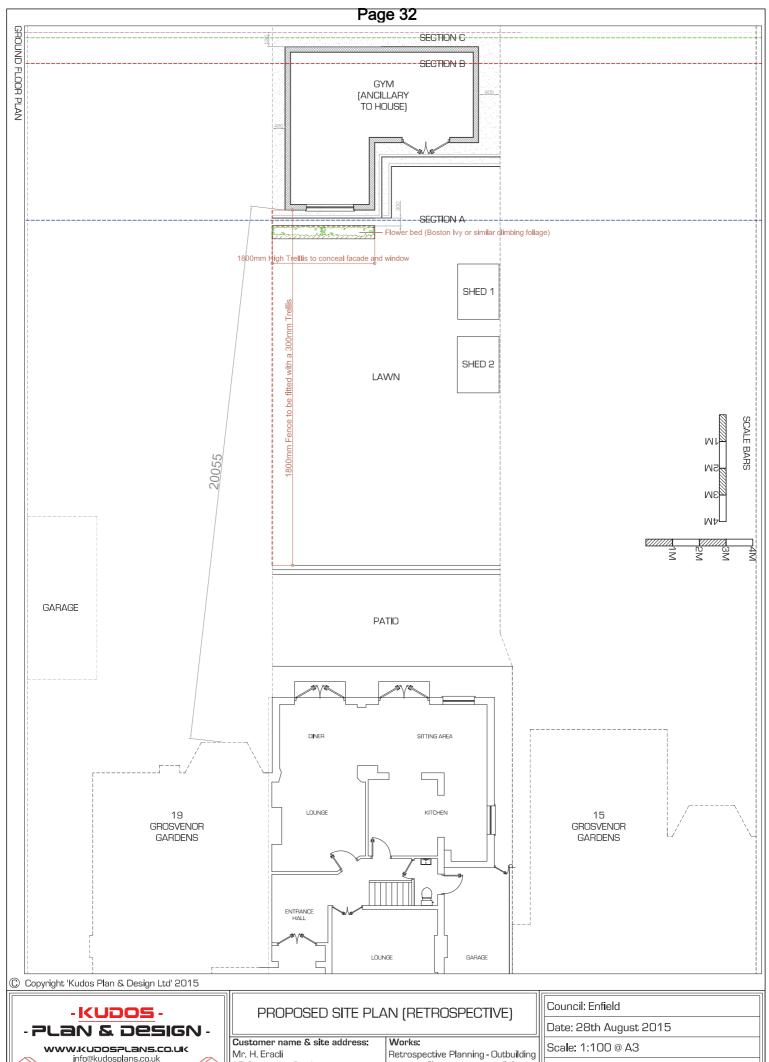
Conclusion

20. Overall, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR



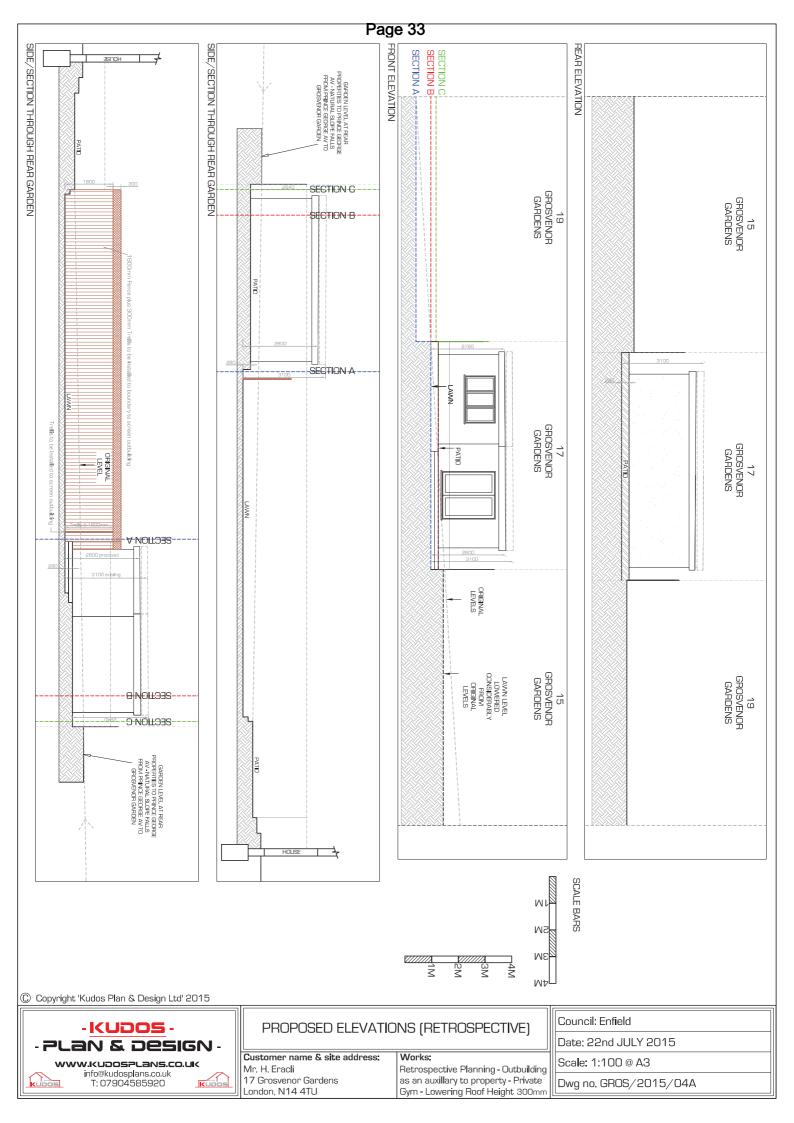


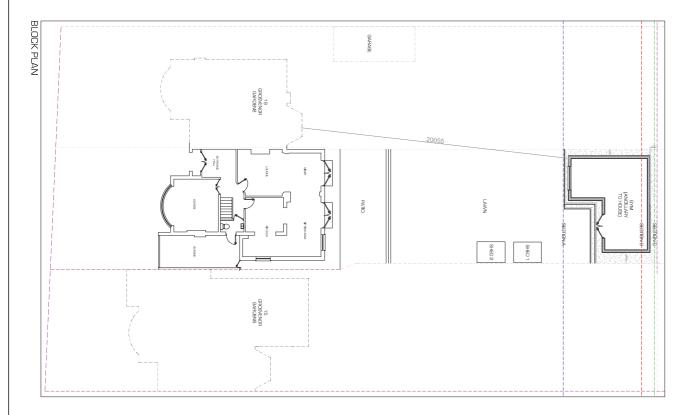
info@kudosplans.co.uk T: 07904585920

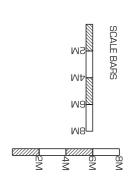
17 Grosvenor Gardens London, N14 4TU

as an auxillary to property - Private Gym - Lowering Roof Height 300mm

Dwg no. GROS/2015/03B







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EXISTING BLOCK PLAN (RETROSPECTIVE)

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

Works:

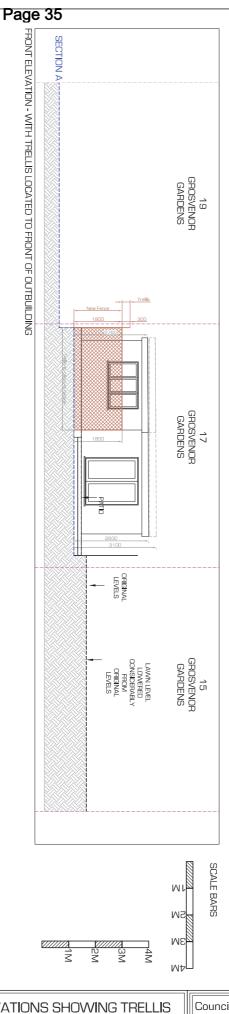
Retrospective Planning - Outbuilding as an auxillary to property - Private Gym - Lowering Roof Height 300mm

Council: Enfield

Date: 10th March 2015

Scale: 1:200 @ A3

Dwg no. GROS/2015/05



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PROPOSED ELEVATIONS SHOWING TRELLIS (RETROSPECTIVE)

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

Works:

Retrospective Planning - Outbuilding as an auxillary to property - Private Gym - Lowering Roof Height 300mm

Council: Enfield

Date: 22nd JULY 2015

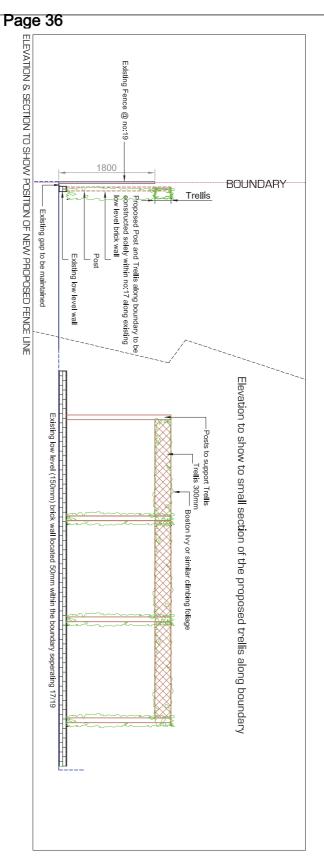
Scale: 1:100 @ A3

Dwg no. GROS/2015/06

PICTURES SHOWING LOCATION OF FENCE AT NO:19 AND ALSO LOCATION OF EXISTING LOW LEVEL WALL WITHIN NO:17 THAT WILL BE USED TO CONSTRUCT THE TIMBER TRELIS







SCALE BARS MG'(MO. MG. Mo.S_l

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PROPOSED DETAIL REGARDING BOUNDARY TRELLIS (RETROSPECTIVE)

Customer name & site address:

Mr. H. Eracli 17 Grosvenor Gardens London, N14 4TU

Works:

Retrospective Planning - Outbuilding as an auxillary to property - Private Gym - Lowering Roof Height 300mm

Council: Enfield

Date: 7TH SEPTEMBER 2015

Scale: 1:50 @ A3

Dwg no. GROS/2015/07

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 22nd September 2015

Report of

Assistant Director, Planning, Highways & Transportation

Contact Officer:

Andy Higham 020 8379 3848 Sharon Davidson 020 8379 3841 Ms Claire Williams 02083794372 Ward:

Ponders End

Ref: 15/02547/FUL **Category**: Full Application

LOCATION: Vacant Land, Formaly Known As, 216 High Street, EN3 4EZ

PROPOSAL: Erection of part 4-storey, part 5-storey block to provide 20 residential and 3 commercial units (A1 and A2), (comprising 6 x 1-bed, 8 x 2-bed and 6 x 3-bed), 198.7sqm of retail and office space on ground floor, balconies to front, side and rear at first, second and third floor level, sun terraces to front, side and rear at fourth floor level, solar panels to roof and basement to provide retail storage area, vehicle and cycle parking involving a car lift, plant rooms and associated landscaping.

Applicant Name & Address:

Mr Omiros Mavrovouviotis c/o Garnault 80 Bulls Cross Enfield EN2 9HD

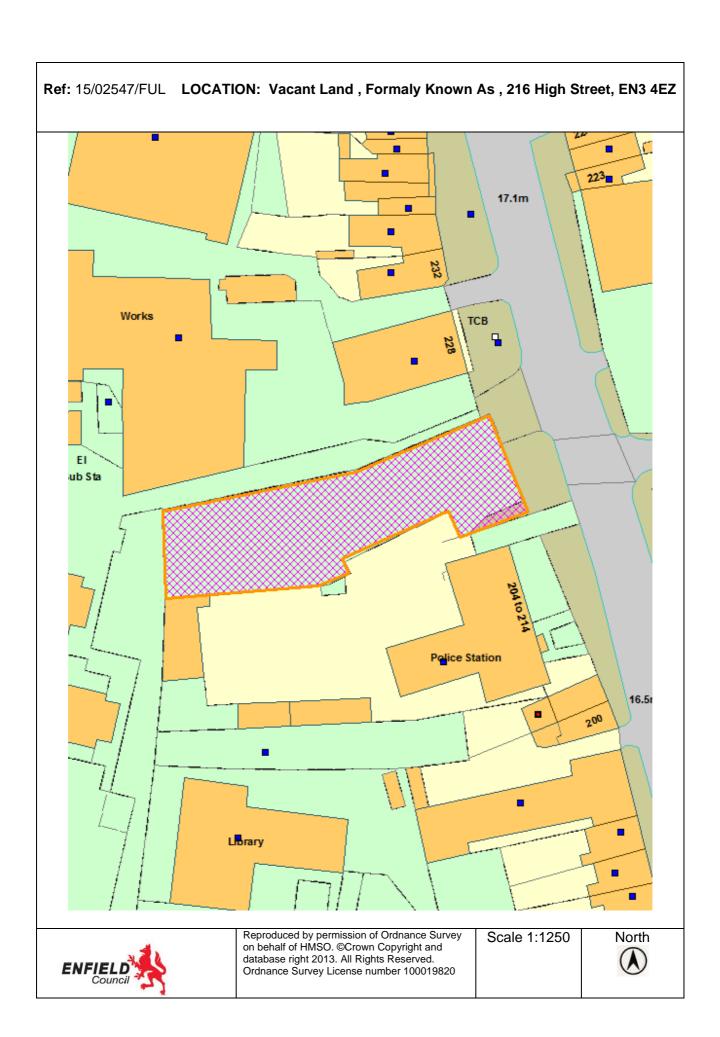
Agent Name & Address:

Mr Frixos Kyriacou 46 Bramley Road London London N14 4HR United Kingdom

RECOMMENDATION:

United Kingdom

That planning permission be **REFUSED** for reasons.



1.0 Site and Surroundings

- 1.1 The application site is a vacant plot of land that measures 0.1 hectares and is known as 216 High Street. The site formerly accommodated a public house with a car park area for approximately 30 cars, accessed from the High Street. It is sited close to the junction of the High Street and Queensway and there is a bus stop just south of the site. The site is located within the Ponders End Large Local Centre.
- 1.2 The site is bounded to the north by a pedestrian access which served the former Middlesex University site. Further to the north lies the Mosque (No.228 High Street) and a plastics factory (No.230). To the east is Ponders End High Street which comprises a mix of retail, community and associated facilities; to the south is a vacant plot of land that once accommodated the police station and to the west lies the former Middlesex University site.
- 1.3 The application site forms part of the redevelopment proposals for Ponders End High Street which originally comprised the former Middlesex University Campus, together with No's 188-230 (even) (excluding The Mosque at No.228) Ponders End High Street, Ponders End Library and an associated parking area within College Court. Outline planning permission was granted for the redevelopment of this area of Ponders End in March 2013 under reference no. P12-02677PLA.
- 1.4 Following the granting of this outline planning permission, the former University site was acquired by the Secretary of State for Communities and Local Government for education purposes and following this proposals were submitted for the provision of a secondary school on 2.8 hectares of the total site, including the retention and conversion of the Grade II Listed Broadbent building. Planning permission was granted for this at the beginning of 2015 and works have now commenced. The remainder of the former Middlesex University site to the east is now owned by the Council, together with additional land fronting the High Street (inc. the former Police Station, Nos. 188 and 198 High Street) with an intention to bring forward a comprehensive housing-led, mixed use regeneration scheme known as the Electric Quarter.

2.0 Proposal

- 2.1 The application seeks full planning permission for the erection of a part 4-storey, part 5-storey block to provide 20 residential and 3 commercial units (A1 and A2), (comprising 6 x 1-bed, 8 x 2-bed and 6 x 3-bed), 198.7sqm of retail and office space on ground floor, balconies to front, side and rear at first, second and third floor level, sun terraces to front, side and rear at fourth floor level, solar panels to roof and basement to provide retail storage area, vehicle and cycle parking involving a car lift, plant rooms and associated landscaping.
- 2.2 The rectangular building with a flat roof and parapet would have a maximum depth of 54 metres and maximum width of 15.8 metres. The building would measure approximately 15.5 metres in height and fall to a height of 13 metres. The two plant areas on the roof would project a further 2.2 metres above the height of the five storey building and a 0.6 metre high safety glazed balustrade is proposed to surround the perimeter of the roof. The building would be mainly

built up to the boundaries of the site with the main relief to the rear of the site where the building would be set in from the western rear boundary by approximately 3.5-8.5 metres, set in from the north of the site by 1.5-4.3 metres and set in from the south of the site by approximately 1-5.6 metres. The flat roof would comprise solar PVs, rooflights, green roofs and communal amenity spaces with benches.

- 2.3 The five storey building would front the high street. The basement level would accommodate 13 car parking spaces (two disabled spaces) for the new flats, motorbike parking spaces, a retail storage area, retail office space, plant rooms, water tanks and store rooms. The ground level would accommodate a retail unit (41.5sqm) and two car lifts fronting the high street. The car lifts with roller shutters would be set back from the front boundary by approximately 5.3 metres. The two office units would front the north side of the site and measure 73.3 83.9 square metres in area. It is noted that the office units are referred to as B1 and A2 uses. Access to the 17 flats on the upper floors would be gained from the northern side of the building. All of the flats would be built to the lifetime homes standard and two of the flats would be wheelchair accessible. Two lifts and two sets of stairs are proposed.
- 2.4 A new footpath of variable width (max. 1.5m) is proposed to the north of the building. The cycle store and refuse/ recycling store would be sited centrally within the five storey building at ground floor level, served off this footpath. The cycle store would accommodate 35 cycle parking spaces.
- 2.5 The four storey building to the rear would accommodate three 3-bed town houses with rear gardens. Refuse/ recycling bin stores would be sited within the front of the houses. No car parking spaces are proposed for the townhouses. Six cycle parking spaces are proposed within the front curtilages.
- 2.6 The balconies/ terraces within the five storey building would be sited along the High Street frontage and the southern elevation. The balconies to the four storey building would be sited along the northern and southern side elevations. The balconies/ terraces would be enclosed with 1.1 metre high balustrading.
- 2.7 A communal area is proposed to the rear of the site.
- 2.8 The following documents were submitted with the planning application:
 - Sustainable Design and Construction Statement
 - Transport Statement
 - Viability Assessment and Statement
 - Planning Design and Access Statement
 - Health Impact Assessment
 - Demolition Statement and Waste Management Plan

3.0 Relevant Planning History

3.1 P14-01765PLA - Erection of part 4-storey, part 5-storey block to provide 41 residential and 2 retail units (comprising 17 x 1-bed, 17 x 2-bed and 7 x 3-bed), 241sqm of retail floorspace, balconies to front, side and rear at first, second and third floor level, sun terraces to front, side and rear at fourth floor level, solar

- panels to roof and basement to provide retail storage areas, cycle parking and plant rooms and associated landscaping. Withdrawn 05.09.2014
- 3.2 P12-02677PLA Demolition of existing buildings on site (excluding the Broadbent Building, Gymnasium, Caretakers Cottage, multi storey car park to the Queensway frontage and 198 High Street) and the redevelopment of the site to provide a mix of residential (Class C3), business (Class B1), retail (Classes A1-A4) and community uses (Class D1), hard and soft landscaping and open space, new connection (vehicle and pedestrian) to High Street via College Court, retention and alteration of existing accesses to Queensway, car and cycle parking (including alterations to car parking arrangements within College Court) and all necessary supporting works and facilities, including an energy centre; the retention, refurbishment and extension of the listed Broadbent building, retention and refurbishment of the associated caretakers cottage and gymnasium to provide up to 43 residential units, 2,141sq.m (GIA) of commercial/live work floor space (Class B1) and 427sqm (GIA) of community use (OUTLINE with some matters reserved Access). Approved on 5 March 2013.

Former Middlesex University Site

- 3.3 15/03704/PADE Demolition of Ted Lewis Hall (Phase 1) and Multi Storey Car Park (Phase 2) in connection with redevelopment of site. Prior approval not required.
- 3.4 15/01389/FUL Minor material amendment to 14/02996/FUL to allow a reduction in height of the new teaching block, retention of existing lift shaft and reduction in the number of new windows in the southern courtyard and metal cladding to replace proposed brick cladding to sports hall. Approved 24.06.2015 and works commenced
- 3.5 14/02996/FUL Conversion of existing building to an eight form entry secondary academy with a 480 pupil sixth form to provide a total capacity of 1680 students involving refurbishment of existing caretaker's house, Broadbent building and gymnasium, a 3-storey teaching block to the south of Broadbent building, erection of a sports hall with changing facilities to south of gymnasium together with demolition of rear workshops, courtyard infill and attached single storey buildings and demolition of McCrae, Roberts and Pascal buildings, construction of a multi-use games area (MUGA), hard court area, car park with 2 coach parking / drop off zone, additional vehicular access to Queensway and associated landscaping. Approved 25.02.2015 and works commenced.
- 3.6 14/03223/CEB Soft strip and asbestos removal from Broadbent building and ancillary university buildings involving the removal of carpets, vinyl, WC partitions, stud walls (not part of original layout), light fittings, debris, chairs, tables etc. to allow asbestos removal from below the current floor finishes and asbestos removal from service duct and pipework gaskets etc. Granted 28 October 2014 and works commenced.
- 3.7 14/03280/PADE Demolition of the non-listed buildings (Roberts building, McCrae building and Pascal building) Approved 8 September 2014 and works commenced.

4.0 Consultations

4.1 Statutory and Non-Statutory Consultees

<u>Traffic and Transportation</u>

4.1.1 Traffic and Transportation advise:

Pedestrians

- 4.1.2 Pedestrian access to the retail unit will be directly from High Street, which will be improved as part of the Mini-Holland scheme. The office/business and residential units will be accessed via a 1.5m wide footpath running along the eastern side of the building and connecting with footway on High Street. The 1.5m wide footpath does not meet the minimum width criteria of 2m. In addition, in para 2.5 the *Design and Access Statement* states that the footpath will dovetail with the improved pedestrian and cycle access as envisaged in the councils documents the Planning Brief and Action Area Plan. Yet the submitted plans fail to show how and if this can be achieved.
- 4.1.3 For the reasons set out above the proposals are therefore contrary to the Policy 6.10 (Walking) of the London Plan and Core Strategy Policy 25 (Pedestrian and cyclists) and DMD Policy 47 (Access, new road and servicing).

Car Parking

- 4.1.4 The proposal shows 13 off street car parking spaces for flats. In accordance with the parking standards set out in the London Plan (Policy 6.13), the site should provide the maximum of 20 parking spaces. The provision of 13 spaces however falls in the middle of this range and could supported, particularly as the public transport links are good in the area and the site is in a close vicinity to local amenities. However, this would be subject to additional measures to promote alternative modes of transport in the form of access to car clubs, and exclusion of future residents from the ability to apply for permits in any future Controlled Parking Zone.
- 4.1.5 To ensure compliance with the same policy 20% of all car parking spaces should be equipped with electric charging points and 20% should be shown of future conversion to electric charging. The details should be secured by a non-standard condition which refers to the type of plugs and maintenance/management plan.
- 4.1.6 The plans do not show any parking provision for disabled however two of the parallel parking spaces in the basement can be adjusted for disabled users if necessary to comply with London Plan Policy 6.3.
- 4.1.7 No parking is proposed for commercial unit and office units, which accords with the London Plan 2015 standards. Due to the scale of the proposals any demand can be accommodated on street or supported by the availability of public transport.

Sustainable transport

- 4.1.8 In order to support and encourage sustainable travel patterns, as contained in the DMD Policy and Core Strategy, the scheme should put emphasis by its design on improving pedestrian and cycling permeability. For that reason a contribution to be secured under s106 should be sought to improve pedestrian crossing facilities and cycling facilities in High Street.
- 4.1.9 In addition to that and in line with the adopted s106 SPD Document 2011, para 7.2.1, a contribution toward sustainable transport measures should be sought. This might include each residential unit on site being provided with an Oyster Card (excluding the cost of the oyster card itself) and bicycle purchase vouchers.
- 4.1.10 Car clubs are a way of reducing car ownership. A provision of a new car club bay on site or in High street would benefit the residents and wider public. Although previously discussed with the applicant/developer and mentioned in para 3.12 of the TS there is no evidence in the submission of any liaison/engagement with the car club operators. LBE is currently in discussions with two car club operators in relation to provision of a car club bay in the vicinity along High Street. Depending on the outcome of the discussions membership to all eligible residents with driving credits per household should be secured under s106 agreement.

Vehicular access

- 4.1.11 The plans show retention and widening by 2m westbound of the existing heavy duty access from High Street. This will lead to a circa 15m wide bellmouth access, which is not acceptable as it undermines the proposals for the mini Holland in the area and creates disruption to pedestrians using the footway.
- 4.1.12 In addition, the access will serve as the only means of access for vehicles to the basement car park. Two car lifts with dedicated in-out arrangement are proposed. The plans show that there will sufficient space between the High Street and the car lifts to allow two vehicles to wait without obstructing vehicles, pedestrians and cyclists passing along the High Street. It has been agreed with the applicant that the lifts could be configured in peak hours to operate both as inbound/outbound if necessary to prevent causing delays to traffic using High Street. The submitted plans however fail to show that this can be achieved. Should the lift be used for exit only then the vehicle-to-pedestrian visibility splays from the lift exit at south-east corner will be obstructed by a building wall.
- 4.1.13 The details of the proposed car lift, its design and maintenance could be secured by a condition to ensure that no parking overspill in case the lift becomes no-operational.

Servicing

- 4.1.14 No loading/uploading of larger vehicles (like home removal/deliver vans) for residential or for even larger (rigid, 10m long) for retail unit will be provided on site. A new, widened vehicular access into the site and location of the bus stop markings will also prevent creation of a loading bay on street. Whilst onstreet loading/uploading is not necessarily unacceptable in general, given the scale of the proposals, the lack of any off street provision would put extra pressure on High Street. Any parking, even short term, in this area will obstruct access to the basement car park, put pressure on the northbound traffic, including buses and create delays.
- 4.1.15 Furthermore, contrary to para 4.14 of the TS, the modest size of the retail unit does not necessarily mean that the deliveries will be infrequent or that vehicles are likely to be small in size. There are many retail chain shops which have frequent deliveries undertaken by large, 10m long rigid vehicles. A lack of off highway servicing option for other proposed uses on site also means that the immediate section of highway along the site frontage will be under acute pressure. This section of High Street is currently protected by parking and loading controls (in operation between 8am and 6:30pm Mondays-Saturdays and no loading restrictions between 8:30 and 9:30am and 4:30-6:30pm Mondays to Fridays) which could be adjusted if necessary and in line with wider highway improvements proposed for the area. The size of the space available however may not be sufficient to cater for 10m long vehicles, particularly with the widened access proposed.
- 4.1.16 Therefore, for the reasons stated above, the proposed development does not comply with the London Plan Policy 6.13, DMD policy 45 and 47 which state that operational parking for maintenance, servicing and deliveries is required to enable a development to function.

Refuse and recycling facilities

- 4.1.17 According to the Council's standards (ENV 08/162) 17 flats should provide for three 1100l euro bins for refuse and one 1280l bin for recycling. With regards to houses, a provision should be made for three wheelie bins for each of the houses. Residential refuse should be housed separately to other uses. The plans show seven Eurobins located in a single enclosure, which seems to be shared between commercial use and flats. In addition, two, not three wheelie bins are shown for houses, which doesn't accord with the Council's standards.
- 4.1.18 With reference to BS 5906: 2005 and Manual for Streets (MfS) and the Council's own Guidance (ENV 08/162), the recommended distance over which containers are transported by collectors should normally not exceed 15m for two-wheeled container, and 10m for four wheeled containers. The distance shown between the bin storage area and the footway on High Street is some 23m (for Eurobins) and 50m (for two-wheeled containers) which exceeds the standards and is therefore not acceptable.
- 4.1.19 For the reasons set out above the proposals are therefore contrary to Policy DMD 8 and DMD 47.

Cycle parking facilities

- 4.1.21 According to the standards set out in table 6.3 of the London Plan 2015 at least 34 residents' cycle parking spaces. The plans show 35 cycle parking spaces located within the building on ground level which is acceptable. The details of the stands, lighting and access to the cycle store should be secured by a non-standard planning condition to ensure that it is lockable, accessible, lit and attractive to use.
- 4.1.22 Three Sheffield type stands are shown on the plans located at the far end of the side. There is no information contained in the TS on their intended user but the location itself suggests they could be used by visitors to the office and residential units which is acceptable.
- 4.1.23 No cycle parking is proposed for staff and visitors to the proposed retail unit which is contrary to Policy 6.9 (Cycling) of the London Plan, Core Strategy Policy 25 (Pedestrian and cyclists) and DMD Policy 45 (Parking standards and layout) of the submission document)

Construction impact

4.1.24 Contrary to Policy 48 of the DMD document, the application fails to provide any details on the temporary construction issues. As the development site is located at a difficult place to gain access from the highway without potentially adversely affecting traffic a Construction Management Plan or Statement document should be prepared. The details should however be secured by a prior commencement planning condition.

Planning Policy

- 4.1.25 *Principle*: The principle of development has been established thorough the Upper Lee Valley Opportunity Area Planning Framework, Core Strategy, Framework for Change, the Ponders End Central Planning Brief and emerging North East Enfield Area Action Plan (NEEAAP). Policy 10.2 and the Ponders End Central Planning Brief to deliver a comprehensive regeneration.
- 4.1.26 Affordable Housing: The applicant states the scheme cannot deliver any affordable housing given the associated build costs and developer profit. The initial analysis of the submitted viability assessment is being undertaken to determine what is reasonably achievable for the scheme.
- 4.1.27 Mix of Housing Units: The mix of units proposed does not accord with CP5 and DMD3. The submitted Planning Statement has multiple references to the extant outline permission (P12-02677PLA) in justifying the mix. As noted, matters have moved on significantly since permission was granted and this application/site must be assessed on its own merits and supporting assessments. Accordingly further evidence and clarification should be sought as to the approach aligned with the submitted viability information to determine optimum mix that can be achieved.

4.1.28 Commercial Uses: The inclusion of A1/A2 units is welcomed, however there is a clear substantial void in the submitted plans along the High Street frontage to achieve access to the basement car park which is contrary to principles of NEEAAP Policy 10.2 and the Ponders End Central Planning Brief in requiring a continuous active frontage with A1, A2, and A3 uses. The void in continuous frontage would be detrimental to the overall regeneration objectives for the Ponders End Central Area and overall High Street environ'.

Urban Design:

'Layout: Urban Structure and Grain

- 4.1.29 The layout of the proposed development will not support the Council's aspirations in achieving comprehensive regeneration of Ponders End Central as defined in NEEAP (North East Area Action Plan). The applicant emphasises in the design and access statement that their design layout 'allows for a comprehensive holistic approach' (under paragraph 12.1, page 240) which will tie up their proposed scheme with the Councils masterplan for the wider regeneration of the area. However it is difficult to envisage from the information submitted how the proposed development in isolation will achieve the Councils urban design principals for the area. The applicant does not demonstrate through the drawings submitted how the proposed block will assimilate with the Council's urban design framework/ masterplan for the area.
- 4.1.30 Given the proximity of the proposed development, in terms of its building line and fenestration that close to southern edge of the site, it will undermine the potential development opportunity on the adjacent site owned by the Council, which will be the part of the wider regeneration. If the application site is developed in isolation it may create overlooking and over shadowing issues for any development opportunity on the adjacent site.
- 4.1.31 The location of the proposed car lifts on the prominent corner of the site along the High Street, that acts as a gateway to the wider regeneration area, will create an inactive frontage with a setback to substantial length of the building. This would look unpleasant and will break the visual continuity of the High Street with an activity that does not support town centre use. In fact it will be perceived as a brutal punctuation to the character and appearance of the High Street and will fail to address DMD policy 25/ 40 and NEAAP policy 10.2.
- 4.1.32 The proposed development will further create a negative and unappealing building frontage at ground floor through:
 - The location of the communal refuse and bicycle store along a considerable length of the facade
 - The design of the houses that will have refuse bin stores and bathrooms located along the external facade with no windows to habitable rooms overlooking the street
 - The setback to substantial length of the facade
- 4.1.33 This design approach will compromise the safety and natural surveillance of the new pedestrian-cycle only street to the north of the site, as proposed in NEAAP and Planning Brief for Ponders End Central.

4.1.34 The development will step out in plan along the new pedestrian-cycle only street, against keeping continuous straight building lines, thus deviating pedestrians from their desired line of movement.

Layout: Internal

- 4.1.35 Most of the residential units along the length of the building have private areas like bedrooms and toilets facing the street. This arrangement of internal spaces will contribute little or nothing to overlooking of the street and will tend to deaden the street frontage along the new pedestrian-cycle street.
- 4.1.36 It is not clear from the drawings submitted where the service risers will be located within the residential service core and where the service intake areas will be located on ground floor? If they are inappropriately designed and located then they may create blank facades affecting the appearance of built form.
- 4.1.37 The proposed unit mix of 30% 3 bedrooms, 40% 2 bedrooms, and 30% does not comply with the core strategy mix.

Landscape and Open Spaces:

- 4.1.38 The location of the communal open space along with a 1.6 m high enclosing brick wall and tree screening to delineate private and public spaces will preclude the proposed development from tying up with the potential urban layout and public realm proposed in Council 's wider masterplan for the area.
- 4.1.39 The location of the new pedestrian-cycle only street to the north of the site as proposed in NEAAP, lies partly in applicant's ownership and partly under Council's ownership. It is not pragmatic to deliver this new pedestrianised civic space in parts by different design teams and contractors as this risks uniformity and visual impact.
- 4.1.40 There is no appropriate defensible space at the front of the proposed houses to protect privacy of the potential residents. This arrangement will also create an ambiguity between private and public space.
- 4.1.41 At roof level, the voids to terraces at fourth floor level and skylight for the residential units will create overlooking and privacy issues.

Movement:

- 4.1.42 The proposed location of the car parking lifts will dominate the key building frontage along High Street and will be unpleasant to look at by passers-by.
- 4.1.43 The access to the parking lift will require a dropped kerb for a substantial length of public footway where potentially no trees or street light could be placed. It will also create conflicting movements between the car and the desired movement line of other vulnerable High Street users like pedestrians and cyclists and would compromise their safety.
- 4.1.44 The present location of the refuse store for the flats and houses will require access for refuse vehicle into the new pedestrian-cycle only street to north of the application site. The NEAAP vision for this street is for a pedestrianised

zone which will link the High Street to the new school and provide spill out space for the Mosque. Access by HGV's will compromise the function of this pedestrianised civic space and the safety of other vulnerable street users.

4.1.45 It is not clear from the information submitted, how deliveries to the proposed retail unit and residential development will work.

Density, Height & Massing:

- 4.1.46 The form and massing of the building fails to respect the parapet and fenestration line of the existing mosque building along the High Street.
- 4.1.47 The design and access statement does not demonstrate how the site context has influenced height, massing and form of the proposed building.

Appearance/ Details and Materials:

- 4.1.48 No appropriate information is been submitted on materials in terms of appearance, colour and texture.
- 4.1.49 From the submitted elevations it seems that the architectural quality and detailing of facade will look flat and mundane.
- 4.1.50 The appearance of the facade and fenestration hasn't taken into account vernacular architectural elements like, bay window, decorative window surrounds, brick patterns, roofing, etc. that form an integral part of area's character.
- 4.1.51 Shopfront and signage design haven't been given enough consideration.

Conclusion:

- 4.1.52 It is difficult to acknowledge that the application site can be developed in isolation without undermining the potential regeneration opportunity on adjacent sites to the south.
- 4.1.53 The proposed development fails to support the Councils urban design principals for Ponders End Central as defined in NEEAP, especially of creating positive building frontages and delivering new pedestrianised civic space to the north of the site.'

Environmental Health

4.1.54 The Environmental Health Officer does not object to the application as there is unlikely to be a negative environmental impact. In particular there are no concerns regarding air quality or contaminated land. Noise from Hertford Road could be an issue and for this reason a condition would be required.'

Thames Water

4.1.55 No objection but informatives suggested.

Economic Development

4.1.56 Due to the size of the development an employment and skills strategy as per S106 SPD would be required.'

Sustainable Drainage

- 4.1.57 The Sustainable Drainage Officer advised that there is a 100 year surface water flood risk on the site. Insufficient information has been submitted to fully assess the impact the development on flood risk.
- 4.1.58 The basement on the former Middlesex University site has suffered intermittent basement flooding. Depending on a ground investigation report that identifies that the site is not subject to groundwater ingress, there must be a strategy to manage these flood waters in the proposed basement car park.
- 4.1.59 In the submitted drawings, there are areas labelled "pond", "roof garden," and "permanent planters." The developer has not clarified if these are SuDS features and if they serve a drainage function.'

Waste Services

- 4.1.60 The applicant needs to take into consideration that the largest waste container that the Council offer is 1100ltr the 1280 as detailed in the report is only for recycling purposes.
- 4.1.61 The retail shops would need to have their own waste provisions as they would not be allowed to share the domestic containers'.

Design Out Crime Officer

4.1.62 No objections in principle but makes a number of comments on the detail of the scheme.

Housing

- 4.1.63 The Council will seek to achieve a borough-wide target of 40% affordable housing units in new developments, applicable on sites capable of accommodating ten or more dwellings. On this basis, 8 of the units should be affordable and split 70:30 between rent and shared ownership. This equates to 5 for rent and 3 for shared ownership.
- 4.1.64 The planning application does not indicate the tenure of housing units. The current proposals only provide 6 x 3 bed units, whereas the policy would suggest a minimum of 10x 3 bed units. Confirmation of tenures would help to determine the actual mix and size of units that should be provided on this site.
- 4.1.65 The Council's policy requires 10% of the units, in this case 2, to be built to Stephen Thorpe/Habinteg wheelchair design standard. Subject to

- confirmation of viability we are unwilling to support an application that omits wheelchair units.
- 4.1.66 The introduction of balconies is welcomed. There is concern however, about the quality and longevity of materials that could be used. In this context it is important to mitigate the potential negative impact of inclement weather conditions on the integrity of the balconies, by ensuring that consideration is given to using materials that address on-going maintenance issues.'

Neighbourhood Regeneration

- 4.1.67 Neighbourhood Regeneration has been working towards the comprehensive regeneration of Ponders End High Street for several years. This site forms part of the Electric Quarter for which Enfield Council secured an outline planning permission in 2014.
- 4.1.68 In 2014, the Council entered into a development agreement with Lovell Partnerships Limited to deliver the Electric Quarter and in June 2015, Cabinet resolved to make a Compulsory Purchase Order to assist the assembly of necessary land and property interests, required to deliver the Electric Quarter. The draft Order Map includes the application site. The Compulsory Purchase Order will be made later in 2015 and Lovell Partnerships Limited will also submit a detailed Planning Application for the Electric Quarter later this year.
- 4.1.69 Neighbourhood Regeneration has held discussions with the applicant to explore ways to work with the applicant to realise a comprehensive scheme for Ponders End High Street. Unfortunately the development objectives of the applicant, cannot be accommodated into the holistic regeneration approach proposed for Ponders End High Street, as part of the Electric Quarter.
- 4.1.70 Therefore in the view of Neighbourhood Regeneration this planning application is premature and opportunistic, and cannot be supported by Neighbourhood Regeneration.

4.2 Public response

- 4.2.1 Letters were sent to 68 adjoining and nearby residents. Three site notices were posted around the site and a press notice was published in the Enfield Independent on 29 July 2015. One objection, submitted by Lovell Partnership Limited, has been received and is set out below:
 - The development fails to meet the adopted policy requirements for the regeneration of Ponders End Central, and prejudices the development of the surrounding land to be brought forwards as a comprehensive masterplan in accordance with those policies.
 - The application site forms part of a site area for which Lovells and the Regeneration Team of the Council are preparing forthcoming revised proposals for the Electric Quarter – a planning application is due to be submitted by Lovells imminently.
 - The application site at 216 High Street is in third party ownership. It is considered that it is in the interests of the comprehensive development of the

area that this land is acquired, in order to enable the creation of a holistic neighbourhood and revitalised High Street as sought by strategic policy.

- The application proposals have been designed from the perspective of developing a single site in isolation. This conflicts with the comprehensive development of the wider area as a holistic masterplan. As such, the proposals fail to support the creation of a new network of streets and spaces, and do not contribute to an urban design strategy for the area as a whole. The application does not demonstrate how it supports connectivity through the area from the school site to the High Street to Ponders End Park, through the provision of public realm. The application is silent on how this scheme would fit into a wider proposal for the surrounding land.
- The AAP calls for a distinctively high quality place to be created through public realm improvements in the area including this site, as well as a high quality landscaped space and pedestrian route to be provided adjacent to the Jalaliah Jamme Masjeed Mosque. The proposals do not meet either of these requirements. The proposed building is situated only 8m from the mosque, which allows insufficient space to provide either a good quality pedestrian route or public realm for civic meeting and congregation.
- The proposals block a direct visual link from the High Street to the Broadbent Building, and do not demonstrate how these views would otherwise be secured.
- 50% of the proposed High Street elevation is occupied by dead frontage in the form of a car-lift accessing basement parking. This access and parking strategy is considered to be fundamentally flawed, drawing vehicles directly from the High Street. This will create a direct conflict with the 'mini-Hollands' public realm improvement scheme being delivered along the High Street by TfL. The creation of a continuous active High Street frontage is a key regeneration objective for Ponders End High Street, and this is significantly undermined by this proposal.
- The development fails to deliver any of the wider benefits of a comprehensively masterplanned neighbourhood-playspace, homezone streets and civic space.
- The proximity to surrounding buildings is expected to cause privacy and daylight/sunlight impacts and not comply with Enfield's development management policies.
- The proposed building also conflicts with the Electric Quarter proposal for a flagship new library building fronting the High Street, which will deliver significant community benefits and reactivate this part of the High Street.
- The proposals conflict with the emerging Electric Quarter development, which
 is well placed to deliver comprehensively the regeneration objectives that are
 sought by policy. If the current proposals were approved, this will prejudice a
 successful urban design approach being taken across the wider site and as a
 result would fail to deliver the regeneration objectives for Ponders End
 Central.

5.0 Relevant Policy

5.1 London Plan

Policy 2.6 - Outer London: vision and strategy

Policy 2.7 – Outer London: economy

Policy 2.8 - Outer London: transport

Policy 2.14 – Areas for regeneration

Policy 3.1 – Ensuring equal life chances for all

Policy 3.2 - Improving health and addressing health inequalities

Policy 3.3 – Increasing housing supply

Policy 3.4 – Optimising housing potential

Policy 3.5 – Quality and design of housing developments

Policy 3.6 - Children and young people's play and informal recreation

facilities

Policy 3.7 - Large residential developments

Policy 3.8 – Housing choice

Policy 3.9 - Mixed and balanced communities

Policy 3.11 - Affordable housing targets

Policy 3.12 - Negotiating affordable housing

Policy 3.14 - Existing housing

Policy 3.16 - Protection and enhancement of social infrastructure

Policy 4.1 – Developing London's economy

Policy 4.2 - Offices

Policy 4.3 – Mixed use development and offices

Policy 4.4 – Managing industrial land and premises

Policy 4.5 – London's visitor infrastructure

Policy 4.7 – Retail and town centre development

Policy 4.8 – Supporting a successful and diverse retail sector

Policy 4.12 – Improving opportunities for all

Policy 5.1 – Climate change mitigation

Policy 5.2 – Minimising carbon dioxide emissions

Policy 5.3 – Sustainable design and construction

Policy 5.5 – Decentralised energy networks

Policy 5.6 – Decentralised energy in development proposals

Policy 5.7 - Renewable energy

Policy 5.9 – Overheating and cooling

Policy 5.10 – Urban greening

Policy 5.11 – Green roofs and development site environs

Policy 5.12 – Flood risk management

Policy 5.13 – Sustainable drainage

Policy 5.15 – Water use and supplies

Policy 5.18 - Construction, excavation and demolition waste

Policy 5.21 – Contaminated land

Policy 6.3 - Transport capacity

Policy 6.9 – Cycling

Policy 6.10 - Walking

Policy 6.12 - Road network capacity

Policy 6.13 - Parking

Policy 7.1 – Lifetime neighbourhoods

Policy 7.2 – An inclusive environment

Policy 7.3 – Designing out crime

Policy 7.4 – Local character

Policy 7.5 – Public realm

Policy 7.6 – Architecture

Policy 7.7 – Location and design of tall and large buildings

Policy 7.14 – Improving air quality

Policy 7.15 – Reducing noise and enhancing soundscapes

Policy 7.18 – Protecting local open space and addressing local deficiency

Policy 7.19 - Biodiversity and access to nature

Policy 7.21 – Trees and woodlands

Policy 8.2 – Planning obligations

Policy 8.3 – Community infrastructure levy

5.2 Core Strategy

Core Policy 1: Strategic growth areas

Core policy 2: Housing supply and locations for new homes

Core policy 3: Affordable housing Core Policy 4: Housing quality

Core Policy 5: Housing types Core Policy 6: Housing need

Core Policy 17: Town Centres

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 26: Public transport

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 34: Parks, playing fields and other open spaces

Core Policy 36: Biodiversity

Core Policy 40: North East Enfield

Core Policy 41: Ponders End

Core Policy 46: Infrastructure Contributions

5.3 <u>Development Management Document (DMD)</u>

DMD1: Affordable Housing on Sites Capable of Providing 10 units or more

DMD3: Providing a Mix of Different Sized Homes

DMD6: Residential Character

DMD8: General Standards for New Residential Development

DMD9: Amenity Space

DMD10: Distancing

DMD15: Specialist Housing Need

DMD25: Locations for new retail, leisure and office development

DMD28: Large local centres, small local centres and local parades

DMD37: Achieving High Quality and Design-Led Development

DMD38: Design Process

DMD39: Design of Business Premises

DMD45: Parking Standards and Layout

DMD46: Vehicle Crossovers and Dropped Kerbs

DMD47: New Road, Access and Servicing

DMD48: Transport Assessments

DMD49: Sustainable Design and Construction Statements

DMD50: Environmental Assessments Method

DMD51: Energy Efficiency Standards

DMD52: Decentralised Energy Networks

DMD53: Low and Zero Carbon Technology

DMD55: Use of Roofspace/ Vertical Surfaces

DMD56: Heating and Cooling

DMD57: Responsible Sourcing of Materials, Waste Minimisation and Green

Procurement

DMD58: Water Efficiency

DMD59: Avoiding and Reducing Flood Risk

DMD61: Managing Surface Water

DMD64: Pollution Control and Assessment

DMD65: Air Quality

DMD68: Noise

DMD69: Light Pollution

DMD72: Open Space Provision DMD79: Ecological Enhancements

DMD80: Trees on development sites

DMD81: Landscaping

5.4 North East Enfield Area Action Plan (NEEAAP)

Policy 10.1: Ponders End High Street Policy 10.2: Ponders End Central

5.5 Other relevant Policy/ Guidance

National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG)

Accessible London: achieving an inclusive environment SPG

Planning and Access for Disabled People; a good practice guide (ODPM) London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaption Strategy; Mayor's Climate Change Mitigation and Energy

Strategy; Mayors Water Strategy

London Plan: the Mayor's Ambient Noise Strategy London Plan: the Mayor's Air Quality Strategy London Plan: the Mayor's Transport Strategy

Land for Transport Functions SPG

London Plan: Mayoral Community Infrastructure Levy

Circular 06/05 Biodiversity and Geological Conservation- Statutory

Obligations and Their Impact within the Planning System

Ponders End Central Planning Brief Supplementary Planning Document (SPD) (May 2011)

Upper Lee Valley Opportunity Area Planning Framework (July 2013)

Ponders End Central Planning Brief, 2011 Design Ideas: Ponders End (SKM), 2012

Enfield Mini Holland Bid Document, Dec 2013

Ponders End Framework for Growth, (Studio Egret West) 2009 Ponders End Planning Briefs - Feasibility Report (Savills), 2009

Town Centre Uses and Boundaries Review, 2013

London Plan Housing SPG

Housing SPG

Affordable Housing SPG
Enfield Market Housing Assessment
Providing for Children and Young People's Play and Informal Recreation SPG
and revised draft
Biodiversity Action Plan
Section 106 SPD
Draft Decentralised Energy Network SPD

6.0 Analysis

Principle of Development:

- 6.1 Policy CP41 of the Core Strategy sets out the three areas for development within Ponders End, which includes the area covered by this application which is referred to as 'Ponders End Central.' The Ponders End Central Planning Brief was adopted as a Supplementary Planning Document (SPD) by the Council in May 2011. The North East Enfield Area Action Plan (NEEAAP) is the emerging policy document for this area and sets out more specific policies for the area and is informed by the Ponders End Central Planning Brief. The NEEAAP has progressed through the Examination Hearings and consultation on the resulting Main Modifications. Consequently the Proposed Submission NEEAAP policies can now be afforded significant weight in determining planning applications as set out in paragraph 216 of the NPPF which refers to the weight that can be afforded to emerging policies.
- 6.2 Paragraph 10.1.3 of the NEEAP highlights that, as set out above, outline planning permission was granted for the residential-led mixed use development of the Queensway Campus Site and the land fronting onto the High Street in 2013. This scheme has re-named the site the 'Electric Quarter' but subsequent to the grant of the planning permission, the Queensway Campus site was acquired by the Secretary of State for Communities and Local Government for education purposes and planning permission has now been granted for a Free School on the site (ref. 14/02996/FUL). The NEEAPP advises that the Free School significantly changes the potential of Ponders End Central to deliver new housing and to meet all of the requirements of the adopted Planning Brief. However, the area fronting onto the High Street and Swan Annex continues to have potential for residential-led mixed use development, possibly delivering around 200 new homes.
- 6.3 The application site falls within a geographical area that is covered by two specific policies of the NEEAPP; these are, Policy 10.1: Ponders End High Street and Policy 10.2: Ponders End Central.
- 6.4 Whilst the site benefitted from an outline planning permission, the subsequent implementation of the planning permission for the school, means that this permission is no longer capable of implementation. The current application is for full planning permission in its own right and is not a reserved matters submission pursuant to the outline planning permission. As such, whilst the outline planning permission established the principle of some form of mixed use comprehensive development on this site, the existence of this permission which contains a similar range of uses is not justification to accept proposals which are largely divergent from planning policy and could in fact prejudice the development of adjacent land.

- 6.5 Furthermore, as recognised in the emerging NEEAAP document, whilst the principles of the Ponders End Central Planning Brief should still be adhered to, the outline permission can no longer be implemented as a significant portion of the land is no longer available for development. Accordingly, the Electric Quarter regeneration scheme will therefore have to be redesigned within the confines of the new site area and will not have a similar layout. It is acknowledged that revised proposals for the Electric Quarter scheme are advanced and the submission of a planning application is expected by the end of the year.
- 6.6 The applicant has no control over the delivery of surrounding development, nor the use of the facilities that may be provided. Thus, the development proposal must be considered on its individual merits, assuming that it will be implemented in isolation and the impacts on the surrounding uses and development sites be considered accordingly.
- In broad terms, the principle of development has been established thorough the Upper Lee Valley Opportunity Area Planning Framework, Core Strategy, Framework for Change, the Ponders End Central Planning Brief and emerging North East Enfield Area Action Plan. However as set out in the Ponders End Central Planning Brief, a comprehensive development is the most appropriate method for delivering this important regeneration project and the Queensway Campus and High Street Sites should be developed in a holistic manner. A comprehensive approach to development is essential in order to achieve the vital connections to the High Street; a balanced, mixed use development including the necessary level and type of employment uses; to maximise the potential for regeneration; and to meet the objectives of the Brief, the Ponders End Framework for Change and the North East Enfield Area Action Plan. A comprehensive development will also enable an integrated, high-quality environment and secure the delivery of common infrastructure such as access, transport and community facilities. However, Policy 10.2 of the NEEAPP does acknowledge that whilst the Middlesex University site and the area on the High Street may come forward separately, they should be designed so that they can be "connected together (for pedestrians, cyclists and cars) in the future should the pattern of uses change". It is essential therefore that to deliver the wider regeneration aspirations, that the development of this site in isolation does not prejudice the development of adjacent land and that it delivers and meets the requirements set down in the policies already referenced.
- 6.8 It is considered that this application would prejudice the development of the adjacent sites, by virtue of its size, siting and relationship to site boundaries, that it would therefore compromise the delivery of the wider regeneration and that in isolation it fails to meet the requirements of policy, particularly in terms of delivering or facilitating a high quality landscaped space, to include a pedestrian/ cycle route adjacent to the Mosque which would be suitable for users of the Mosque and other community facilities and fails to deliver a positive building frontage with retail and other uses appropriate to the town centre at ground floor level. This is outlined further below.
- 6.9 Regard must also be given to the relevant policies within the Enfield Local Plan that seek to, in particular, protect the residential amenities of the neighbouring and future occupiers, respect the character and appearance of the local area, ensure adequate internal floor space and layout is provided; and appropriate regard is given to highway issues. These issues are also explored below.

Density

- 6.10 For the purposes of the London Plan density matrix, it is considered that the site lies within an urban area. The site benefits from a PTAL of 4 indicating that it is accessible via public transport with a range of bus routes along the High Street and Southbury Road, and the proximity of Southbury Railway Station. If defined as urban, the density matrix suggests a density of between 200 and 700 habitable rooms per hectare.
- 6.11 The site has an area of 0.1ha. The proposal involves the provision of 80 habitable rooms and this would give a density of 800 habitable rooms per hectare. The proposed density would significantly exceed the upper levels of the density range set out in the London Plan. The proposed density level would not accord with the London Plan density matrix and would be contrary to Policy DMD6 which states that development will only be permitted if it complies with the London Plan density matrix and a certain criteria is complied with.
- 6.12 The proposed density indicates that the proposed scheme would be an overdevelopment of the site. However it is acknowledged that the NPPF and the London Plan Housing SPG states that a numerical assessment of density must not be the sole test of acceptability in terms of the integration of a development into the surrounding area and that weight must also be given to the attainment of appropriate scale and design relative to character and appearance of the surrounding area, balanced against wider considerations of the critical mass of units required to drive the deliverability of the scheme. The density range for the site must be appropriate in relation to the local context and in line with the design principles in Chapter 7 of the London Plan, Policy CP30 of the Core Strategy and Policies DMD8 and DMD37 of the DMD.

Design and Impact on Character and Street Scene

- 6.13 The London Plan policy 7.6B states that all development proposals should be of the highest architectural quality which complement the local architectural character and be of an appropriate proportion, composition, scale and orientation.
- 6.14 Policy CP30 of the Core Strategy requires new development to be of a high quality design and in keeping with the character of the surrounding area. This is echoed in Policy DMD8 which seeks to ensure that development is high quality, sustainable, has regard for and enhances local character; and also Policy DMD37 which sets out a criteria for achieving high quality and design led development.
- 6.15 The proposed building footprint would dominate the site thus resulting in an overdevelopment of the plot. The new building would be sited close to the site boundaries with the main relief to the rear of the site. Given the scale of the building, the proposed setbacks of the building to the rear of the site would be unacceptable. Although the building would be two tiered which would help to break up the massing, the rectangular building would be excessive in depth with limited variations to its building line thus creating a highly bulky building. With a maximum depth of 54 metres, maximum width of 15.8 metres and a

- height of 13 15.5 metres the building would be excessive in scale and highly dominant within the High Street.
- 6.16 It is acknowledged that the application site has been identified within the Ponders End Central Brief as an area that could accommodate a taller building to aid legibility and denote a civic function. The building would not include a civic function. Moreover, the site lies adjacent to the mosque which forms a landmark within the street, and it is considered that the new building has not been sympathetically designed to respect this landmark or act as a landmark itself. The building does not respect the parapet and fenestration of the existing mosque, the elevations as a whole have no regard to the architectural elements that form the character of the area, and the building would provide limited interest to the visual amenity within the street scene due to the lack of architectural detailing, the massing of the building and the excessive dominance of fenestration and balconies. The proposed building due to its poor design and excessive depth, scale and bulk would create a significantly intrusive and prominent form of development that would not respect the character and appearance of the area and would harm to the visual amenity within the street scene, contrary to Policy CP30 of the Core Strategy and Policies DMD8 and DMD37 of the DMD.
- 6.17 Policy DMD37 states that in terms of the quality of the public realm safe, attractive, uncluttered and effective spaces and routes should be provided. Policy DMD25 relates to locations for new retail, leisure and office development and sets out general considerations for town centre development. Policy 10.2 of the NEEAP sets out that development onto the high street should create positive frontages, with retail and other uses appropriate to the town centre at ground floor level.
- 6.18 The proposed development would include two car lifts with roller shutters that would front the High Street. The creation of a continuous active High Street frontage is a key regeneration objective for Ponders End High Street. However the car lifts would create an inactive frontage that would break the visual interest and the continuity of the High Street, with an activity that does not support town centre uses. The NPPF seeks to promote the vitality and viability of town centres, recognising that town centres are at the heart of communities and this is supported by the Core Strategy and the DMD. The proposed car lifts would significantly impact on the character and appearance of the High Street, would not promote an active frontage at ground floor level and would not promote a visual continuity. The car lifts are considered to be a poor design feature of the scheme that would not promote and positively address the public realm or promote the vitality and viability of the Ponders End Large Local Centre. This would be contrary to Policy CP17 of the Core Strategy, Policies DMD25 and DMD37 of the DMD, the principles of NEEAAP Policy 10.2 and the Ponders End Central Planning Brief which requires a continuous active frontage with A1, A2, and A3 uses.
- 6.19 The Ponders End Central Planning Brief seeks to create a sequence of connected public streets and spaces through the former Middlesex University site from the High Street and Queensway, and reinforce pedestrian and cycle connections to Southbury and Ponders End Stations. Policy 10.2 of the NEAAP states that a pedestrian and cycle route should be provided adjacent to the Jalaliah Jamme Masjeed Mosque. This should be designed as a high quality landscaped space suitable for users of the Mosque and other community facilities to gather in.

- 6.20 The space to the north of the building within the application site is limited and partly acts as a front garden to the residential dwellings, although public and private spaces are not clearly demarcated. In addition there is a distance of approximately 8 metres between the subject building and the mosque which is considered an insufficient separation to indicate an important public route into the wider regeneration site.
- 6.21 The proposed location of the refuse stores for the flats and houses would require access by refuse vehicles into the new pedestrian/ cycle only street to north of the site. This would compromise the function of the pedestrianised space required and the safety of other vulnerable street users.
- 6.22 Overall it is considered that the proposed development fails to achieve the connectivity that is required for the redevelopment of Ponders End Central. The proposal would fail to comply with Policy 10.2 of the NEEAAP and Policy DMD37 which requires development to provide safe and effective spaces and routes and developments that are inclusive, easy for all to get to and move around, connect well with other places, put people before private vehicles and integrate land uses with sustainable modes of transport.
- 6.23 Development must clearly differentiate between public and private areas, as set out by Policy DM37. However the proposed development would not provide an appropriate defensible space to the front of the three new dwellings which would fail to create a safe and secure environment for the future occupants of these dwellings. Furthermore the siting of refuse stores and bathrooms to the front of the houses would result in a lack of natural surveillance thus compromising safety and overlooking to the new pedestrian-cycle route.
- 6.24 There is no evidence that the proposed development would not have a significant impact on the Grade II Listed Broadbent building to the west of the site in terms of the setting of the listed building and the views of the listed building, as drawings and a heritage statement have not been submitted with the application. Although there is a distance of approximately 162 metres between the Broadbent building and the application site, the lack of information does not enable a proper assessment of any possible impact on the listed building.
- 6.25 In summary the proposed development significantly fails to accord with the urban design and regeneration objectives and principals set out in the Enfield Local Plan and more specifically the key principals for Ponders End Central as defined in the NEAAP and the Ponders End Central Planning Brief. Ponders End Central forms a key development opportunity within the NEE Area, and its redevelopment has the potential to transform this part of Ponders End High Street. However the proposed development is not of a design and form that would assist with the much needed regeneration of this part of the borough.

Quality of Accommodation

Internal Layout

6.26 The provision of good quality housing is a key aspect of the Council's housing policy. One of the Council's strategic objectives set out in the adopted Core Strategy is to provide new homes that are of exemplary space and design

standards to meet the aspirations of local people. Policy CP4 states that high quality design and sustainability will be required for all new homes. To comply with the London Plan, all new housing should be built to Lifetime Home standards. The Lifetime Homes standards provides adaptable, flexible, convenient accommodation appropriate to changing needs, enhancing choice, enabling independent living and helping to create more balanced and inclusive communities.

- 6.27 Policy DMD8 states that all development must meet or exceed minimum space standards in the London Plan and the London Housing Design Guide. The policy seeks to ensure that development is high quality, sustainable and can meet the existing and future needs of residents.
- 6.28 Table 3.3 of The London Plan (2011) specifies minimum Gross Internal Areas (GIA) for residential units. Paragraph 3.36 of the London Plan specifies that these are minimum sizes and should be exceeded where possible. Paragraph 59 of the National Planning Policy Framework (2012) (NPPF) states that local planning authorities should consider using design codes where they could help deliver high quality outcomes. Policy 3.5C of The London Plan also specifies that Boroughs should ensure that, amongst other things, new dwellings have adequately sized rooms and convenient and efficient room layouts.
- 6.29 In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan, and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London's Housing Supplementary Planning Guidance (SPG) (November 2012).
- 6.30 Table 1 sets out the GIA of the proposed new units. Four of the units fail to accord with the GIA requirements, with others just meeting the requirements. Although the shortfall is not excessive, it is nevertheless reflective of the concerns regarding the overdevelopment of the site and the overall quality of the design of the scheme. The proposal would not provide new homes that are exemplary in terms of their floor areas.

Unit	Proposed GIA (sq.m not including stairs and hallways)	London Plan (sq.m)
3 (3-bed houses)	139.5sqm	3b5p = 86 sqm
3 (3-bed flats)	Min. 95.2sqm	3b3p – 95 sqm
8 (2-bed flats)	Min. 67.5sqm (2 units fail to comply with the 70sqm requirement)	2b4p = 70 sqm
6 (1-bed flats)	Min 48.2sqm (2 units fail to comply with 50sqm requirement)	1b2p = 50 sqm

Table 1: Gross Internal Area of the proposed twenty residential units

Amenity Space

- 6.31 Policy DMD8 states that development will only be permitted if all of the criteria set out in Policy DMD9 is provided which includes providing a high quality amenity space within developments in line with Policy DMD9.
- 6.32 Each unit would have a balcony/ terrace and communal amenity areas are proposed for both the flats and residential dwellings. Consequently the proposed development would be in accordance with and actually exceed the minimum amenity space requirements.
- 6.33 However as set out in paragraph 4.4.13 of the DMD a minimum standard of provision is necessary to ensure that any amenity space provided is functional. The overall quality and design of amenity space is important to how successfully it functions and its accessibility. It appears that the private and communal amenity spaces serving the residential dwellings would be dominated by trees, which although is good in terms of enhancing the local environment, the usability of the amenity spaces would be limited due to the number of trees proposed; this issue further highlights that the proposed development has not been designed appropriately, having regard to its relationship to neighbouring sites and is an overdevelopment of the plot.

Inclusive Access

- 6.34 The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion. The supporting text at paragraph 4.112 emphasises that a truly inclusive society is one where everyone, regardless of disability, age or gender can participate equally. The London Plan and the Council's Core Strategy Core Policy 4 confirm that all new housing should be built to Lifetime Homes' standards. This is to enable a cost-effective way of providing homes that are able to be adapted to meet changing needs.
- 6.35 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.
- 6.36 The Planning, Design and Access Statement sets out that the units have been designed to meet the Lifetime Homes criteria ensuring that a sufficient amount of consideration has been given to ensure that the development is capable of adapting to the changing needs of its population over their lifetime. However confirmation that the proposal fully meets each of the 16 criteria of lifetime homes would be dealt with by condition.
- 6.37 The scheme accommodates 2 units that will be fitted out to be fully wheelchair accessible or capable of being fitted out for such a function, thereby meeting the 10% wheelchair accessible units required.

Housing Mix and Affordable Housing

6.38 London Plan Policy 3.8 encourages a full range of housing choice. This is supported by the London Plan Housing SPG, which seeks to secure family accommodation within residential schemes, particularly within the social rented sector, and sets strategic guidance for councils in assessing their local needs.

- 6.39 Core Policy 5 of the Core Strategy and Policy DMD3 seeks to ensure that new developments offer a range of housing sizes to meet housing need and includes borough-wide targets on housing mix. Development on sites capable of accommodating 10 or more dwellings, in particular, should meet the targets. The targets are based on the findings of Enfield's Strategic Housing Market Assessment and seek to identify areas of specific housing need within the borough. The targets are applicable to the subject scheme and are set out below:
 - Market housing 20% 1 and 2 bed flats (1-3 persons), 15% 2 bed houses (4 persons), 45% 3 bed houses, (5-6 persons), 20% 4+ bed houses (6+ persons).
 - Social rented housing 20% 1 bed and 2 bed units (1-3 persons), 20% 2 bed units (4 persons) 30% 3 bed units (5-6 persons), 30% 4+ bed units (6+ persons).
- 6.40 While it is acknowledged that there is an established need for all types of housing, the study demonstrates an acute shortage of houses with three or more bedrooms across owner occupier, social and private rented sectors.
- 6.41 The mix proposed under this application is 30% 1 bed units, 40% 2 bed units and 30% 3 bed units. The application form confirms that the units would be market housing. Consequently the proposed development would fail to achieve the housing mix targets stipulated by Core Policy 5. However, regard must be given to the particulars of the site and both its suitability for family sized accommodation, but also the implications for the deliverability of the scheme.
- 6.42 The Planning Statement states that the reasons for the proposed mix is due to the High Street being more conducive to smaller units; the outline planning application which provided larger family units to the rear of the site and smaller units along the High Street and the fact that the 2 bed bedroom units are all 2 bed 4 persons units which could provide accommodation for families.
- 6.43 The application is a standalone application and therefore reference to the former outline application is not relevant as previously discussed. Moreover the outline application sought a comprehensive approach to the development of the site and therefore demonstrated within it that the scheme as a whole would provide a balanced mix of units. This application has come forward in isolation and therefore must be assessed on its own individual merits and cannot rely on other sites addressing and resolving any deficiencies arising from this scheme. Moreover the development of this site in isolation and in the form proposed would have an impact on the form of development on the adjacent/surrounding sites and this could impact on the number of family units that could be delivered. The proposal would result in an overconcentration of smaller 1 and 2 bed units. It is acknowledged that 2bed 4 person units provide functional and viable family accommodation. However no social housing is provided which would not assist in creating a more balanced and prosperous community in Ponders End.
- 6.44 In terms of affordable housing, all residential developments are required to make some form of contribution towards affordable housing. London Plan policy 3.12 seeks to secure the maximum reasonable amount of affordable housing on site. Core Strategy Policy 3 and Policy DMD1 states that the Council will

seek to achieve a borough-wide target of 40% affordable housing units in new developments of which the Council would expect a split of tenure to show 70% social/affordable rented units and 30% intermediate housing. Both policies recognise the importance of viability assessments in determining the precise level of affordable housing to be delivered on any one site.

- 6.45 The Planning, Design and Access statement sets out that the proposed development would not provide a contribution to affordable housing. A viability assessment was submitted and has been reviewed by the Council's Independent Viability Consultant. He concludes that the scheme could viably provide three 3 bed affordable rented houses. No further discussions have been entered into with the applicant on this issue given the other issues identified with the scheme
- 6.46 In summary the proposal fails to provide a sufficient housing mix and level of affordable housing to meet the housing need in the borough. Sufficient evidence has not been provided to demonstrate why targets for the required housing mix and affordable housing cannot be achieved, contrary to Policies CP3 and CP5 of the Core Strategy, Policies DMD1 and DMD2 of the Development Management Document and Policies 3.9 and 3.11 of the London Plan.

Retail and Office Units

- 6.47 Policy DMD25 relates to locations for new retail, leisure and office development and sets out general considerations for town centre development.
- 6.48 The proposed retail unit is extremely small and is unlikely to offer flexible, useable space due to its size. While it is acknowledged that some smaller occupiers may be able to successfully utilise the space, there is a danger that relying on such a niche market will result in the unit remaining empty. Evidence has not been put forward to justify the proposed size of the proposed retail unit. Furthermore rather than create a larger retail unit that fronts the High Street, two car lifts have been created that would account for just over half of the floor space to the front of the building at ground floor level. The car lifts would create an inactive frontage and would not promote visual interest within the High Street. National, regional and local planning policies seek to promote the vitality and viability of town centres and the proposal would fail to achieve this.
- 6.49 The proposed office units would front the new pedestrian footpath that would be sited along the north of the site. The new office starter units would in principle contribute to the local economy and create jobs in the borough in accordance with the NPPF and Policy CP13 of the Core Strategy.

Impact on Neighbours

6.50 Policies 7.6 of the London Plan and CP30 of the Core Strategy seek to ensure that new developments have appropriate regard to their surroundings, and that they improve the environment in terms of residential amenity. Policy DMD8 states that new developments should preserve amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance.

6.51 The proposed development would not result in any undue harm to the residential amenity of any existing nearby residential units.

Impact on development potential of adjacent sites

- 6.52 The application site adjoins the site of the former Police Station to the south, now cleared for redevelopment, and the former Middlesex University Campus to the west, also in the process of change through the implementation of the permission for the school, and now acquired by the Council for a mixed use comprehensive redevelopment. Additional sites to the High Street frontage. Nos. 188 and 198, have also been acquired for the Council to facilitate a comprehensive approach to redevelopment and the Council has authority to proceed with a Compulsory Purchase Order for the land to the north (presently occupied by the plastics factory at N.230 High Street). All this demonstrates the redevelopment of adjoining sites is a realistic and imminent probability. Accordingly, it is appropriate and relevant to consider the impact on this development on the development potential of adjoining sites. Policy 10.2 of the NEEAAP requires that any development should be designed so that it can be connected together in the future should the pattern of usage change. The applicant is aware of the Council's wider regeneration proposals for the adjoining sites, but the application does not demonstrate how this development would fit together with development that might come forward on adjacent sites.
- 6.53 Policy DMD 10 sets down minimum distance that should be provided between buildings and minimum distances between windows and side boundaries. The purpose of this policy is to ensure that adequate daylight and sunlight is available to residential windows, both in the context of existing development and possible future development.
- 6.54 The standards require that a minimum distance of 11m is provided between windows and side boundaries. The proposed development includes windows within 2m and balconies within 0.5m of the former Police Station development site, and with those windows providing the sole source of light to habitable rooms, and windows immediately on the northern boundary of the site. The consequence of this is that development on these adjacent sites would have to be sited at a significant distance from these windows, in order to ensure they continued to have access to adequate daylight and sunlight, and privacy was safeguarded. This would have significant implications for the development potential of the adjoining sites, impacting on the viability of development proposals for these sites and thus would be contrary to Core Policy 41, Policy 10.2 of the NEEAAP and the Ponders End Central Planning Brief.

Transportation, Access and Parking

6.55 The London Plan, Core Strategy and DMD encourage and advocate sustainable modes of travel and require that each development should be assessed on its respective merits and requirements, in terms of the level of parking spaces to be provided for example. The application was accompanied with a Transport Statement which concluded that the proposed development is acceptable in highway terms and would not result in a detrimental impact on the local highway network.

- 6.56 Policy DMD45 requires parking to be incorporated into schemes having regard to the parking standards of the London Plan; the scale and nature of the development; the public transport accessibility (PTAL) of the site; existing parking pressures in the locality; and accessibility to local amenities and the needs of the future occupants of the developments.
- 6.57 The Parking Addendum to The London Plan sets out maximum parking standards for new development dependent upon their use and level of public transport accessibility. The London Plan recommends a maximum residential car parking standard of less than 1 parking space for a 1 2 bed unit, and 1 1.5 spaces for a 3 bed unit.
- 6.58 Thirteen car parking spaces are proposed for the flats and no car parking spaces have been provided for the houses or the commercial units. This gives a ratio of 0.65 spaces per unit. Whilst this has been accepted on other sites (e.g. Alma) in the vicinity, it has been on the basis that other measures are also put in place to reduce demand for car parking in the form of access to car clubs and restrictions to ensure that the residents will not be eligible for on-street parking permits in any future CPZ area. If planning permission were to be granted a S106 Agreement would be required to address these matters.
- 6.59 The general number of cycle parking spaces for the residential units is considered acceptable. However no cycle parking is proposed for staff and visitors to the proposed retail unit which is contrary to Policy 6.9 (Cycling) of the London Plan, Core Strategy Policy 25 (Pedestrian and cyclists) and Policy 45 (Parking standards and layout) of the DMD.
- 6.60 Policy DMD47 of the DMD states that new development will only be permitted if the access road junction which serves the development is appropriately sited and is of an appropriate scale and configuration and there is no adverse impact on highway safety and the free flow of traffic.
- 6.61 The existing heavy duty access from the High Street would be widened by 2 metres to create an approximately 15m wide bellmouth access, which is not acceptable as it would undermine the proposals for the mini Holland in the area and creates disruption to pedestrians using the footway.
- 6.62 Traffic and Transportation have no objections in principle to the proposed car lifts as the plans show that there will be sufficient space between the High Street and the car lifts to allow two vehicles to wait without obstructing vehicles, pedestrians or cyclists passing along the High Street. However, the lifts would need to be configured in peak hours to operate both as inbound/outbound if necessary, to prevent causing delays to traffic using High Street. The details of the proposed car lift, its design and maintenance could be secured by a condition to ensure that no parking overspill in case the lift becomes no-operational were planning permission to be granted.
- 6.63 In terms of the pedestrian access concerns have been raised as the pedestrian footpath to the north does not meet the minimum width criteria of 2m which would be contrary to the Policy 6.10 (Walking) of the London Plan and Core Strategy Policy 25 (Pedestrian and cyclists) and DMD Policy 47 (Access, new road and servicing).
- 6.64 In terms of servicing no loading/uploading of larger vehicles (like home removal/deliver vans) for residential or for even larger vehicles (rigid, 10m long)

for the retail and office space would be provided on site. A new, widened vehicular access into the site and location of the bus stop markings will also prevent creation of a loading bay on street. Whilst on-street loading/uploading is not necessarily unacceptable in general, given the scale of the proposals, the lack of any off street provision would put extra pressure on High Street. Any parking, even short term, in this area will obstruct access to the basement car park, put pressure on the northbound traffic, including buses and create delays. The proposed development therefore does not comply with the London Plan Policy 6.13, DMD policy 45 and 47 which state that operational parking for maintenance, servicing and deliveries is required to enable a development to function.

6.65 The location of refuse/ recycling stores in relation to the High Street exceeds standards and is therefore not acceptable.

Trees and Landscaping

- 6.66 Policy DMD80 seeks to protect trees of significant amenity or biodiversity value and sets out that any development that involves the loss of or harm to trees covered by Tree Preservation Orders or trees of significant amenity will be refused.
- 6.67 There are no trees on the site that are protected by a Tree Preservation Order or by being located within a Conservation Area. A landscaping condition would be required should planning permission be granted to enhance the local environment.

Pollution

6.68 Policy DMD 64 of the Proposed Submission DMD sets out that planning permission will only be permitted if pollution and the risk of pollution is prevented, or minimised and mitigated during all phases of development. The Environmental Health Officer has raised no objection to the proposal but has suggested a condition related to noise as noise from the High Street could be an issue.

Sustainable Design and Construction

- 6.69 Policy DMD49 states that all new development must achieve the highest sustainable design and construction standards having regard to technical feasibility and economic viability. An energy statement in accordance with Policies DMD49 and DMD51 is required to demonstrate how the development has engaged with the energy hierarchy to maximise energy efficiency.
- 6.70 Policy DMD50 requires major non-residential development to achieve a Very Good BREEAM rating. The proposed development would be in accordance with this requirement in terms of the retail unit however it is unclear what BREEAM rating the office units would achieve.
- 6.71 A Sustainable Design and Construction Statement and Energy Statement were submitted with the application. The document sets out that there would be a 48% reduction in carbon emissions from the baseline and a 40% reduction in energy demand from the baseline. In addition the development would incorporate a green roof, photovoltaics, Passivhaus design principles and other features to create a sustainable development.

6.72 As set out in Policy DMD52 all major development should connect to or contribute towards existing or planned decentralised energy networks (DEN) supplied by low or zero carbon energy. Proposals for major development which produce heat/ and or energy should contribute to the supply of decentralised energy networks unless it can be demonstrated that this is not technically feasible or economically viable. The proposed development does not plan to connect to a DEN and it has not been demonstrated that this is not possible. This would be against planning policy requirements and therefore a reason to refuse the planning application.

Biodiversity

6.73 The London Plan, adopted Core Strategy and DMD seeks to protect and enhance biodiversity. Policy DMD79 states that developments resulting in a net gain of one or more dwellings should provide on-site ecological enhancements and Policy DMD81 states that development must provide high quality landscaping that enhances the local environment. Conditions would be attached to any grant of planning permission to ensure that the proposal is in accordance with these policies.

CIL

6.74 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 2015. The proposed development is CIL liable and would amount to £56,160.

7.0 Conclusion

7.1 The proposed development significantly fails to accord with the urban design and regeneration objectives and principals set out in the London Plan, Enfield Local Plan and more specifically the key principals for Ponders End Central as defined in the NEAAP and the Ponders End Central Planning Brief. Ponders End Central forms a key development opportunity within the NEE Area, and its redevelopment has the potential to transform this part of Ponders End High Street and deliver much needed housing. However the proposed development is not of a design and form that would assist with the much needed regeneration of this part of the borough, would prejudice the development potential of adjoining sites and fails to demonstrate how it would connect together with the development of the adjacent sites. In addition the proposal fails to provide a sufficient housing mix and level of affordable housing to meet the housing need in the borough.

8.0 Recommendation

That planning permission be **REFUSED** for the following reasons:

- 1. The proposed development, by virtue of its size, design, siting and relationship to site boundaries would prejudice the development potential of adjoining sites and prevent development on the adjoining sites being optimised. This would fundamentally compromise the comprehensive redevelopment of the former Middlesex University site and High Street frontage, as identified in the Ponders End Central Planning Brief, detrimental to the regeneration of this area. In this respect the proposal would fail to accord with the regeneration objectives set out in CP41 of the Core Strategy, Policy 10.2 of the North East Enfield Area Action Plan and the Ponders End Central Planning Brief.
- 2. The proposed development does not provide an appropriate housing mix and level of affordable housing to meet the housing need in the borough; and no evidence has been provided to demonstrate why targets for the required housing mix and affordable housing cannot be achieved. The proposal is therefore contrary to Policies CP3 and CP5 of the Core Strategy, Policies DMD1 and DMD2 of the Development Management Document and Policies 3.9 and 3.11 of the London Plan.
- 3. The proposed development due to its poor design and excessive depth, scale and bulk would represent an overdevelopment of the site that would result in a significantly intrusive and incongruous form of development which due to its prominent location would not present a positive and active frontage to the High Street at all levels and would fail to respect the character and appearance of the area as well as result in demonstrable harm to the visual amenity within the street scene. This is contrary to Policy CP30 of the Core Strategy, Policies DMD8 and DMD37 of the DMD and Policy 10.2 of the North East Enfield Area Action Plan.
- 4. The proposed development due to the proposed car lifts on the High Street frontage would not promote a positive and active frontage along Ponders End High Street. The car lifts would significantly impact on the character and appearance of the High Street, would not promote a visual continuity within the street scene and would not promote and positively address the public realm. The proposed development would be detrimental to the vitality and viability of the Ponders End Large Local Centre, contrary to Policy CP17 of the Core Strategy, Policies DMD25 and DMD37 of the DMD, the principles of NEEAAP Policy 10.2 and the Ponders End Central Planning Brief.
- 5. The proposed development due to its size, siting within the application site, design and relationship to adjacent land fails to achieve the degree of connectivity that is required for the comprehensive redevelopment of Ponders End Central. The proposal therefore fails to provide safe effective spaces and routes as well as a development that connects well with other places to create a sustainable community. This would be contrary to Policy DMD37 of the DMD, the Ponders End Central Planning Brief and Policy 10.2 of the NEAAP.
- 6. The proposal fails to demonstrate appropriate and safe access, visibility, loading, servicing, refuse and cycle parking arrangements commensurate with the more intensive use proposed, leading to

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conditions prejudicial to the free flow and safety of all traffic, including pedestrian and public transport, contrary to Policy 6.3 (Assessing effects of development on Transport capacity), Policy 6.9 (Cycling), Policy 6.10 (walking), Policy 6.13 (Parking) of the London Plan, Core Strategy Policy 25 (Pedestrian and cyclists), Core Strategy Policy 24 (The road network), Policy 8, 45 (Parking layout and standards), Policy 47 (Access, new roads and servicing) and Policy 48 (Transport Assessments) of the DMD document



P@1-PR⊙P No 216 PONDERS HIGH ST [ENFIELD] LONDON EN3 4EZ PRÓPOSED SITE PLAN 1 3 5 2 4 10 20 30 40 50

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