

# Public Document Pack



## **PLANNING COMMITTEE**

Tuesday, 21st February, 2017 at 7.30 pm  
Venue: Conference Room,  
The Civic Centre, Silver Street,  
Enfield, Middlesex, EN1 3XA

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

## **MEMBERS**

Councillors : Dinah Barry, Jason Charalambous, Katherine Chibah, Dogan Delman, Christine Hamilton, Ahmet Hasan, Jansev Jemal, Derek Levy, Anne-Marie Pearce, George Savva MBE, Toby Simon (Chair) and Jim Steven

**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 20/02/17**

## **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 24 JANUARY 2017 (Pages 1 - 6)**

To receive the minutes of the Planning Committee meeting held on Tuesday 24 January 2017.

**4. REPORT OF THE ASSISTANT DIRECTOR, REGENERATION AND PLANNING (REPORT NO. 213) (Pages 7 - 8)**

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

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

**5. 15/04916/FUL - 20 AND REAR OF 18-22 WAGGON ROAD, BARNET, EN4 0HL (Pages 9 - 34)**

RECOMMENDATION: Approval subject to conditions  
WARD: Cockfosters

**6. 16/01390/RE3 - 164 LAVENDER HILL, ENFIELD, EN2 8RP (Pages 35 - 56)**

RECOMMENDATION: Approval subject to conditions  
WARD: Highlands

**7. 16/04133/FUL - BLACKHORSE TOWER, HOLBROOK HOUSE AND CHURCHWOOD HOUSE, 116 COCKFOSTERS ROAD, EN4 0DY (Pages 57 - 96)**

RECOMMENDATION: Following referral to the Mayor of London and no objections being raised, and the securing of a Legal Agreement to secure the obligations, Approval subject to conditions  
WARD: Cockfosters

**8. 16/04908/RE4 - 1 OLD ROAD, ENFIELD, EN3 5XX (Pages 97 - 108)**

RECOMMENDATION: Approval subject to conditions  
WARD: Southbury

**9. 16/05126/FUL - THE RED HOUSE, RECTORY FARM LAND, THE RIDGEWAY, ENFIELD, EN2 8AA (Pages 109 - 120)**

RECOMMENDATION: Approval subject to conditions  
WARD: Chase

**10. 16/05402/FUL - GARAGES GORDON HILL, ENFIELD, EN2 0QP (Pages 121 - 144)**

RECOMMENDATION: On completion of a S106 Agreement, Approval subject to conditions  
WARD: Town

**11. 16/05784/FUL - 1-3 MARKET CHAMBERS, CHURCH STREET, ENFIELD, EN2 6AA (Pages 145 - 166)**

RECOMMENDATION: Approval subject to conditions  
WARD: Town

**12. FUTURE MEETING DATES**

To note Planning Committee meeting dates for the remainder of 2016/17 municipal year:

Tuesday 14 March 2017  
Tuesday 28 March 2017  
Tuesday 4 April 2017 (TBC)  
Tuesday 25 April 2017  
Tuesday 9 May 2017 (TBC)

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

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

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## PLANNING COMMITTEE - 24.1.2017

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE  
HELD ON TUESDAY, 24 JANUARY 2017**

**COUNCILLORS**

**PRESENT** Dinah Barry, Jason Charalambous, Katherine Chibah, Dogan Delman, Christine Hamilton, Ahmet Hasan, Derek Levy, Anne-Marie Pearce, George Savva MBE, Toby Simon and Jim Steven

**ABSENT** Jansev Jemal

**OFFICERS:** Bob Griffiths (Assistant Director - Planning, Highways & Transportation), Andy Higham (Head of Development Management), Kevin Tohill (Planning Decisions Manager) and Dominic Millen (Transportation) and Metin Halil (Secretary)

**Also Attending:** Approximately 18 members of the public, applicant and agent representatives  
Dennis Stacey, Chair, Conservation Advisory Group

**330****WELCOME AND APOLOGIES FOR ABSENCE**

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

Apologies for absence was received from Councillor Jemal.

**331****DECLARATION OF INTERESTS**

There were no declarations of interest.

**332**

**MINUTES OF THE PLANNING COMMITTEE - TUESDAY 29 NOVEMBER  
AND TUESDAY 20 DECEMBER 2016**

**AGREED** the minutes of the Planning Committee meeting held on 29 November 2016 as a correct record.

**AGREED** the minutes of the Planning Committee meeting held on the 20 December 2016, subject to an amendment regarding the attendance of

**PLANNING COMMITTEE - 24.1.2017**

Councillor Dinah Barry, who was present at the meeting. The minutes will be amended to reflect this oversight.

**MATTERS ARISING**

1. Councillor Hamilton made a statement regarding application 15/01063/FUL - Brimsdown Sports Club, Goldsdown Road, Enfield, EN3 7RP, which was heard at the 20 December 2016 Committee meeting. The Police had made a recent statement that the recent fire at the sports club was a criminal act and so was under investigation. She hoped that a revised application could be considered soon.

**333**

**REPORT OF THE ASSISTANT DIRECTOR, PLANNING, HIGHWAYS AND TRANSPORTATION (REPORT NO. 192)**

RECEIVED the report of the Assistant Director, Planning, Highways and Transportation (Report No.192).

**334**

**16/05580/FUL - WELLINGTON HOUSE, 3 WELLINGTON ROAD, ENFIELD, EN1 2PB**

**NOTED**

1. The introduction by the Planning Decisions Manager, Kevin Tohill, clarifying the proposal.
2. The deputation of Gillian Porter (Neighbouring Resident).
3. The deputation of Stephann Makri (Neighbouring Resident).
4. The statement of Dennis Stacey (Chair of Conservation Advisory Group).
5. The response by Antoine Christoforou, (applicant).
6. Members' debate and questions responded to by officers.
7. The support of the Committee for the officers' recommendation: 8 votes for, 2 against and 1 abstention.

**AGREED** that planning permission be granted subject to the conditions set out in the report and the following additions:

- Discharge of Conditions 5 and 6 should be determined following consultation with the Conservation Advisory Group (CAG).
- Condition 6 to include: 'Construction details of all external elements at 1:20 scale (including sections). This should include: entrances and exits including the vehicular gate entrance.'

**PLANNING COMMITTEE - 24.1.2017**

**335**

**16/03723/RE4 - RESIDENTIAL HOME, FORMER ELIZABETH HOUSE, 1 OLD ROAD, ENFIELD, EN3 5XX**

NOTED

1. The introduction by the Planning Decisions Manager, Kevin Tohill, clarifying the proposal.
2. Members' debate and questions responded to by officers.
3. Members agreed that the proposed minor material amendment to allow changes to the Energy strategy was acceptable. They considered that due to the use type of the development, a payment in lieu to offset the lower carbon reduction was not necessary; the exceptional circumstances of the use should be sufficient to justify the lack of carbon reduction.
4. The unanimous support of the Committee for the officers' overall recommendation.

**AGREED** that in accordance with the provisions of Regulation 3 of the Town and Country General Regulations 1992, planning permission be granted subject to conditions.

**336**

**16/04869/HOU - 137 CONNAUGHT GARDENS, LONDON, N13 5BU**

NOTED

1. The introduction by the Planning Decisions Manager, Kevin Tohill, clarifying the proposal.
2. This application had been brought to Planning Committee as the applicant is the wife of a councillor.
3. Members' debate and questions responded to by officers.
4. The unanimous support of the Committee for the officers' recommendation.

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

**337**

**16/04677/RE4 - FORMER MINCHENDEN SCHOOL, HIGH STREET, LONDON, N14 6BS**

NOTED

**PLANNING COMMITTEE - 24.1.2017**

1. The introduction by the Planning Decisions Manager, Kevin Tohill, clarifying the proposal.
2. The Chair clarified that there were two applications to be heard regarding this site, which also included an application for Listed Building consent. Both applications would be debated together.
3. Officers consider that subject to conditions, the proposed development would not adversely affect the amenity of the adjoining properties including the listed building and would be compliant with the council's policies while providing a much needed specialist autistic school for the borough.
4. Members' debate and questions responded to by officers including the following:
  - a. Members agreed that this provision for students with autism should be completed as soon as possible.
  - b. Boundary treatment of the site i.e. fencing, to be conditioned. The Head of Development Management clarified that condition 10 (page 126) would cover this so as to ensure satisfactory appearance of the Grade II\* listed building.
5. The unanimous support of the committee for the officers' recommendation.

**AGREED** that in accordance with the provisions of Regulation 3 of the Town and Country General Regulations 1992, planning permission be deemed to be granted subject to the conditions set out in the report and subject to conditions requiring additional information on fencing/boundary treatment and parking layouts.

**338**

**16/04322/LBC - FORMER MINCHENDEN SCHOOL, HIGH STREET, LONDON, N14 6BS**

NOTED

1. The introduction by the Planning Decisions Manager, Kevin Tohill, clarifying the proposal.
2. The Chair clarified that there were two applications to be heard regarding this site, which also included an application for Listed Building consent. Both applications would be debated together.
3. Members' debate and questions responded to by officers including the following:
  - a. Members agreed that this autistic provision should be completed as soon as possible.
  - b. Boundary treatment of the site i.e. fencing, to be conditioned. The Head of Development Management clarified that condition 10 (page 126) would cover this so as to ensure satisfactory appearance of the Grade II\* listed building.
4. The unanimous support of the committee for the officers' recommendation.



**PLANNING COMMITTEE - 24.1.2017**

**AGREED** that Members resolve to grant listed building consent subject to the conditions set out in the report and referral to the National Planning Case Work Unit if required for final decision.

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**MUNICIPAL YEAR 2016/2017 - REPORT NO 213**

**COMMITTEE:**  
PLANNING COMMITTEE  
21.02.2017

AGENDA - PART 1	ITEM 4
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SUBJECT -

MISCELLANEOUS MATTERS

**REPORT OF:**  
Assistant Director, Regeneration  
and Planning

**Contact Officer:**  
Planning Decisions Manager  
Andy Bates Tel: 020 8379 3004  
Kevin Tohill Tel: 020 8379 5508

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

4.1.1 In accordance with delegated powers, 384 applications were determined between 11/01/2017 and 08/02/2017, of which 268 were granted and 116 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** DEC

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

##### Background Papers

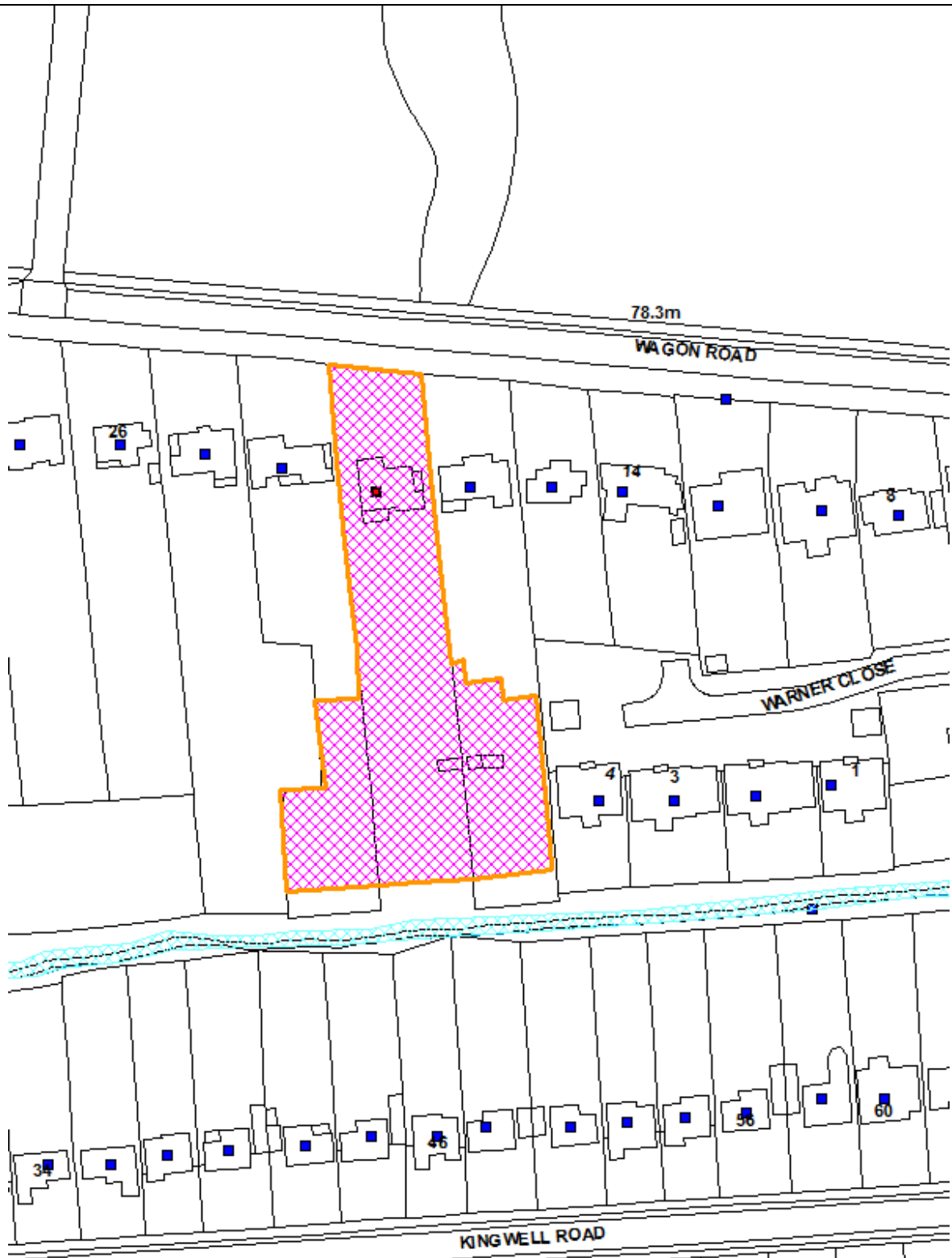
(1) Section 70 of the Town and Country Planning Act 1990 states that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 54A of that Act, as inserted by the Planning and Compensation Act 1991, states that where in making any determination under the Planning Acts, regard is to be had to the development, the determination shall be made in accordance with the plan unless the material considerations indicate otherwise. The development plan for the London Borough of Enfield is the London Plan (March 2015), the Core Strategy (2010) and the Development Management Document (2014) together with other supplementary documents identified in the individual reports.

(2) Other background papers are those contained within the file, the reference number of which is given in the heading to each application.

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<b>LONDON BOROUGH OF ENFIELD</b>		
<b>PLANNING COMMITTEE</b>		<b>Date :</b> 21 February 2017
<b>Report of</b> Assistant Director, Regeneration & Planning	<b>Contact Officer:</b> Andy Higham Sharon Davidson Ms Kate Perry	<b>Ward:</b> Cockfosters
<b>Ref:</b> 15/04916/FUL		<b>Category:</b> Full Application
<b>LOCATION:</b> 20 And Rear Of 18 -22, Waggon Road, Barnet, EN4 0HL		
<b>PROPOSAL:</b> Redevelopment of site and demolition of existing house to provide 4 x 6-bed detached single family dwelling houses with attached garages and rooms in roof, new access road from Waggon Road and associated landscaping (Revised Plans)		
<b>Applicant Name &amp; Address:</b> John Wood 20 Waggon Road Barnet EN4 0HL		<b>Agent Name &amp; Address:</b> Drummond Robson 41 Fitzjohn Avenue Barnet EN5 2HN
<b>RECOMMENDATION:</b> It is recommended that planning permission be <b>GRANTED</b> subject to conditions.		
<b>Note for Members:</b> Applications of this nature would normally be considered under delegated powers but the application has been brought to the Planning Committee because Councillors Charalambous and Pearce have requested that the application be presented and determined by the Committee if Officers are minded to approve the scheme.		

Ref: 15/04916/FUL LOCATION: 20 And Rear Of 18 -22, Waggon Road, Barnet, EN4 0HL



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Scale 1:1250

North



## Site and Surroundings

1. The application site comprises number 20 Waggon Road and parts of the rear gardens of numbers 18 and 22 Waggon Road. Number 20 Waggon Road is a 2 storey detached single family dwelling located on the southern side of the road. The site has a single point of vehicular access and parking for a minimum of 4 cars on the front driveway of the property.
2. The surrounding area is residential in character, mainly characterised by large detached dwellings. Warner Close is located to the east of the application site and contains 4 dwellings to the rear of numbers 10-16 Waggon Road accessed via Sandridge Close.
3. The metropolitan Green Belt lies to north of the application site on the opposite side of Waggon Road.
4. Monken Mead Brook defines the rear (southern) site boundary.
5. There are a number of mature trees on the application site but these are not subject to a Tree Preservation Order.

## Proposal

6. Permission is sought for the erection of 3 detached dwellings to the rear of numbers 18-22 Waggon Road. The dwellings would extend on from the existing dwellings located to the rear of numbers 10-16 Waggon Road (Warner Close).
7. The existing dwelling at number 20 Waggon Road will be demolished and will be replaced by a new detached 5-bed single family dwelling.
8. An access road will be provided to the side of the replacement dwelling which will provide access to the new dwellings at the rear of the site.
9. The existing access on to Waggon Road will be widened to allow for a wider access which can accommodate 2-way traffic.
10. Each of the new dwellings will have 2 on-site car parking spaces and there are 6 additional spaces allocated for visitors.
11. The application has been brought to committee at the request of a Local Councillor.

## Relevant Planning Decisions

12. There are no planning decisions directly relevant at the subject site. However, the following planning decisions are considered relevant to the consideration of this application:
13. Number 6 Waggon Road - TP/01/1157  
Redevelopment involving demolition of no 6 Waggon Road, construction of access road and erection of 3 detached 2-storey dwelling houses and two semi-detached dwelling houses with associated garages  
Granted with conditions 18.12.2001

This application led to the formation of Sandridge located to the east of the subject site.

14. Rear of 10-16 Waggon Road - TP/05/1039

Redevelopment of site by the erection of four two-storey detached houses with accommodation in roofspace involving rear dormers, together with garages and access from Sandridge Close  
Granted with conditions 31.8.2005

This application led to the formation of Warner Close located immediately to the east of the subject site.

### **Consultations**

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

##### Tree Officer

15. No objections. The trees to the rear of the site are not of sufficient amenity value to warrant statutory protection.

##### Traffic and Transportation

16. No objections subject to conditions and a directive.

##### Housing Development

17. Although the development comprises less than 10 units meaning that normally there would be no requirement to provide affordable housing on-site, the current proposal would have a GIA in excess of 1000 sq.m and, therefore, a contribution towards Affordable Housing would be required in line with the Council S106 SPD (2016).

### **Public**

18. Consultation letters were sent to 23 neighbouring properties. The consultation period ended on 21.12.2015. 15 letters of objection were submitted in relation to the consultation. The following objections were raised (in summary):

- Close to adjoining properties
- Strain on existing community facilities
- Over development - Four houses on a single plot on Waggon Road (only modestly larger with the rear of 18 and 22), will create four cramped 5 bed houses which will over develop this particular part of Waggon Road, and reduce the amount of green space.
- Will change the spacious character of Waggon Road and will result in a cramped housing development.
- Increase in traffic and congestion: adding another road junction in this part of the road will lead to increased traffic and congestion.
- Will increase parking problems on Waggon Road.
- Will reduce privacy for all surrounding houses.
- Strain on existing community facilities & roads.



- Inadequate access
  - New access would pose greater risk to pedestrians by increasing the number of access roads off Waggon Road
  - Affect local ecology
  - Inadequate parking provision
  - Inadequate public transport provision
  - Increase in pollution
  - Loss of light
  - Noise nuisance
  - Conflict with Local Plan
  - Excess traffic which has already increased due to new flatted developments in Cockfosters Road.
  - Will de-value neighbouring properties and make the area less desirable
  - Loss of trees
  - Increased risk of flooding
  - Too close to neighbouring gardens in Kingwell Road
  - Development too high
  - More open space needed on development
  - Overbearing impact on number 4 Warner Close
  - Loss of sunlight and daylight to number 4 Warner Close
  - The removal of 19 trees will destroy the green character along Monken Mead.
  - Will result in the loss of 2 'Black Poplars' which the Forestry Commission say is one of the most endangered timber trees in Britain.
  - Density too high for area
  - The recent rejection of a similar planning application at number 21 Lancaster Avenue sets an important precedent – while that application was in a Conservation Area it is important that the overall character of Hadley Wood is preserved.
  - A petition containing 66 signatories was also submitted raising the following concerns:
    - The development will involve the removal of 19 trees which will harm the unique character of the area.
    - The increased density of housing is inappropriate for the site and will encourage further over development in the area.
    - The development will increase congestion and parking problems on this part of Waggon Road
    - Loss of the existing green space will have a negative impact on the climate, wildlife and flood risk.
    - The proposed houses will significantly reduce privacy for all surrounding properties on Waggon Road, Warner Close and Kingwell Road.
    - The proposal will increase the strain on existing community facilities.
19. Since the original round of consultation revised drawings were submitted. These sought to address concerns raised by Officers. The dwellings to the rear of the site have been reduced in size and the spacing between the properties increased. These drawings were subject to re-consultation between 5.7.2016 and 19.7.2016. No additional representations were received.

### **Relevant Policy**

20. London Plan

Policy 3.3	Increasing housing supply
Policy 3.4	Optimising housing potential
Policy 3.5	Quality and design of housing development
Policy 3.8	Housing choice
Policy 3.9	Mixed and balanced communities
Policy 3.10	Definition of affordable housing
Policy 3.11	Affordable housing targets
Policy 3.12	Negotiating affordable housing on schemes
Policy 3.13	Affordable housing thresholds
Policy 5.1	Climate change mitigation
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.7	Renewable energy
Policy 5.13	Sustainable drainage
Policy 5.14	Water quality and wastewater infrastructure
Policy 5.15	Water use and supplies
Policy 5.16	Waste self sufficiency
Policy 6.13	Parking
Policy 7.1	Lifetime Neighbourhoods
Policy 7.4	Local character
Policy 7.6	Architecture

21. Core Strategy

CP2	Managing the supply and location of new housing
CP3	Affordable housing
CP4	Housing Quality
CP5	Housing Types
CP6	Meeting Particular Housing Needs
CP8	Education
CP9	Supporting Community Cohesion
CP20	Sustainable Energy use and Energy Infrastructure
CP21	Delivering Sustainable Water Supply, Drainage and Sewerage Infrastructure
CP28	Managing Flood Risk
CP30	Maintaining and Improving the Quality of the Built and Open Environment
CP32	Pollution
CP36	Biodiversity
CP46	Infrastructure Contributions

22. Development Management Document

DMD2	Affordable Housing on Sites of less than 10 units
DMD3	Providing a Mix of Different Sized Homes
DMD4	Loss of existing residential units
DMD5	Residential Conversions
DMD6	Residential Character
DMD8	General Standards for New Residential Development
DMD9	Amenity Space
DMD10	Distancing
DMD37	Achieving High Quality and Design-Led Development

DMD38	Design Process
DMD45	Parking Standards and Layout
DMD49	Sustainable Design and Construction Statements
DMD 51	Energy Efficient
DMD 53	Low and zero carbon Technology
DMD 54	Allowable Solutions
DMD 55	Use of Roof Space/ Vertical Services
DMD 56	Heating and Cooling
DMD 57	Responsible Sourcing of Materials
DMD 58	Water Efficiency
DMD 59	Avoiding and Reducing Flood Risk
DMD 60	Assessing Flood Risk
DMD 61	Managing Surface Water
DMD 68	Noise
DMD 69	Light Pollution
DMD 78	Nature Conservation
DMD 79	Ecological Enhancements
DMD 80	Trees
DMD 83	Development adjacent to Green Belt

### 23. Other Material Considerations

National Planning Policy Framework  
National Planning Policy Guidance  
Technical Housing Standards – Nationally Described Space Standards  
Monitoring Report and Housing Trajectory 2015

#### **Analysis**

##### Principle

24. The National Planning Policy Framework (NPPF) and London Plan advise that Local Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable and inclusive and mixed communities. In addition they advocate the efficient use of brown field sites provided that it is not of high environmental value. Policy 5 of the Core Strategy seeks to ensure that new developments offer a range of housing sizes to meet housing needs whilst ensuring that the quality and character of existing neighbourhoods is also respected.
25. In broad terms, the proposal to provide residential accommodation would contribute to the strategic housing needs of Greater London and increase the housing stock of the Borough. Therefore the proposals are considered to be consistent with the aims and objectives of both strategic and local planning policies in this regard.
26. In addition, the principle of providing detached single family dwellings to the rear of this site is acceptable. Whilst local objections have been noted concerning backland development in this characteristically low density suburban location, provided that the proposals do not cause harm to the established character and appearance of the area, it is not considered a refusal in principle could be supported. The 3 new dwellings and the dwelling to be replaced would each provide 5 bedrooms which means that family accommodation would be provided and the development would reflect the priorities identified in the "Monitoring Report and Housing Trajectory 2015" which seeks a greater provision of family accommodation (3+ bedroom homes) for which there is a deficit within the borough.

27. There is existing evidence of backland (or development of rear gardens) along Waggon Road. Sandridge Close and Warner Close immediately to the east of the subject site were both granted planning permission in the early 2000's and represent a material consideration in the assessment of the current proposal (see planning history section of this report) as they now contribute to establishing the character of the locality which forms the context for the consideration of this application.
28. Notwithstanding the above, the proposal must be judged on its own merits and it raises additional issues of density, scale, site coverage, context and the impact on the amenities of neighbours. In this context, Policy DMD 7 relates to the development of garden land. The policy states that the Council will seek to protect and enhance the positive contribution gardens make to the character of the borough. Development on garden land will only be permitted if all of the following criteria are met (in summary):
- The development does not harm the character of the area
  - Increased density is appropriate taking into account the site context
  - The original plot is of sufficient size to allow for additional dwellings
  - The development must not have an adverse impact on residential amenity within the development or the existing pattern of development in the locality
  - Garden space and quality must be adequate for new and existing dwellings
  - The proposal provides appropriate access to the public highway
29. The current proposal therefore must be assessed in relation to this policy. The development will be expected to respect the established character of Waggon Road having regard to density and scale, quality of design and appearance, impact on neighbouring amenities and parking provision.

#### Impact on the Character of the Area

30. Core Policy 30 of the Core Strategy and Development Management Document Policy 37 both aim to ensure that a high standard of design is achieved in all development. In addition Policy 7.4 of the London Plan states that developments should have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings.
31. With regard to the design approach to the proposed development, the current development would involve the demolition of the existing dwelling (number 20) fronting Waggon Road and its replacement with a narrower hipped crown roof dwelling house. The dwelling has been reduced in width to allow for the new access road to the dwellings at the rear of the site. The dwelling would set in adequately from both side boundaries (minimum of 1m to the west) and would match the eaves height of the immediately neighbouring properties. The ridge height would be below the existing. The front building line of the property would step back between numbers 22 and 18 Waggon Road and would effectively provide a transition between the 2 properties.
32. With regard to the crown roof, this would measure 7.3m in width and a maximum of 6m in depth. Due to its siting it would not be highly discernible when viewed from the street scene. The immediately neighbouring properties to each side do not have crown roofs, however, they are not uncommon within the wider area and, due to the lack of visibility, it is considered that it would not warrant the refusal of planning permission in this instance.

33. Overall, it is considered that the design of the dwelling fronting Waggon Road is acceptable and it would relate in scale and design to the immediately neighbouring properties.
34. With regard to the proposed dwellings to the rear of the site, as stated previously, the principle of building within the rear gardens of existing dwelling houses has been established within the immediate area (see the planning history section of this report) and therefore it would be difficult to raise an in principle objection to the current scheme.
35. As well as the granting of Sandridge Close and Warner Close in the early 2000's, there are other more recent examples of backland development within Hadley Wood particularly in Camlet Way and Beech Hill. The critical issue is whether, through the development of this backland site, the overall character of Hadley Wood would be unacceptably eroded. This will largely depend on the visibility of the proposed development, particularly when viewed from Waggon Road. The overall character and appearance of the area is large single family dwellings set in substantial plots and it is this character that should seek to be retained by limiting the scale and density of development to the rear of the established residential roads.
36. In this instance, it is considered that, given the presence of Warner Close immediately to the east of the subject site it would be extremely difficult to sustain an objection to the development in principle where it will not be visually dominant when viewed from Waggon Road. The proposed dwelling would be positioned in the rear portion of the site set back from the existing dwellings in Waggon Road by in excess of 50m. In addition, whilst being a similar height to the proposed new dwelling in Waggon Road the dwellings would be positioned on a lower ground level which would reduce their prominence and will mean they will not be visible in the Waggon Road street scene.
37. Ideally, the proposed development would form an extension to Warner Close, not only in the built form, but also in the access arrangement. However, the applicant advised that Warner Close is a private, gated road thus the applicant would need to negotiate for it to be extended, which is likely to be met with resistance from the current owners of the houses along Warner Close, particularly those who own garages at the end of the street. Therefore the new, north-south route is necessary in order to gain access to the site. Having regard to this, it is accepted that the proposal must be considered as submitted with the access from Waggon Road. It is acknowledged that this creates a more piecemeal form of development which would be more visually intrusive and more erosive to the overall character of the area. However, the new access arrangement alone is not considered a robust reason to warrant the refusal of planning permission especially considering other similar developments existing in Hadley Wood and the lack of visibility of the remainder of the development to the rear of the site.
38. Having regard to the proposed dwellings themselves, they would maintain a similar footprint and layout to the existing dwellings in Warner Close. The dwellings would be 2 storey with hipped crown roofs and accommodation in the roof space. There would be a separation of 3m between the properties which is greater than that of Warner Close where a distance of 2m is maintained.
39. Overall, the dwellings present an acceptable scale of development compatible with existing dwellings in the immediate vicinity of the site in terms of size and design.

## Residential Amenity

### *Replacement Dwelling*

40. With regard to the impact on the amenities of existing neighbouring occupiers, the main impact would be for the occupiers of numbers 18 and 22 Waggon Road. In relation to number 18, the proposed dwelling would not breach a 45 degree or 30 degree angle from the nearest front or rear windows at this property and therefore the development would not result in an unacceptable loss of light or outlook.
41. In relation to privacy, no first floor flank windows are proposed facing towards number 18 Waggon Road and the development will not result in an unacceptable loss of privacy.
42. Number 22 Waggon Road is located to the west of the proposed replacement dwelling. The new dwelling would extend further rearward in the site than the existing house however it would not breach a 45 degree or 30 degree angle from the nearest ground or first floor windows at number 22 Waggon Road. Again, although matters will change for people living nearby, the development would not result in an unacceptable loss of light or outlook and nor would it be overly dominant.
43. At the front, the new dwelling would be contained within the front building line of number 22 Waggon Road and therefore would not result in a loss of light or outlook to the nearest forward facing windows.
44. With regard to privacy, 2 obscure glazed windows are proposed in the first floor flank elevation. These would serve en-suite bathrooms and a condition will be attached to ensure they are obscure glazed and non-opening unless 1.7m above internal floor level. This will prevent any loss of privacy for the neighbouring occupiers.

### *New Dwellings*

45. The 3 new dwellings would be separated from the existing dwellings on Waggon Road and Kingwell Road by in excess of 50m. The dwellings therefore will not result in a loss of light or outlook to the rear windows of existing residential properties which exceeds the requirements of DMD 10 (Distancing).
46. Furthermore, the dwellings would not result in an unacceptable loss of privacy for neighbouring residential occupiers. The provision of windows to the front and rear of the building are considered acceptable given the separation to the existing dwellings in Waggon Road and Kingwell Road. Each of the new dwellings would only have 1 first floor flank window. This would serve a secondary window serving a bathroom and therefore would be obscure-glazed and non-opening. This can be secured by condition.
47. The nearest residential property will be number 4 Warner Close. The closest new dwelling would be separated from this property by 3m and would be located to the side of the property. It would have a consistent front building line with the existing neighbouring dwelling and at the rear it would extend beyond it by approximately 1m. The new dwelling would not breach a 45 degree or 30 degree angle from the nearest ground floor or first floor windows and would therefore would not result in an unacceptable loss of light or outlook and nor would it be overly dominant.

## Quality of the Residential Environment Created

48. The Nationally Described space standards (Table 1) set out the minimum floor areas for new dwellings. The proposed new dwellings would each have a maximum of 6 bedrooms (the games room in the lofts are being considered as bedrooms for the purposes of this assessment) and should have a minimum GIA of 138 sq.m with 4 sq.m of built in storage.
49. The replacement dwelling would have a GIA of 354 sq.m and the new dwellings to the rear of the site would each have a GIA of 385 sq.m. The dwellings therefore will exceed the required standards. The rooms would all be regularly shaped and useable and have access to natural light and ventilation.

#### Amenity Space Provision

50. DMD 9 requires that the new dwellings of this size should each be provided with a minimum 29 sq.m of private amenity space with an average of 44 sq.m private amenity space across the whole site.
51. The replacement dwelling will retain a garden area of 560 sq.m. The new dwellings would each have a garden area of a minimum of 300 sq.m.
52. The development therefore numerically meets the required standard. There are a number of mature trees in the proposed garden areas which will to some extent hinder the usability of the proposed garden spaces in terms of the trees themselves and the overshadowing created. However, given the overall size of the gardens which are well in excess of Council standards, this is considered to provide acceptable amenity provision for future residents.

#### Car Parking, Servicing and Traffic Generation

53. Fifteen on site car parking spaces are proposed. At the front of the site the new dwelling fronting Waggon Road will have 3 car parking spaces. The 3 new dwellings at the rear of the site will each have 2 allocated car parking spaces and 6 additional visitor spaces. The proposal also involves the modification of the existing point of vehicular access to allow two way vehicle movements.
54. The Council's Traffic and Transportation Department have commented on the proposal. They advise that whilst there is a slight overprovision of car parking, the low PTAL means this level of parking would be acceptable.
55. With regard to the access road, it is wide enough for two way vehicle movements and servicing can take place off street for all the new houses.

#### Sustainability

##### *Biodiversity*

56. Core Policy 36 of the Core Strategy seeks to protect, enhance, restore or add to biodiversity interests within the Borough, including parks, playing fields and other sports spaces, green corridors, waterways, sites, habitats and species identified at a European, national, London or local level as being of importance for nature conservation.
57. The application is accompanied by an Ecological Appraisal which identifies various mitigation measures which should be adopted in order to ensure that there is no harm to protected species. These include the planting of native/wildlife friendly

species, installation of 3 bat boxes to the south/ south west elevations, butterfly houses, a stag beetle loggery and 3 bird boxes.

58. Details of these biodiversity enhancements will be required by condition should planning permission be granted.

*Impact on trees*

59. DMD 80 requires consideration to be given to the impact of a proposed development on existing trees. It also requires additional landscaping to be provided where necessary.
60. The Council's Tree Officer has inspected the proposed development and has advised that whilst the loss of trees to the rear of the site is regrettable, they are not statutorily protected. Furthermore, they are not of sufficient amenity value to be protected by a Tree Preservation Order. It is acknowledged that the proposed development is likely to lead to greater pressure to remove additional trees due to their proximity to the proposed buildings and the overshadowing and loss of light and outlook that will result. However, the Tree Officer has confirmed that given their limited amenity value this would not be sufficient reason to justify refusal of planning permission.

*Energy*

61. The adopted policies require that new developments achieve the highest sustainable design and construction standards having regard to technical feasibility and economic viability. A 35% CO<sub>2</sub> reduction is required for new residential units having regard to economic viability and technical feasibility. An energy statement has been submitted with this application which demonstrates that an 8% reduction can be achieved. This falls below the required standard and the report does not demonstrate that there are sufficient technical or economic reasons that prohibit the achievement of a higher standard. In light of this it is recommended that a revised energy statement be submitted by condition.
62. In addition, water efficiency measures will need to be provided. Submitted details will need to demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day. This will be required by condition.

*Sustainable Urban Drainage SUDs*

63. DMD 61 relates to the management of surface water. A Drainage Strategy is required to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan. All developments must maximise the use of and, where possible, retrofit Sustainable Drainage Systems (SuDS)
64. The proposed development must incorporate a sustainable urban drainage system in accordance with the quality and quantity requirements set out in the London Plan Drainage Hierarchy and the Development Management Document. The post-development runoff rate must be lower than the pre-development runoff rate and achieve greenfield runoff rates if possible.



65. The sustainable urban drainage strategy should include:

- A site plan.
- A layout plan.
- A topographical plan of the area with contours and overland flow routes together with details of what happens in exceedance events.
- The footprint of the area being drained, including all buildings and parking areas.
- Greenfield Runoff Rates for a 1 in 1yr event and a 1 in 100yr event plus climate change.
- Storage volume.
- Controlled discharge rate.

66. This will be required by condition.

#### S106 Contributions

67. On November 28th 2014 the Minister for Housing and Planning state announced, in a written ministerial statement, S106 planning obligation measures to support small scale developers and self-builders. Paragraphs 12 to 23 of the National Planning Policy Guidance (NPPG) were amended to state that contributions for affordable housing and tariff style planning obligations should not be sought from small scale developments containing 10 units or less with a gross area of no more than 1000 sq m.
68. In April 2015, the Government's new policy approach was challenged in the High Court by two Local Authorities (West Berkshire District Council and Reading Borough Council). The challenge in the High Court was successful and on 31st July 2015, Mr Justice Holgate quashed the Secretary of State's decision to adopt the new policy by way of written ministerial statement. As a consequence, paragraphs 12 to 23 of the Planning Obligations section of the National Planning Practice Guidance (NPPG) were removed.
69. The Government subsequently appealed the High Court decision. The Court of Appeal on the 11th May 2016 upheld the Government's position set out in the 28th November 2014 written ministerial statement; this reinstates the small sites exemption from paying S106 affordable housing and other tariff style contributions and also reinstates the vacant building credit.
70. The Court of Appeal found the written ministerial statement to be lawful; however in making the judgement the Court found that the statement should not be applied as a blanket exemption which overrides the statutory development plan and the weight given to the statutory development plan is a consideration to be made by the Local Planning Authority.
71. As a result of this The London Borough of Enfield will no longer be seeking contributions for education on schemes which are 11 units and below. However, it will be seeking Affordable Housing contributions on schemes which are 10 units or less which have a combined gross floor space of more than 1000sqm. This is in conjunction with the criteria stipulated within the Planning Practice Guidance.
72. The current proposal would have a GIA in excess of 1000 sq.m and therefore a contribution towards Affordable Housing would be required in line with the Council S106 SPD (2016).
73. The financial contribution towards affordable housing is calculated at £544,732.

74. However, in line with the S106 SPD the applicant has submitted a Viability Statement which concludes that no contribution to Affordable Housing can be made if the proposal is to be economically viable.
75. The submitted Viability Statement has been reviewed by an independent viability assessor who has confirmed that in their view the scheme will not be economically viable if a contribution is made towards Affordable Housing.
76. The viability assessor acknowledges the significant costs associated with this proposal and most notably the cost of acquiring parts of the rear gardens of number 18 and 22 Waggon Road which he recognises would be likely to be in excess of £600,000 (negotiations are ongoing) and also the cost of the construction of a new access road.
77. Therefore, based on the figures provided, no contribution towards S106 Affordable Housing is offered. However, it is acknowledged that residual valuations are highly sensitive to changes in costs and values over time, therefore it is considered that a deferred contribution mechanism is appropriate, based on outturn costs and values, so that if improvements in viability result in a profit surplus being generated, the payment of affordable housing contributions can be triggered, compliant with the aspirations of the SPD.
78. In order to realise any greater value, to enable the LPA to “claw-back” money on any surplus achieved above what has been stated, it would need to be agreed with the developer that the LPA will be entitled to a proportion of any sum in excess of the final profit threshold, to be reviewed in line with an agreed timescale once the development is underway and a number of the buildings sold. This approach is one which is widely used by other Councils and is something that Enfield is keen to explore in cases of this nature.

#### Community Infrastructure Levy

##### *Mayoral CIL*

79. The Mayoral CIL is collected by the Council on behalf of the Mayor of London. The amount that is sought for the scheme is calculated on the net increase of gross internal floor area multiplied by the Outer London weight of £20 together with a monthly indexation figure.
80. The current proposal has a net gain in additional floorspace of 1144.24sq.m. The contribution required is therefore:

$$1144.24\text{sqm} \times £20 \times 286 / 223 = £29,350.01$$

##### *Enfield CIL*

81. On 1 April 2016, the Council introduced its own CIL. The money collected from the levy (Regulation 123 Infrastructure List) will fund rail and causeway infrastructure for Meridian Water.
82. The applicable CIL rate is be £120 per square metre together with a monthly indexation figure. The contribution required is therefore:

120/m2 x 1144.24m2 x 286/274 = £143,322.55

83. These figures are liable to change when the CIL liability notice is issued.

### **Conclusion**

84. Having regard to the above it is recommended that planning permission be granted subject to conditions.

### **Recommendation**

That planning permission be GRANTED subject to the following conditions and S106:

1. The development hereby permitted shall be carried out in accordance with the approved plans, as set out in the attached schedule which forms part of this notice.

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

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

Reason: To ensure a satisfactory external appearance.

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

Reason: To ensure a satisfactory visual appearance and in the in interests of highways safety

4. The development shall not commence until details of existing planting to be retained and trees, shrubs and grass to be planted and the treatment of any hard surfaced amenity areas have been submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped in accordance with the approved details in the first planting season after completion or occupation of the development whichever is the sooner. Any trees or shrubs which die, becomes severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details.

Reason: To provide a satisfactory appearance

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

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

6. The development shall not commence until plans detailing the existing and proposed ground levels including the levels of any proposed buildings, roads and/or hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved

details.

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

7. The parking area(s) forming part of the development shall only be used for the parking of private motor vehicles and shall not be used for any other purpose.

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

8. The development shall not commence until details of the construction of any access roads and junctions and any other highway alterations associated with the development have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before development is occupied or the use commences.

Reason: To ensure that the development complies with adopted Policy and does not prejudice conditions of safety or traffic flow on adjoining highways.

9. Within 6 months of the commencement of works details (including elevational details) for covered cycle parking for the storage of a minimum of 2 bicycles per dwelling has been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be provided prior to first occupation of the development and permanently maintained, kept free from obstruction, and available for the parking of cycles only.

Reason: To provide secure cycle storage facilities free from obstruction in the interest of promoting sustainable travel.

10. The development shall not be occupied until details of the siting and design of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the London Borough of Enfield – Waste and Recycling Planning Storage Guidance ENV 08/162, have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied.

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

11. The glazing to be installed in the first floor flank elevations of the replacement dwelling and the new dwellings shall be in obscured glass and fixed shut to a height of 1.7m above the floor level of the room to which they relate. The glazing shall not be altered without the approval in writing of the Local Planning Authority.

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

12. No development shall take place until a Sustainable Drainage Strategy has been submitted and approved by the Local Planning Authority.

A Sustainable Drainage Strategy must include the following information, and must conform to the landscaping strategy:

- a. A plan of the existing site
- b. A topographical plan of the area
- c. Plans and drawings of the proposed site layout identifying the footprint of the area being drained (including all buildings, access roads and car parks)
- d. The controlled discharge rate for a 1 in 1 year event and a 1 in 100 year event (with an allowance for climate change), this should be based on the estimated greenfield runoff rate
- e. The proposed storage volume
- f. Information (specifications, sections, and other relevant details) on proposed SuDS measures with a design statement describing how the proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan and the principles of a SuDS Management Train
- g. Geological information including borehole logs, depth to water table and/or infiltration test results
- h. Details of overland flow routes for exceedance events
- i. A management plan for future maintenance

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

13. Prior to occupation of the development approved, a verification report demonstrating that the approved drainage / SuDS measures have been fully implemented shall be submitted to the Local Planning Authority for approval in writing.

Reason: In the interest of managing surface water runoff as close to the source as possible in accordance with adopted policy.

14. Prior to first occupation details of the internal consumption of potable water shall be submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

To promote water conservation and efficiency measures in all new developments and where possible in the retrofitting of existing stock in accordance with Policy CP21 of the Core Strategy, Policy 5.15 of the London Plan.

15. The development shall not commence until a revised 'Energy Statement' has been submitted to and approved by the Local Planning Authority. The details must demonstrate the energy efficiency of the development and shall provide for no less than a 35% improvement in total CO<sub>2</sub> emissions arising from the operation of the development and its services over Part L of the 2013 Building Regulations. The Energy Statement should outline how the reductions are achieved through the application of the following energy hierarchy, with each tier utilised fully before a lower tier is employed:
  - a. Fabric Energy Efficiency performance (inclusive of the use of energy efficient fittings) and the benefits of passive design;
  - b. The potential to connect to existing or proposed decentralised energy networks; and
  - c. Demonstrating the feasibility and use of zero and low carbon technology.

Unless otherwise required by any other condition attached, the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets are met.

16. No works or development shall take place until the ecological enhancements recommended in the submitted Ecological Appraisal have been submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall include the planting of native/wildlife friendly species, installation of 3 bat boxes to the south/ south west elevations of the new buildings, butterfly houses, a stag beetle loggery and 3 x bird boxes.

A plan shall be provided to show the locations of the proposed biodiversity enhancements and the development shall be carried out strictly in accordance with the approved plan.

Reason: To ensure that the ecological value of the site is enhanced post development in line with the Biodiversity Action Plan, CP36 of the Core Strategy and the London Plan.

17. The development, including demolition of the existing dwelling, shall not commence until a construction management plan has been submitted to and approved by the Local Planning Authority. The construction management plan shall be written in accordance with London Best Practice Guidance and contain:
- a. A photographic condition survey of the public roads, footways and verges leading to the site.
  - b. Details of construction access and associated traffic management.
  - c. Arrangements for the loading, unloading and turning of delivery, construction and service vehicles.
  - d. Arrangements for the parking of contractors' vehicles.
  - e. Arrangements for wheel cleaning.
  - f. Arrangements for the storage of materials.
  - g. Hours of work.
  - h. The storage and removal of excavation material.
  - i. Measures to reduce danger to cyclists.
  - j. Dust mitigation measures.
  - k. Membership of the Considerate Contractors Scheme

The development shall be carried out in accordance with the approved construction management plan unless otherwise agreed by the Local Planning Authority.

Reason: To ensure construction does not lead to damage of the nearby public road network and to minimise disruption to the neighbouring properties.

18. The development shall not commence until an undertaking to meet with best practice under the Considerate Constructors Scheme and achieve formal certification has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the implementation of the development does not adversely impact on the surrounding area and to minimise disruption to neighbouring properties.

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

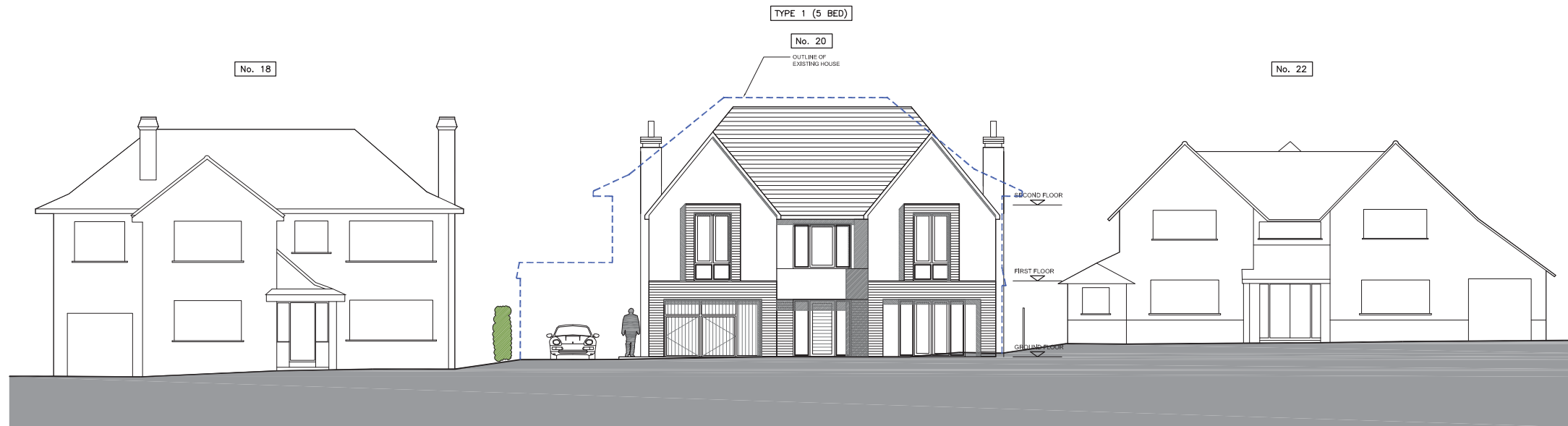
Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.

#### Highways Informative

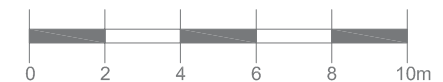
The construction of the vehicular access involves work to the public highway and can only be built by the Council's Highway Services team, who should be contacted on the footway crossing helpdesk (020 8379 2211) as soon as possible so that the required works can be programmed.



EXISTING STREET ELEVATION



PROPOSED STREET ELEVATION



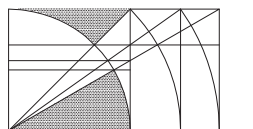
PLANNING APPLICATION

Do Not Scale: All dimensions to be verified on site.

CAD Code: -

No: / Date: 20.10.15 Revision: Planning application issue.

CAPITAL



architecture

34 MARGERY STREET  
LONDON, WC1X 0JJ  
TEL: 0207-843-9530 FAX: 0207-843-9531

Client: MR. & MRS. J. WOOD

Project: LAND TO THE REAR OF  
20 WAGGON ROAD  
ENFIELD

Drawing: EXISTING & PROPOSED  
STREET ELEVATIONS

Scale: 1:100@A1 Date: OCT 2015  
1:200@A3

Drawn: - Checked: -

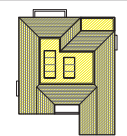
Drawing no: 1264/P/403 Rev: /

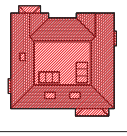
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**KEY: HOUSE TYPE**

 PROPOSED 5 BED HOUSE (HSE TYPE 1) GIA = 354m<sup>2</sup>

 PROPOSED 5 BED HOUSE (HSE TYPE 2) GIA = 385m<sup>2</sup>

SITE AREA: 4050m<sup>2</sup>

**PLANNING APPLICATION**

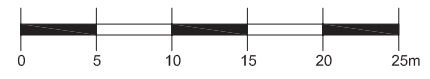
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CAD Code:	-
No:	20.10.15
Date:	22.04.16
Revision:	Planning application issue. Adjusting buildings on Warner Close added. House Type 2 reduced in size. House width reduced by 600mm. Floor area reduced by 50m <sup>2</sup> .

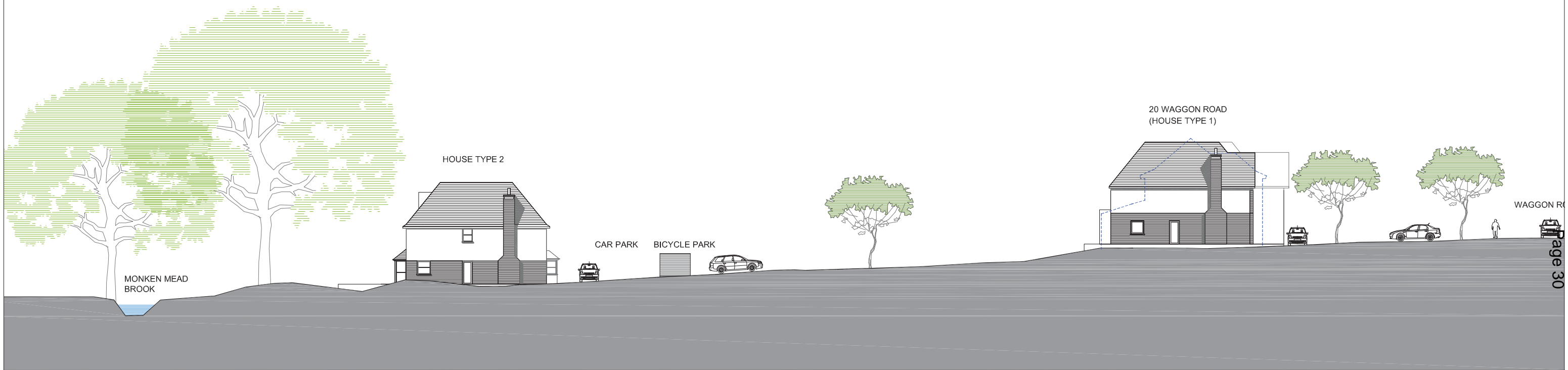
**CAPITAL**  
architecture

34 MARLBOROUGH STREET  
LEICESTER, NVC2 1JG Q.U.K.  
TEL: 0207-843-9530 FAX: 0207-843-9531

Client:	MR. & MRS. J. WOOD
Project:	LAND TO THE REAR OF 20 WAGGON ROAD ENFIELD
Drawing:	PROPOSED SITE PLAN
Scale:	1:500@A3
Date:	APR 2016
Drawn:	-
Checked:	-
Drawing no:	1264/P/103
Rev:	A

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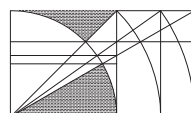
SITE SECTION

PLANNING APPLICATION

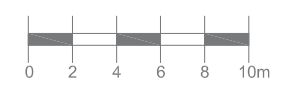
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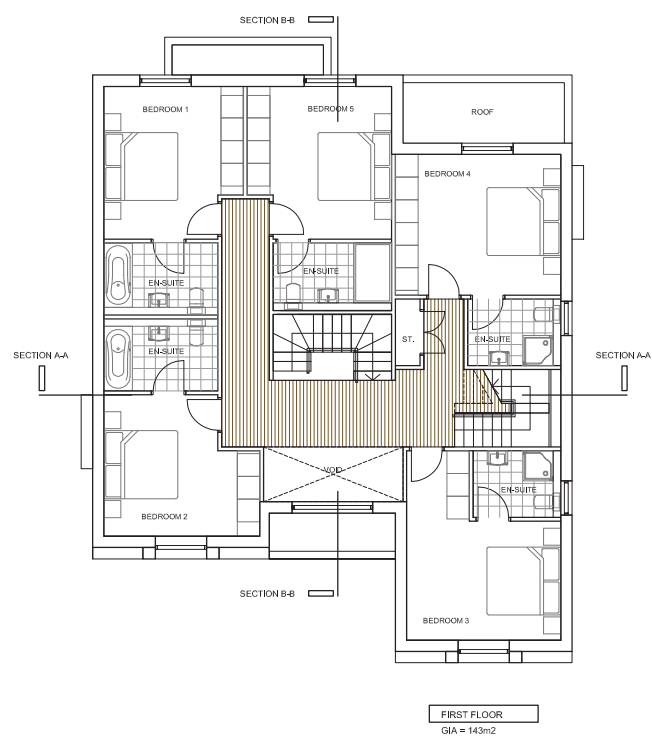
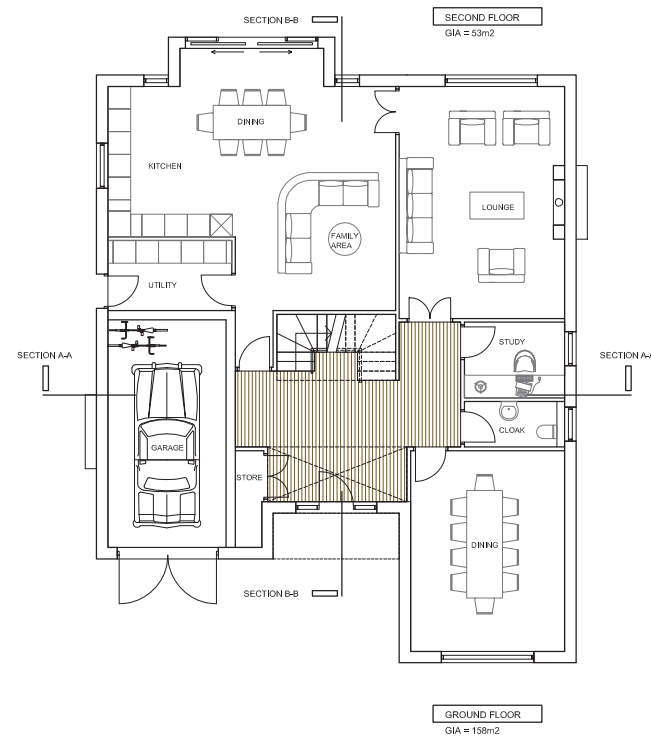
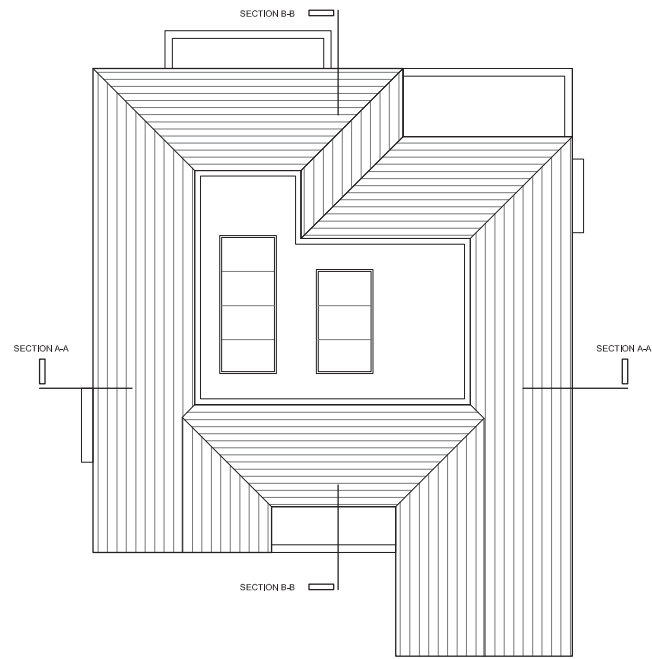
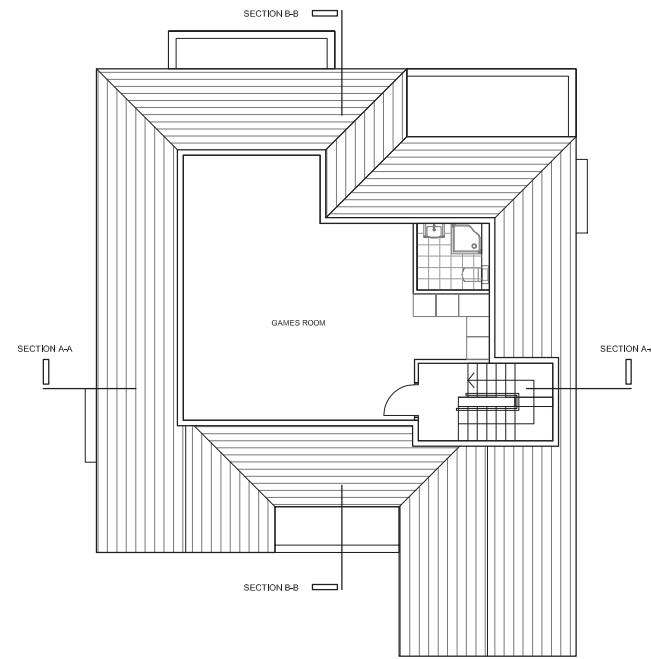
No.	Date	Revision
/	20.10.15	Planning application issue.
A	22.04.16	House Type 2 reduced in size. House width reduced by 600mm. Floor area reduced by 50m <sup>2</sup> .

CAPITAL  
  
 architecture  
 34 MARGERY STREET  
 LICINGDON, WVC1 1XJ, UK  
 TEL: 0207-843-9530 FAX: 0207-843-9531

Client: MR. & MRS. J. WOOD  
 Project: LAND TO THE REAR OF  
 20 WAGGON ROAD  
 ENFIELD  
 Drawing: PROPOSED SITE SECTION  
 Scale: 1:250@A2 Date: OCT 2015  
 Drawn: - Checked: -  
 Drawing no: 1264/P/501 Rev: A

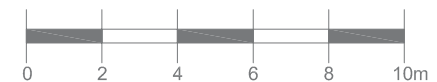


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HOUSE TYPE 1 (5 BED)

TOTAL GIA = 354m<sup>2</sup>



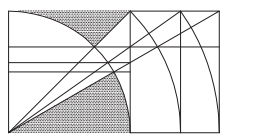
PLANNING APPLICATION

Do Not Scale: All dimensions to be verified on site.

CAD Code: -

No:	Date:	Revision:
/	20.10.15	Planning application issue.

CAPITAL



architecture

34 MARGERY STREET  
LONDON, WC1X 0JJ  
TEL: 0207-843-9530 FAX: 0207-843-9531

Client: MR. & MRS. J. WOOD

Project: LAND TO THE REAR OF  
20 WAGGON ROAD  
ENFIELD

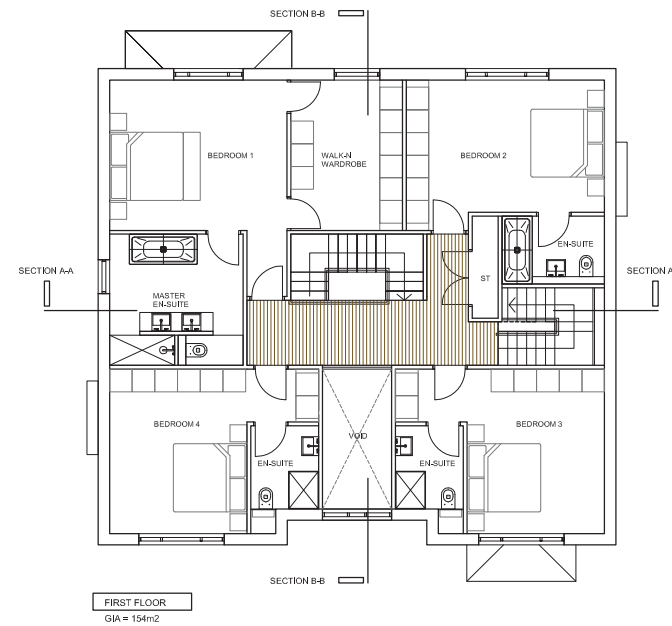
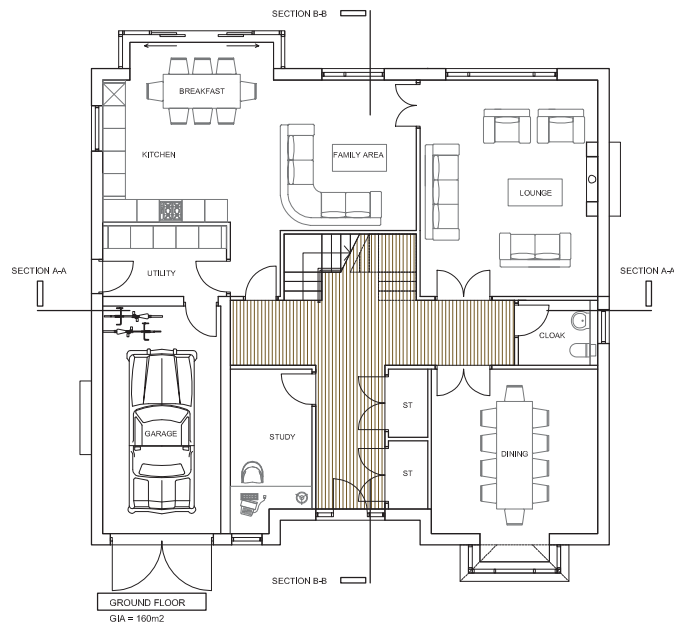
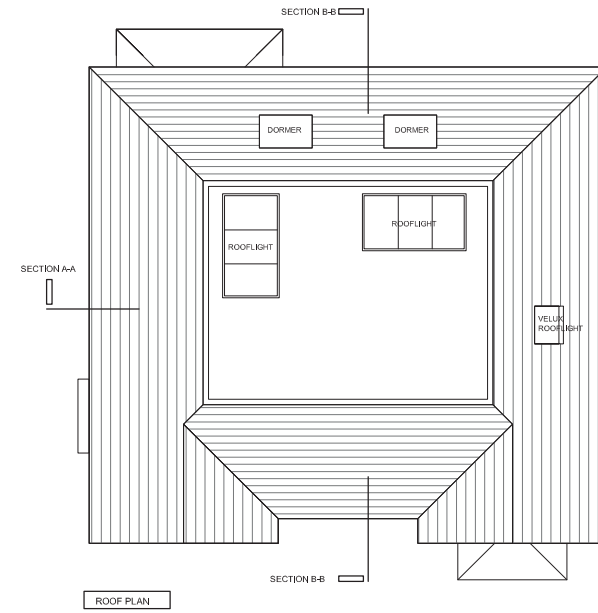
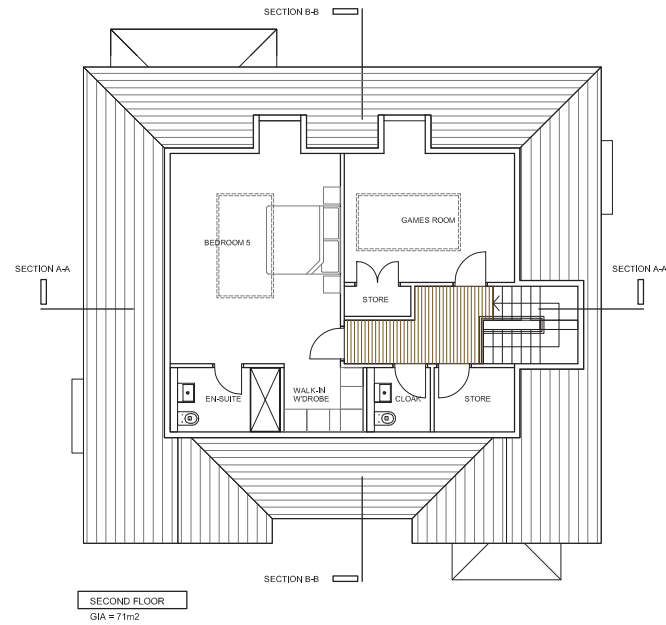
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(HOUSE TYPE 1)

Scale: 1:100@A1 Date: OCT 2015

Drawn: - Checked: -

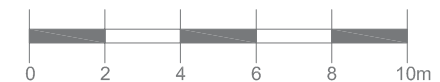
Drawing no: 1264/P/201 Rev: /

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HOUSE TYPE 2 (5 BED)

TOTAL GIA = 385m<sup>2</sup>



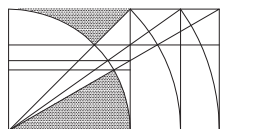
PLANNING APPLICATION

Do Not Scale: All dimensions to be verified on site.

CAD Code: -

No:	Date:	Revision:
A	22.04.16	Planning application issue. House Type 2 reduced in size. House width reduced by 600mm. Floor area reduced by 50m <sup>2</sup> .

CAPITAL



architecture

34 MARGERY STREET  
LONDON, WC1X 0JJ  
TEL: 0207-843-9530 FAX: 0207-843-9531

Client: MR. & MRS. J. WOOD

Project: LAND TO THE REAR OF  
20 WAGGON ROAD  
ENFIELD

Drawing: PROPOSED FLOOR PLANS  
(HOUSE TYPE 2)

Scale: 1:100@A1 Date: OCT 2015  
1:200@A3

Drawn: - Checked:

Drawing no: 1264/P/202 Rev: A

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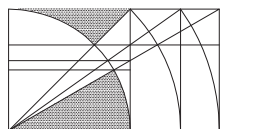
**PLANNING APPLICATION**

Do Not Scale: All dimensions to be verified on site.

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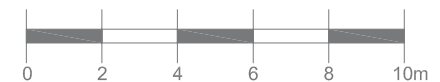
Project: LAND TO THE REAR OF  
20 WAGGON ROAD  
ENFIELD

Drawing: PROPOSED ROAD ELEVATION  
HOUSES TYPE 2

Scale: 1:100@A1 Date: OCT 2015  
1:200@A3

Drawn: - Checked: -  
Drawing no: 1264/P/404 Rev: A

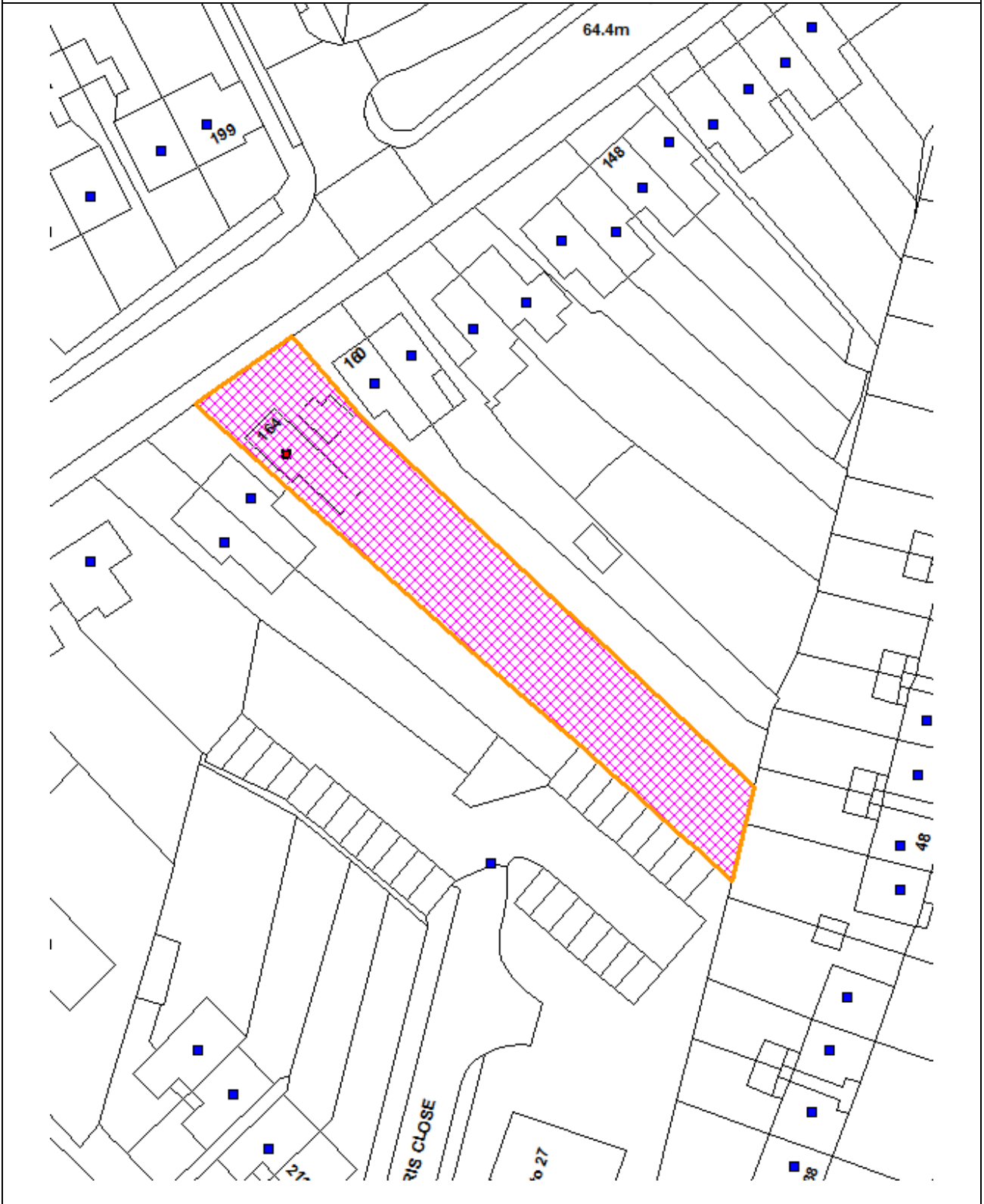
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<b>LONDON BOROUGH OF ENFIELD</b>		
<b>PLANNING COMMITTEE</b>		<b>Date :</b> 21 February 2017
<b>Report of</b> Assistant Director, Regeneration & Planning	<b>Contact Officer:</b> Andy Higham Sharon Davidson Mr Andy Bates	<b>Ward:</b> Highlands
<b>Ref:</b> 16/01390/RE3		<b>Category:</b> LBE - Dev by others
<b>LOCATION:</b> 164 Lavender Hill, Enfield, EN2 8RP,		
<b>PROPOSAL:</b> Conversion of single family dwelling into 4 x 2 bed self contained flats, involving 2-storey side extension, single storey rear extension and rear dormers.		
<b>Applicant Name &amp; Address:</b> Mr Detlev Munster c/o Civic Centre Enfield London EN1 3XE United Kingdom		<b>Agent Name &amp; Address:</b> Mr Colin Finlayson Strategic Property Services Civic Centre Enfield London EN1 3XE United Kingdom
<b>RECOMMENDATION:</b> It is recommended that the application is <b>APPROVED</b> subject to conditions.		
<b>Note for Members:</b> The application was deferred at the Planning Committee of 29 November 2016 at the request of Councillors in order to allow additional information to be provided in terms of the relationship of the application property to neighbouring buildings.  Applications of this nature would normally be considered under delegated powers, but at a previous Planning Committee that considered a Housing Gateway scheme it was requested that all future similar proposals from the applicant that generate objections are considered by Committee.		

Ref: 16/01390/RE3 LOCATION: 164 Lavender Hill, Enfield, EN2 8RP,



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Scale 1:1250

North





**Application:** 16/01390/RE3  
**Address:** 164 Lavender Hill, Enfield, EN2 8RP  
**Proposal:** Erection of 2-storey side extension, single storey rear extension and rear dormers, conversion of extended single family dwelling into four (4) bed self-contained flats (3 x 2-bed & 1 x 3-bed).  
**Officer:** Patrick Brennan

## **1. Site and Surroundings**

- 1.1 The subject site is located on the southern side of Lavender Hill, between Holtwhites Hill and Shooters Road. The site is a regular shape and is occupied by a two-storey detached dwelling.
- 1.2 The site is located within an established residential area. Surrounding dwellings to on the southern side of Lavender Hill generally consist of two-storey semi-detached and terraced dwellings of a similar form with rear gardens. Dwellings opposite the site to the north consist of larger two-storey semi-detached dwellings with pitched roofs, bay windows and similar architectural detailing.
- 1.3 The site is not located within a conservation area and does not contain a listed building.

## **2. Proposal**

- 2.1 The application seeks planning permission for erection of 2-storey side extension, single storey rear extension and rear dormers, conversion of extended single family dwelling into four (4) bed self-contained flats (3 x 2-bed & 1 x 3-bed).
- 2.2 The proposal effectively involves the construction of an additional dwelling to adjoin the existing dwelling, so that the two properties form a pair, each featuring two flats.

## **3. Relevant Planning Decisions**

- 3.1 None.

## **4. Consultations**

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

#### External

- 4.1.1 None.

#### Internal

#### ***Traffic and Transportation***

- 4.1.2 Traffic and Transportation initially raised concerns with the proposal in relation to parking. However, have further considered the proposal and having taken account of parking conditions in the locality they now do not wish to object.
- 4.1.3 Reinstatement of the existing dropped kerb and the consequent provision of the on street space would be acceptable to mitigate increased parking impact. It would be possible to provide another space on street as the length available when the crossover is built up would be just under 12.0m for 2xspaces meaning 4xspaces across the whole of the bays.
- 4.1.4 T&T would not object to allowing the four proposed units a CPZ permit, as the existing figures for permit uptake show there is consistently a surplus of spaces available compared to permits issued over the last four years. Given the low PTAL and the proximity of the property to the CPZ boundary, it is considered that not allowing permits is considered to be likely to just displace any car ownership to outside the boundary as opposed to prevent it altogether.
- 4.1.5 For the information of Members Housing Gateway has also provided information in relation to the number of permits issued within the surrounding Controlled Parking Zone (CPZ) between 2012/2013 to the present, which indicates that the number of permits issued within the CPZ has remained relatively stable over this period, indeed, there has been a small decline.

- 4.1.4 The number of permits issued is as follows:

Year	Resident Permits	Business Permits	Visitor scratchcards	Total
Gordon Hill 15/16	60	1	54	115
Gordon Hill 14/15	66	1	53	120
Gordon Hill 13/14	63	2	58	123
Gordon Hill 12/13	63	3	62	128

## 4.2 Public response

- 4.2.1 Letters were originally sent to eight (8) adjoining and surrounding properties.
- 4.2.2 In response, **five (5) objections** were received.
- 4.2.3 The grounds of objection can be summarised as follows:
- Insufficient car parking provision;
  - Insufficient bin storage;
  - Loss of light and impact on privacy for adjoining property to east (160 Lavender Hill);
  - Impacts during construction of proposed development and Chase Farm redevelopment.
- 4.2.4 A response to these matters is provided in Section 6 of this report.
- 4.2.5 It is noted that the development description shown on the original letters sent to surrounding neighbours suggested that the proposal was for four (4) two-bed

dwellings, rather than three (3) two-bedroom dwellings and one (1) three-bedroom dwelling. This has not prejudiced any of the interested parties in any way.

### REVISED PLANS

- 4.2.6 On receipt of the additional information, including the BRE Sunlight & Daylight report, all neighbours were formally re-consulted about the proposal on 24 January 2017 and given 14 days to respond (expiry date: 7 February 2017). At the time of drafting this report, no additional representations have been received.

## **5.0 Relevant Policy**

### 5.1 London Plan (2016)

Policy 3.3 – Increasing housing supply  
Policy 3.4 – Optimising housing potential  
Policy 3.5 – Quality and design of housing development  
Policy 3.8 – Housing choice  
Policy 3.10 – Definition of affordable housing  
Policy 3.11 – Affordable housing targets  
Policy 3.12 – Negotiating affordable housing on individual private residential and mixed use schemes  
Policy 3.13 – Affordable housing thresholds  
Policy 5.1 - Climate change mitigation  
Policy 5.2 - Minimising carbon dioxide emissions  
Policy 5.3 - Sustainable design and construction  
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 5.13 - Sustainable drainage  
Policy 5.14 - Water quality and wastewater infrastructure  
Policy 5.15 - Water use and supplies  
Policy 5.16 - Waste self sufficiency  
Policy 6.3 – Assessing effects of development on transport capacity  
Policy 6.9 – Cycling  
Policy 6.10 - Walking  
Policy 6.13 - Parking  
Policy 7.1 - Building London's neighbours and communities  
Policy 7.2 – An inclusive environment  
Policy 7.3 – Designing out crime  
Policy 7.4 - Local character  
Policy 7.6 – Architecture  
Policy 8.2 – Planning obligations  
Policy 8.3 – Community infrastructure levy

### 5.2 Core Strategy (adopted October 2010)

CP2 Housing Supply and Locations for New Homes  
CP3 Affordable Housing  
CP4 Housing Quality  
CP5 Housing Types  
CP20 - Sustainable Energy use and Energy Infrastructure

CP21 - Delivering Sustainable Water Supply, Drainage and Sewerage Infrastructure  
CP22 - Delivering Sustainable Waste Management  
CP24 - The Road Network  
CP25 - Pedestrians and Cyclists  
CP30 - Maintaining and Improving the Quality of the Built and Open Environment  
CP32 – Pollution  
CP36 - Biodiversity  
CP46 - Infrastructure Contributions

5.3 Development Management Document (adopted November 2014)

DMD2 - Affordable Housing for Developments of less than 10 units  
DMD3 - Providing a Mix of Different Sized Homes  
DMD6 - Residential Character  
DMD8 - General Standards for New Residential Development  
DMD9 - Amenity Space  
DMD10 – Distancing  
DMD11 – Rear Extensions  
DMD14 – Side Extensions  
DMD15 – Specialist Housing Needs  
DMD37 - Achieving High Quality and Design-Led Development  
DMD45 - Parking Standards and Layout  
DMD47 – New roads, access and servicing  
DMD49 - Sustainable Design and Construction Statements  
DMD50 – Environmental assessment methods  
DMD51 – Energy efficiency standards  
DMD58 - Water Efficiency  
DMD59 – Avoiding and Reducing Flood Risk  
DMD61 – Managing surface water  
DMD64 – Pollution Control and Assessment  
DMD66 – Land Contamination and Instability  
DMD68 – Noise  
DMD79 – Ecological enhancements  
DMD81 - Landscaping

5.4 Other Material Considerations

National Planning Policy Framework  
National Planning Practice Guidance  
London Plan Housing SPG  
Housing SPG  
Affordable Housing SPG  
Enfield Market Housing Assessment  
Section 106 SPD

**Analysis**

- 6.1.1 The adopted policies encourage the provision of new housing. However, proposals must also be assessed in relation to material considerations such as impact on the character of the surrounding area and impact on the neighbours' amenity.

6.1.2 Having regard to the nature of the proposed development and the relevant planning policy, it is considered that the key issues in the assessment of this application relate to:

- Principle of development
- Impact on local character
- Housing mix
- Floor area and quality of accommodation
- Amenity space
- Impact on neighbouring amenity
- Access and car parking
- Impact on trees
- Tenure.

6.1.3 An assessment in relation to each is provided below.

#### Introduction

At the 29 November 2016 Planning Committee the pertinent issue that arose through discussion was the relationship with the neighbouring house and the application proposal. The submitted information that was provided at that time did not specifically show the neighbour or the windows within the building and this was a criticism raised by the occupier of No.160 Lavender Hill.

In response Members indicated that they would like an analysis of the impact of the development on each of the windows next door to respond to the specific objections that were raised.

Following the Committee decision to defer the above application, the applicants have now provided a BRE Sunlight and Daylight report regarding the relationship of the development proposals with adjacent and nearby properties which was something specifically requested by the occupier of No.160. The report concludes that the proposed design meets the recommendations as set out in the BRE Guide. In addition, a detailed analysis of the likely impact of the proposal has now been undertaken and submitted drawings now plot the adjoining properties.

The daylight and sunlight study aimed to assess the impact of the development on the light receivable by the neighbouring properties at 160, 166, 199, 201, 303 and 205 Lavender Hill and included a window key in Appendix 1 which identifies the windows analysed in this study. Appendix 2 of the report gives the numerical results of the various tests and the results confirm that all neighbouring windows pass the BRE diffuse daylight and direct sunlight tests. The report also concludes that the development satisfies the BRE overshadowing to gardens and open spaces requirements.

For the information of Councillors, the report concludes that the proposed development satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight.'

#### Principle of development

6.1.4 The application has been submitted by Housing Gateway Limited (HGL) a company that was established in 2014 by Enfield Council to help reduce the Borough's housing pressures. The company is responsible for acquiring and managing a property

portfolio that can be used for the Council to discharge its statutory duties to provide temporary accommodation. One of the objectives of HGL is to add to the Borough wide housing stock available for rental. HGL is seeking to improve the quality, availability and security of rented accommodation for Enfield residents including those at risk of homelessness. The key aims of HGL are to:

- (i) increase the supply of cost effective private rented accommodation that can be accessed by Enfield Council to reduce budget pressures;
- (ii) secure local properties for local people;
- (iii) set exemplary landlord standards with well managed and maintained accommodation.

6.1.5 Policy 3.4 of the London Plan promotes the optimisation of housing output within different types of location. Policy 3.8 of the London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. The proposal would be compatible with these policies, in addition to Policy CP2 of the Core Strategy and Policy DMD3 of The DMD, insofar as it would add to the Borough's housing stock.

6.1.6 In terms of housing need, the Council's Core Strategy seeks to ensure new developments offer a range of housing sizes to meet housing need. The Core Strategy policy is based on evidence from the research undertaken by Ecotec. The findings of Ecotec's research, Enfield Strategic Housing Market Assessment (February 2010), demonstrates a shortage of houses of all sizes, particularly houses with three or more bedrooms across owner occupier, social and private rented sectors. There is a high demand for temporary accommodation in the Borough and particularly a need for two and three bed accommodation.

6.1.7 In terms of specialist housing needs Policy DMD15 of the DMD states that development will only be permitted if the following criteria is met:

- a. The development would meet an identified borough need for that form of specialist housing having regard to evidence of need in the Council's Market Statement, Health and Adult Social Care Commissioning Strategies, or the needs assessment of a recognised public health care body;
- b. The property is suitable for such a use and would not result in an over intensive use of the site;
- c. That residential amenity is preserved in accordance with the relevant criteria in policy DMD 8 'General Standards for New Residential Development';
- d. It would not result in an excessive number or concentration of similar uses in a locality which would be detrimental to residential character or amenity;
- e. The development is adaptable, well designed, of a high quality, accessible (internally and externally), meets the needs of the specific client groups it serves and their carers but is flexible in case these change. Developments must have regard 'General Standards for new development', other design considerations and local guidance. The Council will work with partners to ensure the facilities provide an adequate form of accommodation; and
- f. The development is well located so that it is easily accessible to existing local community facilities, infrastructure and services, such as public transport, health services, retail centres, recreation and leisure opportunities.

6.1.8 The proposed development in providing temporary accommodation for those with urgent housing needs would meet an identified housing need in the Borough and, therefore, the principle of the development is considered acceptable. However in the determination of applications for provision of new dwellings and assessing the

subject scheme against Policy DMD15, the Council has a number of standards that must be met for the development to be considered acceptable. These comprise a minimum floor area of the proposed unit, car parking provision and amenity space provision.

- 6.1.9 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, the character and appearance of areas, and have appropriate regard to highway issues. These issues must be balanced with the requirement for new housing within the Borough, as set out above.
- 6.1.10 The subject site is located within an established residential area and the principle of residential development is considered acceptable. The proposal involves the conversion of the existing single family dwelling, and therefore Policy DMD 5 (Residential conversions) is a relevant consideration. DMD5 seeks to ensure that the number of conversions in a particular street does not exceed 20%. The policy also requires that individual clusters of converted premises should not exceed a 1 in 5 measure consecutively.
- 6.1.11 A survey of properties in the surrounding area reveals that the proposal would not result in the number of conversions in the street exceeding 20% and none of the properties within a consecutive row of five properties containing the site have been converted. The proposal would therefore comply with Part 1 of DMD 5.
- 6.1.12 Part 2 of DMD5 requires that *'For the conversion of existing family units into self-contained flats, compensatory provision for family accommodation (3 bedrooms +) is provided within the development'*. As explained elsewhere the proposal would provide a 3-bedroom dwelling and therefore would not conflict with this policy.

#### Impact on local character

- 6.1.13 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.
- 6.1.14 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 criteria for achieving high quality and design led development.
- 6.1.15 Policy DMD14 seeks to ensure that extensions to the side of existing residential properties do not assist in creating a continuous façade of properties or a terracing effect out of character with the street scene. A minimum distance of 1 metre is required to be maintained between the flank wall of a two storey side extension and the site boundary of the property. The policy states that a greater distance may be required depending on the size and nature of the residential plots and to prevent adverse impacts on the street scene.
- 6.1.16 The proposal consists of the erection of a two-storey side extension to the building and the conversion of the extended single family dwelling into four (4) self-contained flats (3 x 2-bed & 1 x 3-bed), including a two-storey side extension, single storey rear extension and rear dormers.

- 6.1.17 As noted, the proposal effectively involves the construction of an additional building which would mirror the existing dwelling on site including new extensions in terms of its design and appearance. Indeed, the proposed new building would be identical to the existing dwelling, in terms of siting, height, scale, roof form and architectural detailing. The existing dwelling would be converted into two flats (1 x 2-bed & 1 x 3-bed) and the new building would also feature two flats (2 x 2-bed). It is considered that this is an acceptable approach. Details are to be controlled by condition.
- 6.1.18 Policy DMD 6 requires that *'The scale and form of development is appropriate to the existing pattern of development or setting, having regard to the character typologies'* and Policy DMD 8 states that new residential development must *'Be of an appropriate scale, bulk and massing'*.
- 6.1.19 The surrounding area is residential and is generally characterised by two-storey semi-detached and terraced dwellings. Dwellings generally sit in pairs, or groups of approximately four to six dwellings. In this context, the subject site is something of an anomaly, as it is the only fully detached dwelling in the immediate surrounding area. It is possible that the existing garden space to the east of the existing dwelling was previously occupied by a dwelling which has been demolished, or was previously intended to be developed, however a review of the Council's planning history cannot confirm either of these possibilities and the proposal needs to be dealt with on the basis of up-to-date planning guidance.

*Side extension*

- 6.1.20 As noted, the proposed side extension would in effect constitute a new dwelling which would be identical to the existing dwelling on the site, albeit mirrored, and with additional extensions.
- 6.1.21 The surrounding pattern of development features a number of examples of two-storey semi-detached dwellings in pairs, including the two pairs of properties to the east and west. Having regard to the above and the predominant character of two-storey detached and terraced dwellings within the area, and given that the proposal would be almost identical to the existing dwelling on site in terms of height, scale and design, it is considered that the proposed development would sit comfortably within the Lavender Hill streetscene and would not cause any adverse impacts on the character of the area. Policy DMD14 seeks to ensure that extensions to the side of existing residential properties do not assist in creating a continuous façade of properties or a terracing effect out of character with the street scene. A minimum distance of 1 metre is required to be maintained between the flank wall of a two storey side extension and the site boundary of the property. The policy states that a greater distance may be required depending on the size and nature of the residential plots and to prevent adverse impacts on the street scene. This proposal complies with the DMD in this respect.

*Single storey rear extensions*

- 6.1.22 Policy DMD 11 relates to 'Rear Extensions' and requires that single-storey extensions must not exceed 3m in depth beyond the original rear wall for terraced and semi-detached dwellings and must not exceed a line taken at 45-degrees from the mid-point of the nearest original ground floor window to any of the adjacent properties.



6.1.23 The proposed rear extensions would have a depth of 4m, and would therefore comply with DMD 11.

*Rear dormers*

6.1.24 Part 1 of Policy DMD 13 (Roof Extensions) requires that roof extensions must:

- a. *Be of an appropriate size and location within the roof plane and, in the case of roof dormers, inset from the eaves, ridge and edges of the roof (insets should normally be between 500-750mm);*
- b. *Be in keeping with the character of the property, and not dominant when viewed from the surrounding area;*

6.1.25 The proposed rear dormers would sit below the ridgeline and above and eaves, however they would be full width and therefore would technically be in conflict with DMD 13. While the Council seeks to avoid full width dormers given the visual impact that they can have on an area, regard must be had to the character and appearance of the particular locality. In this case, having considered the context of the application site and the form of surrounding rear dormers, there are a number of examples of full width and/or full height dormers nearby, including the pair of dwellings to the east. In these circumstances, it is considered that the proposed dormers would not adversely affect the character of the area to such a degree that it would be reasonable to withhold consent. The proposed dormers would still sit within the roof plane, so as to minimise as far as possible the creation of a dominant feature, and in this instance are considered to be, on balance, acceptable.

*Front rooflights*

6.1.26 The proposed front rooflights will assist to facilitate the use of the roof space as accommodation, and it is considered that they would not result in any adverse impacts on the overall appearance of the development, noting that there are a number of examples of other properties to the east and west with front rooflights similar to that proposed by this application.

Housing mix

6.1.27 Core Strategy Policy CP 5 requires that new development should provide a mix of different sized homes, and sets the following targets for different sized housing:

- 20% 1 & 2 bed flats (1-3 Persons)
- 15 % 2 bed houses (4 persons)
- 45 % 3 bed houses (5-6persons)
- 20% 4+ bed house (6 + persons)

6.1.28 CP 5 is supported by DMD 3 which requires that *'Development of less than 10 units should contribute towards meeting these targets by providing a mix of different sizes homes, including family sized accommodation'*.

6.1.29 The proposal would involve the provision of three two-bedroom units and one three-bedroom unit as compensatory provision for the existing family sized unit. The proposal would therefore contribute to the Council's housing targets in accordance with CP 5 and DMD 3.

Floor area and quality of accommodation

- 6.1.30 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. Policy DMD8 requires developments to provide a well-designed, flexible and functional layout, with adequately sized rooms in accordance with the London Housing Design Guide.
- 6.1.31 On 27th March 2015 a written ministerial statement (WMS) was published outlining the government's policy position in relation to the Housing Standards Review. The statement indicated that as of the 1 of October 2015 existing Local Plans, neighbourhood plan, and supplementary planning document policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.
- 6.1.32 DMD5 and DMD8 of the Development Management Document and Policy 3.5 of the London Plan set minimum internal space standards for residential development. In accordance with the provisions of the WMS, the presence of these Policies within the adopted Local Plan is such that the new Technical Housing Standards – Nationally Described Space Standard would apply to all residential developments within the Borough. It is noted that the London Plan is currently subject to Examination, with Proposed Alterations currently being considered which seek to reflect the Nationally Described Space Standards.
- 6.1.33 Notwithstanding the fact that the existing Development Plan Policies broadly align with the new technical standards and in acknowledgement of London Plan review process, the LPA has sought Counsel Advice in relation to the status of adopted Local Plan Policy.
- 6.1.34 The changes announced as part of the WMS are a material planning consideration in the determination of applications. However, the change to national policy is only one of a number of material planning considerations that must be taken into account in the determination of any particular application or appeal.
- 6.1.35 Accordingly, when determining such applications the Council must have regard to and apply the provisions of the Local Plan including Policies DMD5, DMD8 and 3.5 which requires that all new residential development attain a minimum internal floor area across all schemes and remain a material consideration. DMD 8 requires that new residential development must *'meet or exceed minimum space standards in the London Plan and London Housing Design Guide'*.
- 6.1.36 However, since the adoption of the Council's Development Management Document, the minimum space standards within the London Plan and London Housing Design Guide and have been superseded by the nationally described space standards (March 2015). While the national standards are not significantly different to those prescribed in the London Plan and London Housing Design Guide, the national standards take precedence and should be applied.
- 6.1.37 The proposed dwellings will be expected to meet and where possible exceed these minimum standards and those contained within the nationally described space standard.

6.1.38 Gross Internal Area (GIA) excludes staircases, communal areas and any other area which is incapable of practical use. Additionally, each unit is required to be self-contained and have, inter alia, rooms of an adequate size and shape and feature its own entrance, kitchen and bathroom accommodation.

6.1.39 A summary of the various flat sizes proposed and the relevant national prescribed space standards requirement is set out below.

Flats	Dwelling type (bedroom (b) / persons-bedspaces (p))	Required GIA (sq.m) in National Housing Standards	GIA proposed (sq.m)
Unit 1 (2-bed GF)	2b3p	61	62.75
Unit 2 (2-bed GF)	2b4p	70	77.39
Unit 3 (2-bed 1&2 F)	3b4p	74	76.76
Unit 4 (3-bed 1&2 F)	2b3p	61	62.65

6.1.40 The submitted plans indicate that all of the proposed units would comply with the relevant minimum standards. It is noted that the applicant has provided amended plans showing a revised layout for the bedrooms within Unit 3 at second floor level, so that these bedrooms are both shown as single bedrooms.

#### Amenity space

6.1.41 DMD 9 relates to amenity space and sets out various space requirements dependent on the size of dwellings. None of the proposed dwellings would be provided with dedicated private amenity space, however Housing Gateway has advised that the rear garden will be a shared amenity space for the four separate units and will be managed on behalf of Housing Gateway for the tenants and will be the subject of a specific maintenance contract.

6.1.42 The rear garden is large and it is considered that this will provide sufficient amenity space for the proposed dwellings.

#### Impact on neighbouring amenity

This is the issue where additional work has been undertaken since the November 2016 deferral, with a full BRE Sunlight & Daylight Assessment now undertaken.

6.1.1 Any new development should not impact on the residential amenity of neighbouring residents. 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. The properties most likely to be impacted by the proposal are the two adjoining properties to the east (No. 160) and west (No. 166).

6.1.2 Policy DMD11 requires single storey rear extensions not to intrude into a 45 degree splay line when taken from the nearest original ground floor window to the boundary, and first floor rear extensions should not intrude into a 30 degree line when taken from the nearest original first floor window to the boundary.

- 6.1.3 In terms of the single storey rear extension there would be an intrusion into the 45 degree splay line when taken from the original rear window closest to the boundary from both of the neighbouring properties. However it is important to note that the extension would be similar to the existing arrangements in terms of its depth and siting which would help reduce any significant impact on the neighbouring properties. The proposed height and the use of a flat roof would also help reduce the dominance of the structure and any impact on the neighbours.
- 6.1.4 At first floor level the extension on the new element of the development has been reduced in depth as compared to the existing house so as to take account of the relationship with the most sensitive neighbour. Given the particular relationship between properties, the existing building line, the reduction in the depth of the rear extension and the separation distance between the two buildings, it is considered that the proposed development would not result in any demonstrable harm to the residential amenity of the neighbours. A condition would be attached to any permission preventing the insertion of any additional windows within the development to prevent the opportunity for overlooking to occur.

*Daylight / sunlight*

The property most likely to be impacted by the proposal in terms of daylight and sunlight is No. 160 Lavender Hill to the east.

- 6.1.5 In terms of the impacts on 166 to the west, while the proposed ground floor rear extension would cast some shadow towards to the west in the early morning, any impacts would be mitigated by the setback from the side property boundary and any additional shadows cast would not be significantly greater than the existing boundary fence. Furthermore, by late-morning/midday, the proposed rear extension would not cast any shadow to the west. These conclusions have now been supported through the submission of the technical BRE report.

*Privacy / overlooking*

- 6.1.6 The proposal does not feature any upper floor windows within the flank elevations which provide direct views into adjoining habitable room windows. While the upper floor rear facing windows at first floor level and within the rear dormers would enable some views of adjoining rear gardens, this is considered reasonable in an urban setting such as this, and would not result in any adverse impacts on neighbouring amenity in terms of privacy.

*Visual bulk / outlook*

The proposed side extension would obviously be built closer to the side boundary. However, given that the development would continue with the built form predominant in that area the majority of this wall, certainly at two storey level, would sit adjacent to the blank flank wall for the property to the east (No.160) and would not be visible. The proposed extension would be partly visible from the nearest first floor rear facing window within this property, but the proposal would feature a reduced first floor so would not intrude into a 30-degree line taken from the mid-point of the window within the adjoining property. On this basis it is considered that the impact on the most sensitive neighbour would be acceptable.

- 6.1.7 The development would not be visible from No. 166 to the west, given their location on the opposite side of the retained No.164, and would not, therefore, result in any adverse impacts in terms of visual bulk or outlook for this property.

### Access and car parking

- 6.1.8 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.
- 6.1.9 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.
- 6.1.10 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 site has a PTAL rating of 2. The London Plan recommends a maximum residential car parking standard of 1 - 1.5 spaces for a 3 bed unit.
- 6.1.11 Policy DMD46 states that vehicle crossovers and dropped kerbs that allow for off-street parking and access onto roads will only be permitted where it meets a certain criteria. Traffic and Transportation have been consulted on the removal of the existing vehicular access and have not raised any objection for the reasons explained above. The proposed parking provision and crossovers would not result in any material adverse effect on traffic flow and road safety, lead to increased pressures on on-street parking or affect the character of the area to warrant refusal of the application.
- 6.1.12 On the basis of the above parking arrangements, the existing on-street capacity within the locality and given the relatively stable numbers of permits issued for the surrounding CPZ in the last five years, the Council's Traffic and Transportation is satisfied that the proposal will not adversely impact on-street parking availability in the surrounding area, and has no objection to the proposal on traffic and transportation grounds.

### Impact on trees

- 6.1.13 The proposal would not impact any trees or trees of high amenity value.

### Tenure

Members may remember that when a previous Housing Gateway planning application (16/01391/RE3 - conversion of 84 Clydesdale, Ponders End into 1 x 2 bed and 1 x 3 bed self-contained dwellings, involving two storey side and part single part 2-storey rear extension) was considered at Planning Committee on 27 July 2016 there were discussions relating to the impact of the proposed tenure, specifically the social rented nature of the scheme, on the character of the locality.

It was requested by Members that discussions be held between Officers and the applicants to agree a condition which reflects the general purpose of the Housing Gateway initiative. The condition has now been agreed by all parties and is listed as condition 15 at the end of this report.

For information it reads:

*“An occupation strategy confirming the nature of the proposed residential occupation for this property, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The development shall be maintained in accordance with the details approved thereafter unless otherwise agreed in writing.*

*Reason: To ensure the use of the property meets an identified housing need from the Council’s temporary housing list in particular, the need to provide accommodation for single family households in line with Policies CP2 and CP3 and Policies DMD2, DMD3 and DMD15 of the Development Management Document”.*

## **7.0 Conclusions**

- 7.1 The proposed development would contribute to meeting the need to increase housing stock in the borough, particularly temporary accommodation for people with urgent house needs. The development would not significantly impact on the amenities of nearby residential properties or the subject dwellings, detract from the character and appearance of the surrounding area, result in a substandard quality of accommodation or give rise to conditions prejudicial to the free flow and safety of traffic on the adjoining highways. Subject to the conditions below the proposed development is considered acceptable.
- 7.2 Objectors originally made a number of objections to the proposal on various grounds such as the proposal being a form of overdevelopment that would be out of keeping with the character and appearance of the area, insufficient parking and its impact on residential amenity in terms of loss of light. In response to these the application was deferred from the 29 November 2016 Committee where Members sought additional information. That additional information, including a full BRE report, has now been provided and this confirms the original recommendation that, although things will change for people living nearby, the impacts will not be so significant so as to justify withholding planning consent.
- 7.3 The proposal complies with adopted planning policies and would not result in any demonstrable harm to the character and appearance of the area, residential amenity or highway safety and on this basis approval is recommended.

## **8. Recommendation**

Having regard to the above assessment, it is recommended that the application is **approved** subject to the following conditions:

1. (C51 Time Limit) - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

2. (C61 Approved Plans Revised) - The development hereby permitted shall be carried out in accordance with the approved plans including plans(s) that may have been revised, as set out in the attached schedule which forms part of this notice.

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

3. (C08 Materials to Match) - The external finishing materials shall match those used in the construction of the existing building.

Reason: To ensure a satisfactory appearance.

4. (C25 No Additional Fenestration) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

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

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

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

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

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

7. The development shall not commence until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate the energy efficiency of the development and shall provide for no less than a 8% improvement in total CO2 emissions arising from the operation of a development and its services over Part L of Building Regs 2013 utilising gas as the primary heating fuel. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets are met in accordance with Policy CP20 of the Core Strategy, DMD51 of the Development Management Document, Policies 5.2, 5.3, 5.7 & 5.9 of the London Plan 2011 and the NPPF.

8. Prior to commencement of works a BREEAM Domestic Refurbishment pre-assessment (or relevant equivalent if this is replaced or superseded) establishing the feasibility of achieving a rating of no less than 'Very Good' shall be submitted to and approved in writing by the Local planning Authority. If this target (or an agreed lesser target) is deemed feasible further evidence

shall be required to be provided in the following formats and at the following times:

- a. a design stage assessment, conducted by an accredited BREEAM Assessor and supported by relevant BRE interim certificates for each of the units, shall be submitted at pre-construction stage prior to the commencement of superstructure works on site; and,
- b. a post construction assessment, conducted by and accredited BREEAM Assessor and supported by relevant BRE accreditation certificates for each of the units, shall be submitted following the practical completion of the development and within 3 months of first occupation.

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

Reason: In the interests of addressing climate change and to secure sustainable development in accordance with the strategic objectives of the Council, DMD49 & 50 of the Development Management Document and Policies 3.5, 5.2, 5.3, 5.7, 5.9, 5.12, 5.13, 5.15, 5.16, 5.18, 5.20 & 6.9 of the London Plan 2011 as well as the NPPF.

9. The development shall not commence until details of surface drainage works have been submitted and approved in writing by the Local Planning Authority. The details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and shall be designed to a 1 in 1 and 1 in 100 year storm event allowing for climate change. The drainage system shall be installed/operational prior to the first occupation and a continuing management and maintenance plan put in place to ensure its continued function over the lifetime of the development.

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

Reason: To ensure the sustainable management of water, minimise flood risk and to minimise discharge of surface water outside of the curtilage of the property in accordance with Policy CP28 of the Core Strategy, DMD61 of the Development Management Document, Policies 5.12 & 5.13 of the London Plan and the NPPF.

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

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



11. Development shall not commence until details of the internal consumption of potable water have been submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day as specified in the pre-assessment submitted with the scheme.

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

Reason: To promote water conservation and efficiency measures in all new developments and where possible in the retrofitting of existing stock in accordance with Policy CP21 of the Core Strategy, Policy 5.15 of the London Plan.

12. The development shall not commence until details of biodiversity enhancements is submitted to and approved in writing by the Local Planning Authority. This shall include 5 bird and 5 bat tiles/bricks/ tubes.

Prior to first occupation, confirmation of bird/bat bricks/tubes/tiles shall be submitted and approved in writing by the Local Planning Authority. Details shall comprise a short letter report, to include a plan showing the location of the bricks and tiles and their specifications along with photographic evidence of their installation. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To ensure that the biodiversity of the site is enhanced post development in order to comply with CP36 of the Core Strategy and to ensure that the council fulfil their obligations under the 2006 NERC Act.

13. The development shall not commence until details of facilities and methodology for cleaning the wheels of construction vehicles leaving the site have been submitted to and approved in writing by the Local Planning Authority. The approved facilities and methodology shall be provided prior to the commencement of site works and shall be used and maintained during the construction period.

Reason: To prevent the transfer of site material onto the public highway in the interests of safety and amenity.

14. No less than 100% of the units hereby approved shall be built in accordance with Requirement M4(2) of Building Regulations and shall be maintained as such thereafter. Prior to occupation evidence of compliance with Requirement M4(2) across the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This optional national technical standard will ensure that the development allows for the future adaptability of the home to meet with the needs of future residents over their lifetime in accordance with Policy CP4 of the Core Strategy, DMD8 of the Development Management Document and Policy 3.5 of the London Plan.

15. An occupation strategy confirming the nature of the proposed residential occupation for this property shall be submitted to, and approved in writing by, the Local Planning Authority prior to occupation. The development shall be maintained in accordance with the details approved thereafter unless otherwise agreed in writing.

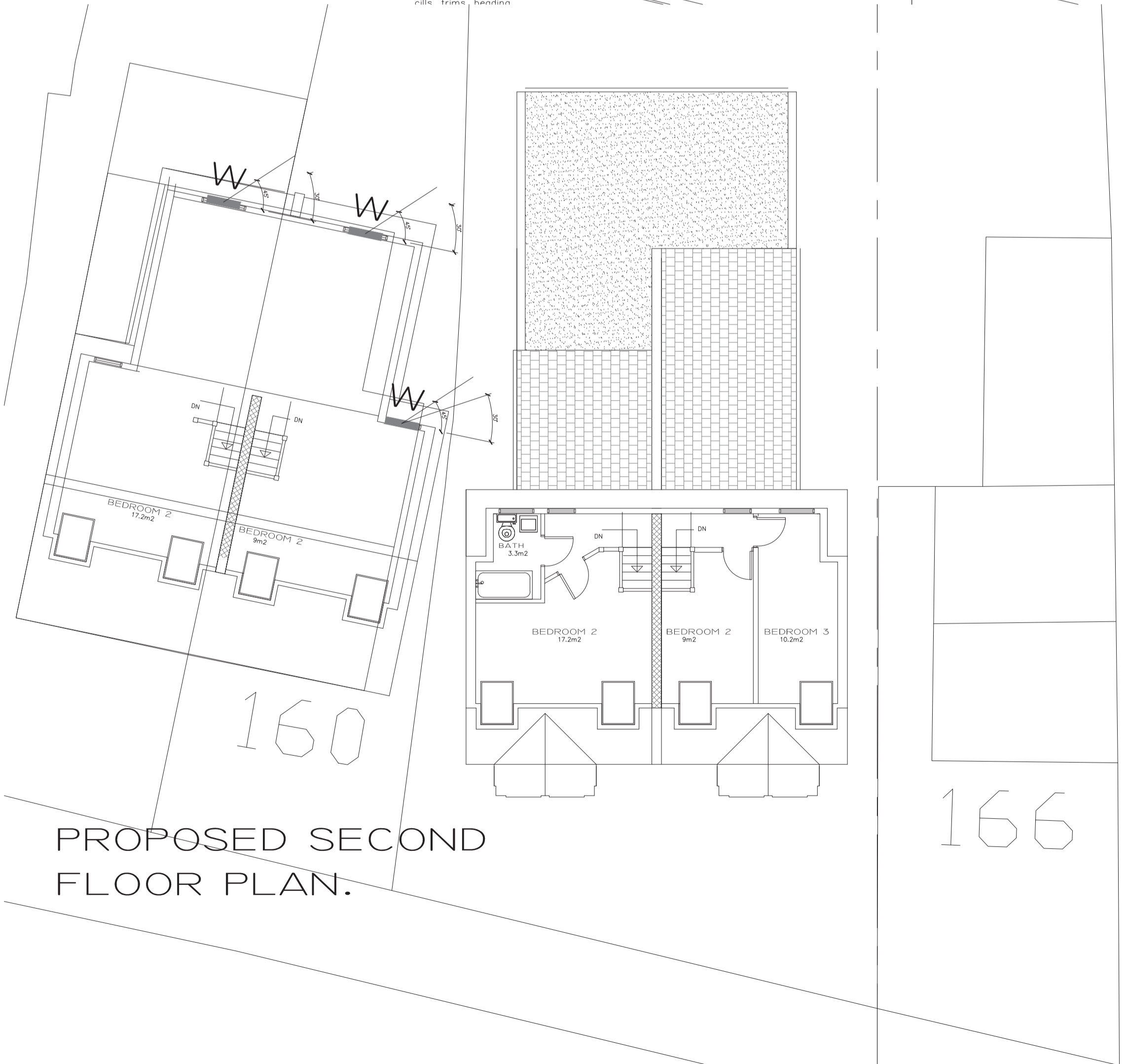
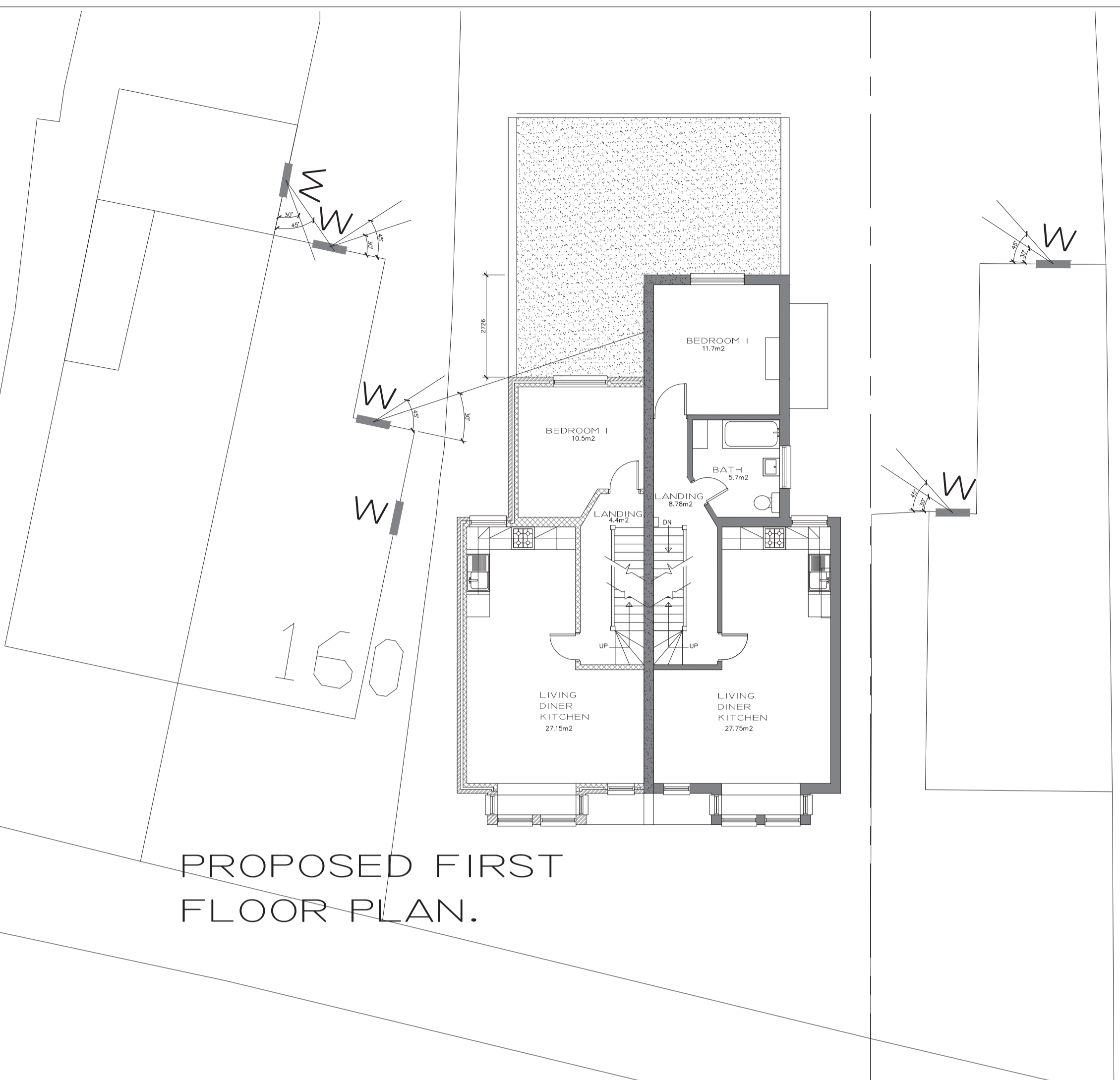
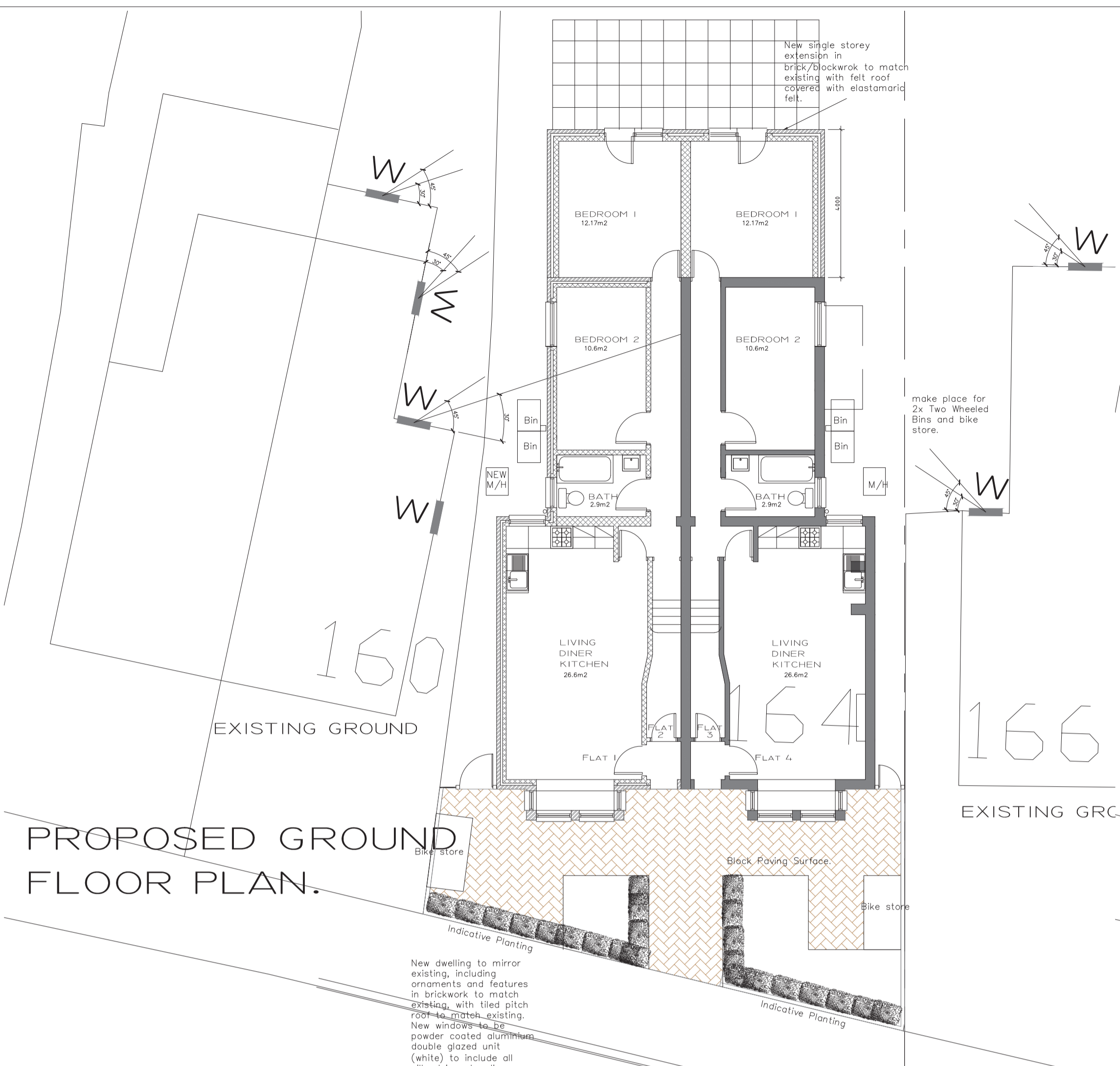
Reason: To ensure the use of the property meets an identified housing need from the Council's temporary housing list in particular, the need to provide accommodation for single family households in line with Policies CP2 and CP3 and Policies DMD2, DMD3 and DMD15 of the Development Management Document".

16. The development shall not be occupied until the existing vehicular access has been reinstated and replaced with an extension to the existing on street parking bays at the applicants' expense. This condition should be read in conjunction with the attached Informative.

Reason: In the interest of highway safety.

Informative:

The reinstatement of the vehicular access and on street parking involves work to the public highway and the creation of a Traffic Order. This can only be undertaken by the Council's Highway Services team, who should be contacted on the footway crossing helpdesk (020 8379 2211) as soon as possible so that the required works can be programmed.



PROPOSED GROUND FLOOR PLAN.

PROPOSED FIRST FLOOR PLAN.

PROPOSED SECOND FLOOR PLAN.

Rev	Notes	Date
A	Relationship of window positions with neighbouring Properties.	Jan 2017
CAD File No: Client: Housing Gateway Limited		

**STATUS**  
**Planning Submission**

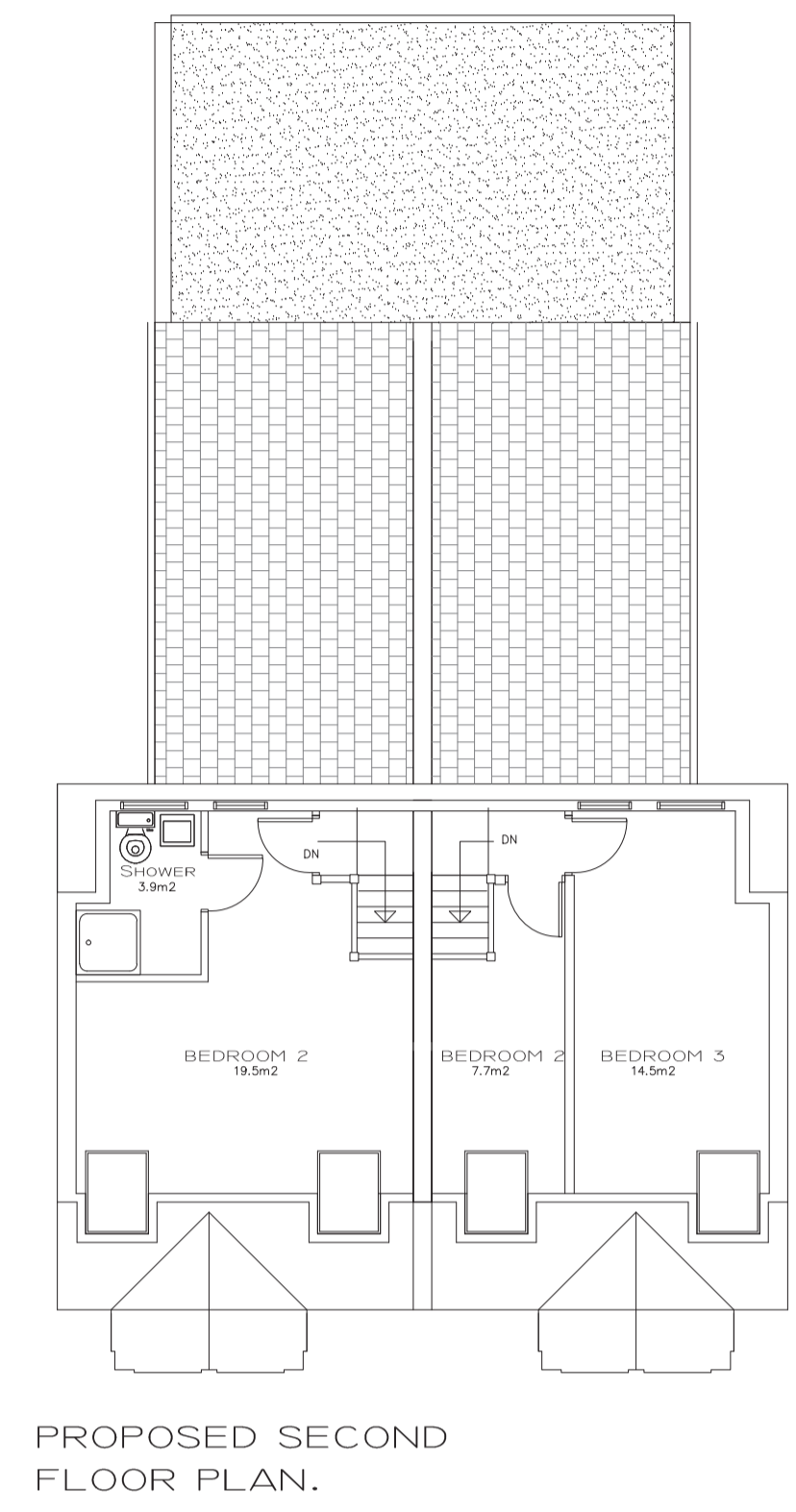
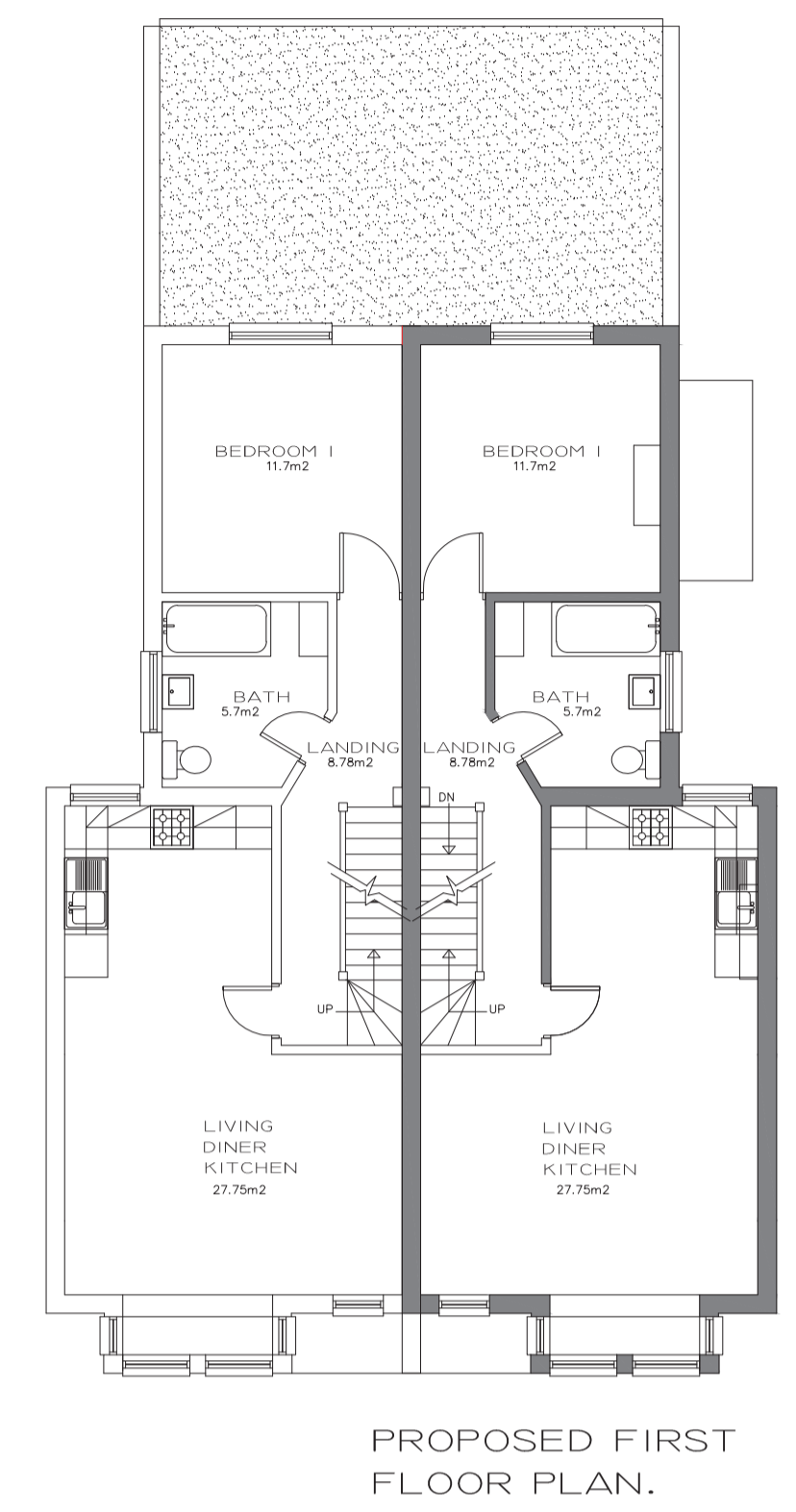
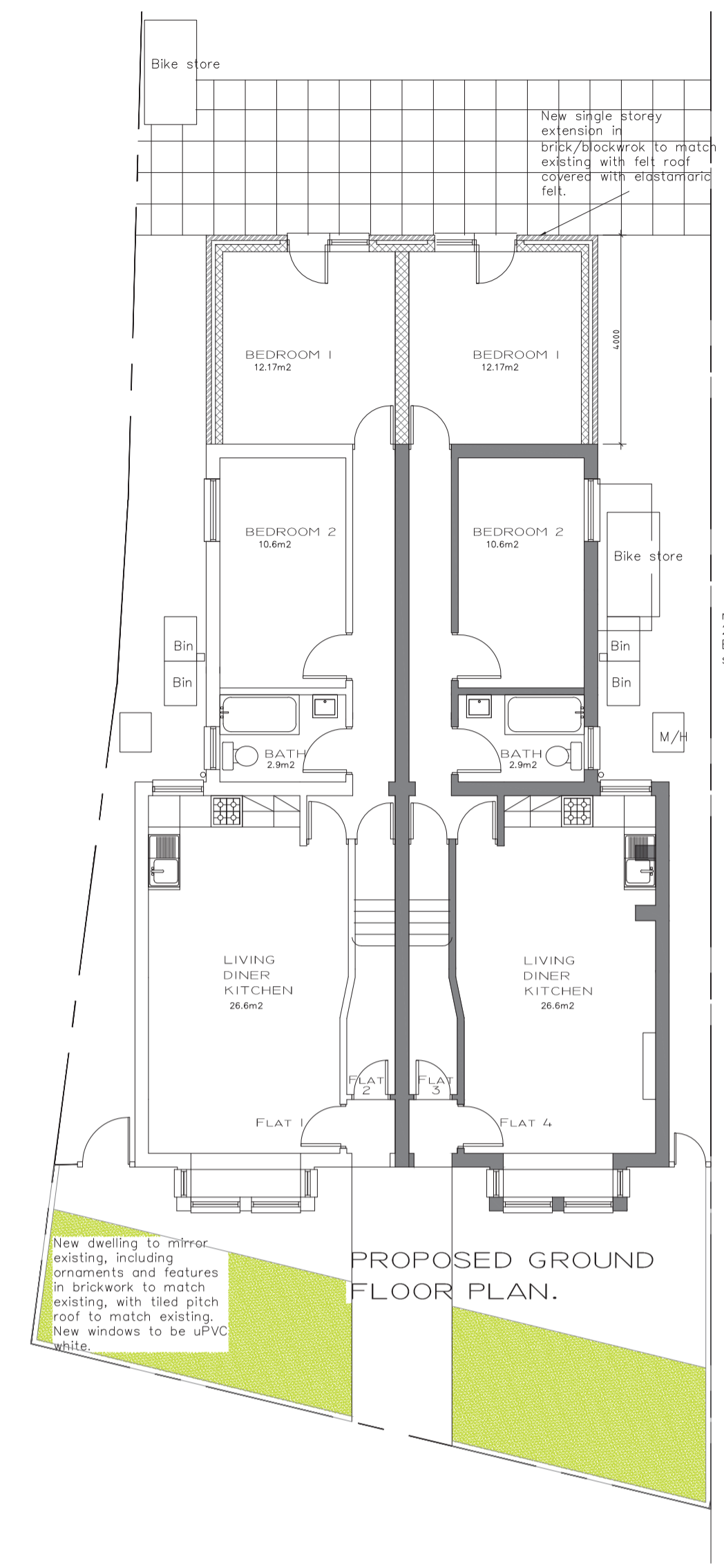
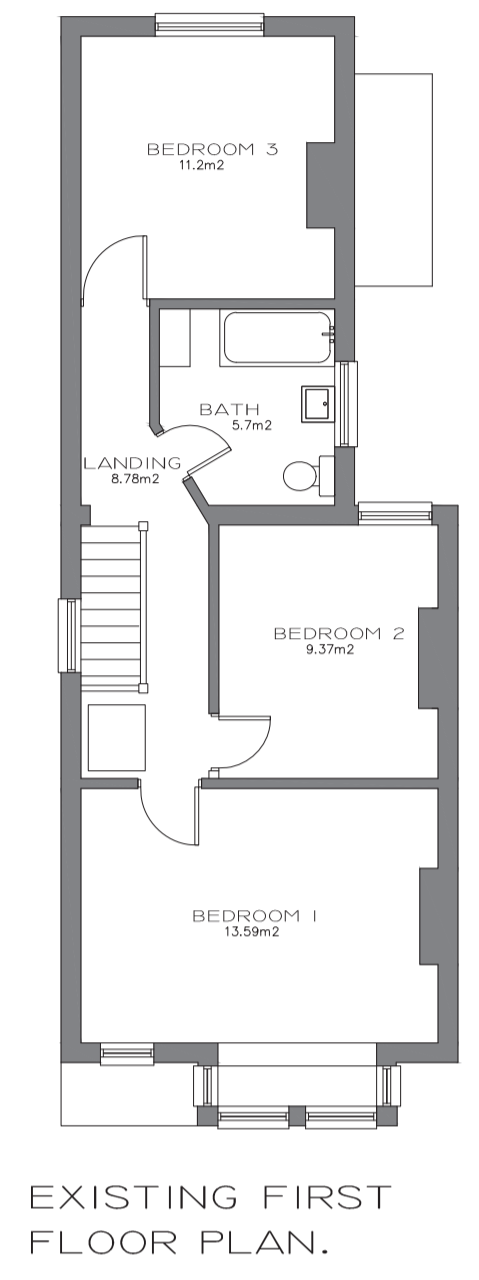
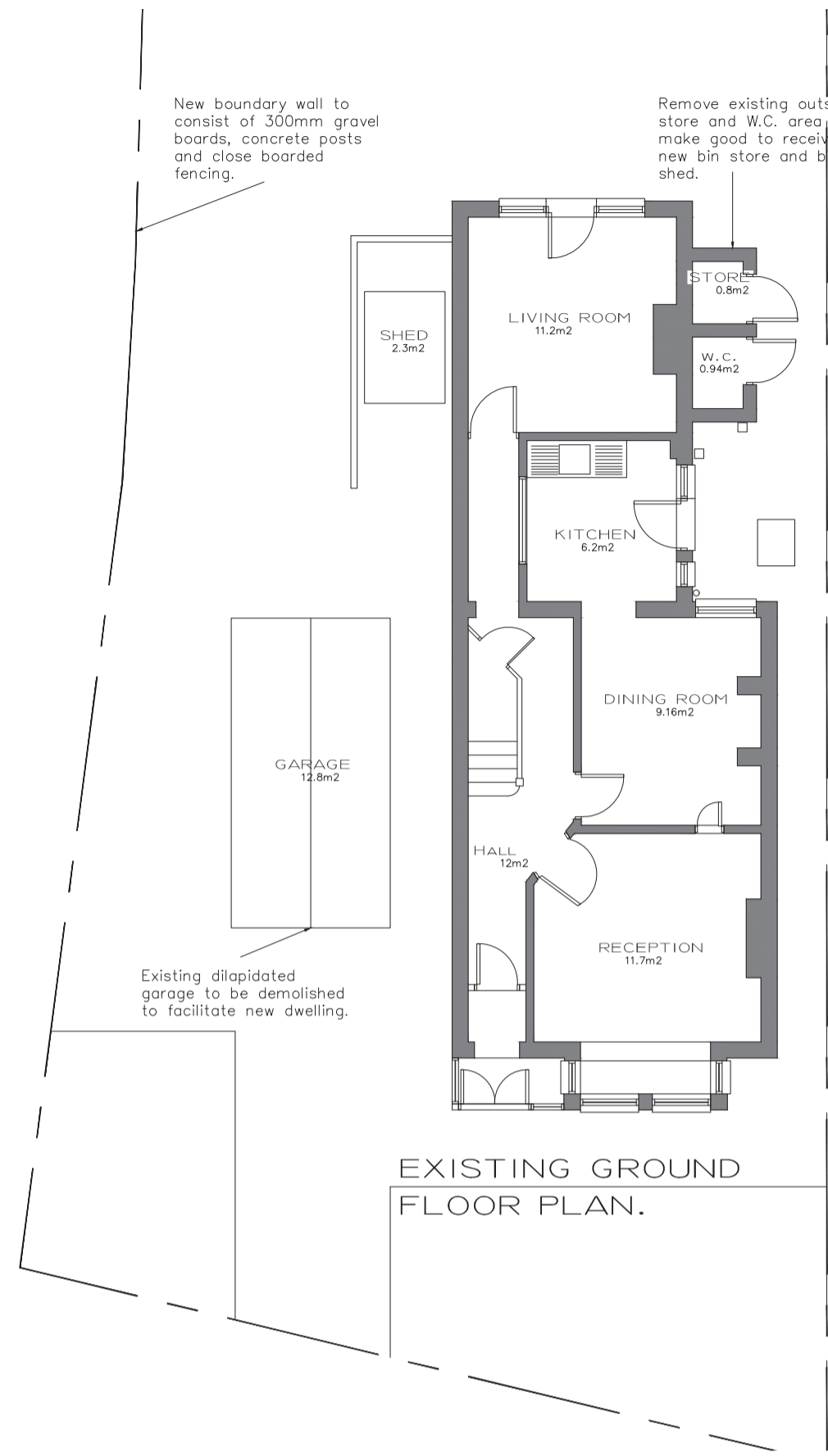
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**Housing Gateway Limited**

**JOB TITLE**  
**164 Lavender Hill  
 Enfield  
 Middlesex EN2 8RP**

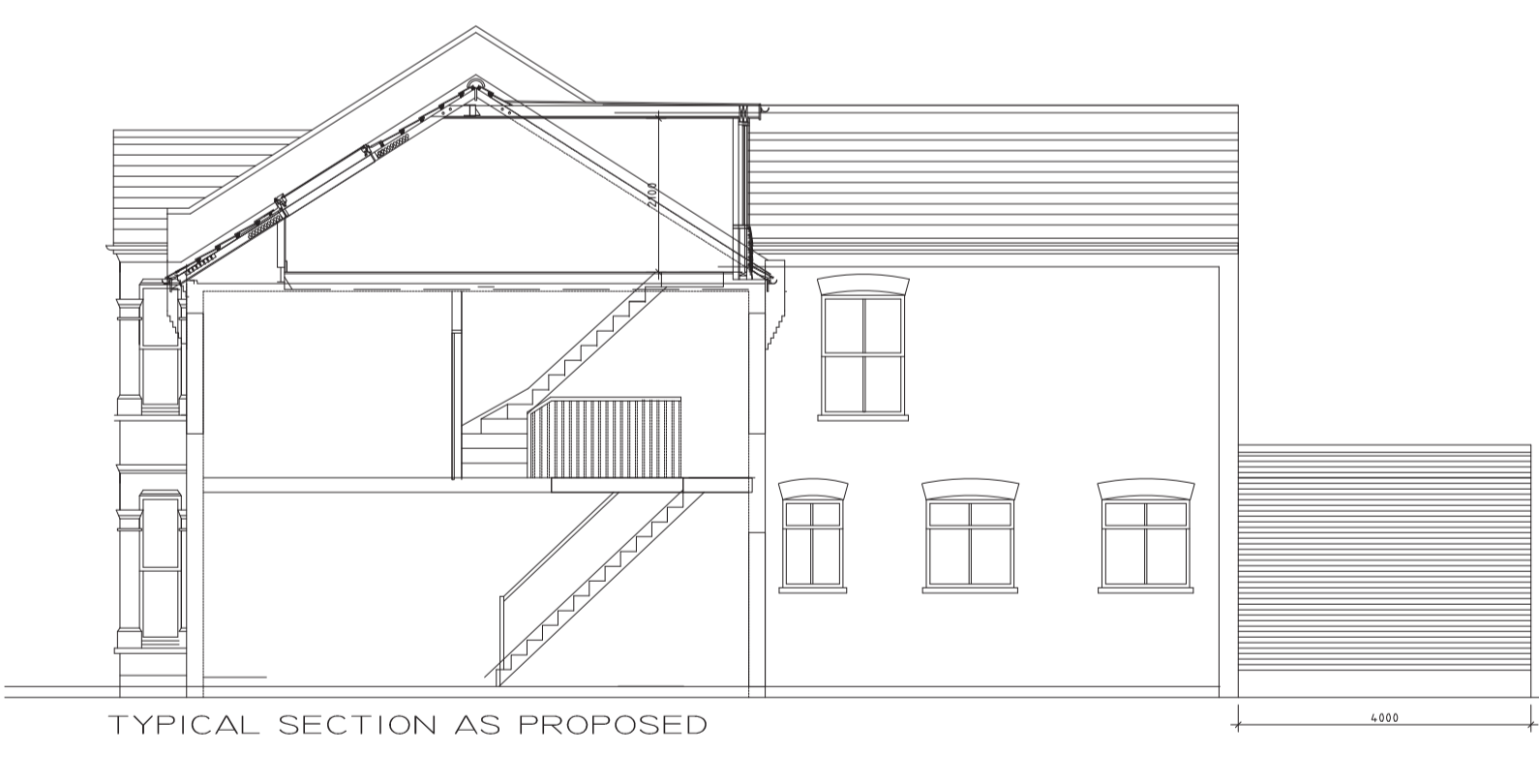
**DRAWING TITLE**  
**Relationship of windows  
 positions with neighbouring  
 properties.**



ARCHITECT I.S.O.	DRAWN	DATE
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SCALE	CHECKED	RIBA WORKSTAGE
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DRAWING NO.	REVISION	
H/004780-1/04	A	



GROSS INTERNAL AREA	
FLAT 1	: 60.8M2
FLAT 2	: 60.8M2
FLAT 3	: 77.5M2
FLAT 4	: 77.5M2



Rev	Notes	Date
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**STATUS**  
 Planning Submission

**CLIENT**  
 Housing Gateway Limited

**JOB TITLE**  
 164 Lavender Hill  
 Enfield  
 Middlesex EN2 8RP

**DRAWING TITLE**  
 Existing & Proposed Plans  
 3 x Two bed and  
 1 x Three bed.

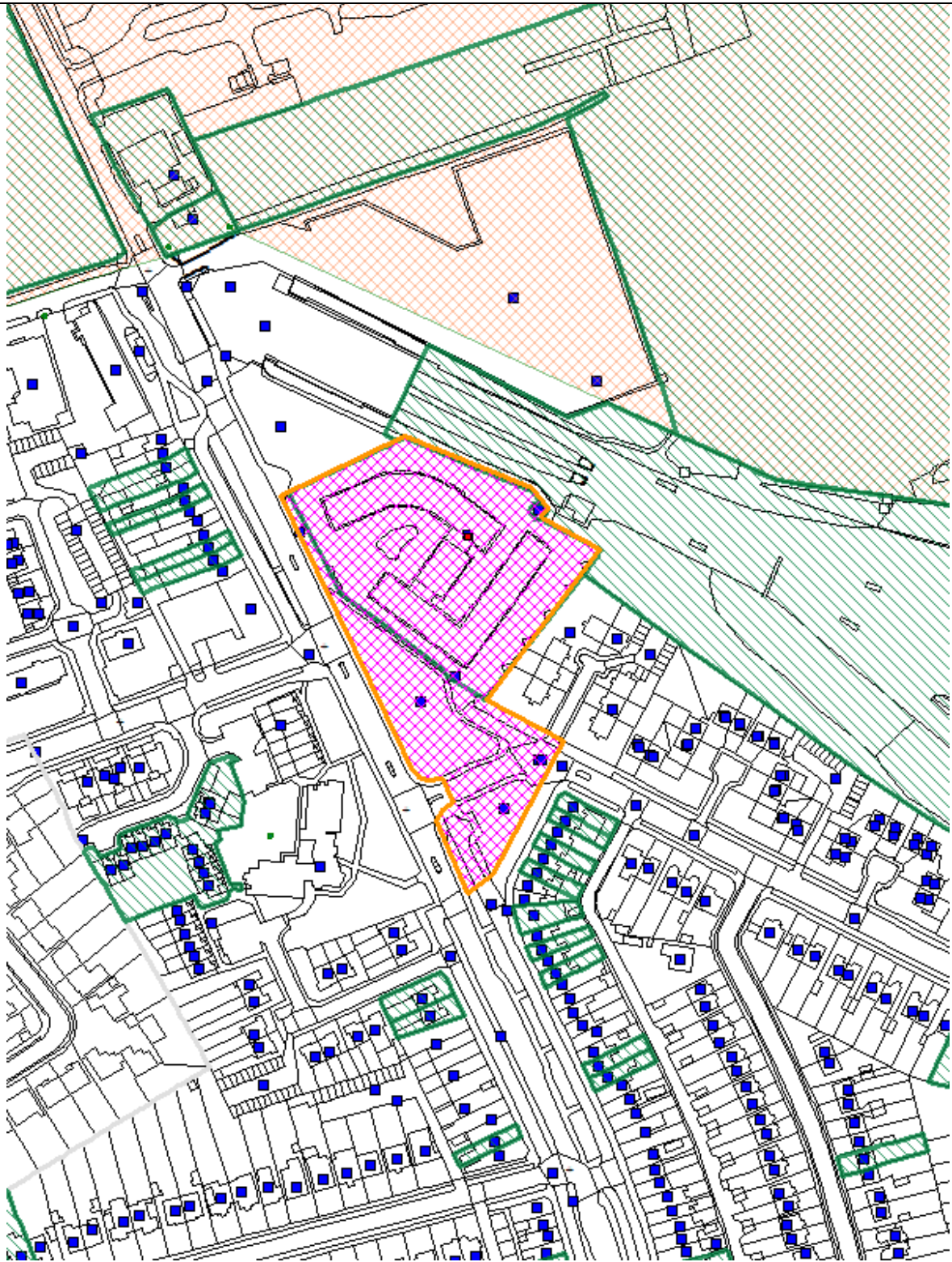


City Centre  
 Silver Street  
 Enfield  
 EN1 3XD  
 Tel: 020 8379 1000  
 Company registration no: 8086227

ARCHITECT'S I.D.	DRAWN	DATE
TD	Parvinder	04/03/16
SCALE	CHECKED	RIBA WORKSTAGE
1:100 @ A1	TD	-
DRAWING NO.	REVISION	
H/004780-1/01		

<b>LONDON BOROUGH OF ENFIELD</b>		
<b>PLANNING COMMITTEE</b>		<b>Date :</b> 21 February 2017
<b>Report of</b> Assistant Director, Regeneration & Planning	<b>Contact Officer:</b> Andy Higham Sharon Davidson Mr Sean Newton	<b>Ward:</b> Cockfosters
<b>Ref:</b> 16/04133/FUL		<b>Category:</b> Full Application
<b>LOCATION:</b> Blackhorse Tower, Holbrook House And Churchwood House, 116 Cockfosters Road, EN4 0DY,		
<b>PROPOSAL:</b> Redevelopment of site to provide a total of 164 residential units (including 54 affordable units) with basement and surface car parking, comprising partial demolition and refurbishment of Black Horse Tower and construction of an additional floor to provide 88 residential units within a 10-storey block, demolition of Holbrook House and Churchwood House, erection of a 7-storey block of 44 residential units (Block B) and erection of a part 4, part 7-storey block (Block C) providing flexible uses at ground and first floor levels (2,492 sq.m.), a 64-bed hotel (2770 sq.m) and 32 residential units, together with a central courtyard rooftop garden with play area, a roof level podium garden and landscaping of Cockfosters Green.		
<b>Applicant Name &amp; Address:</b> Hermes Property Unit Trust		<b>Agent Name &amp; Address:</b> Sid Hadjioannou - Director Turley The Charlotte Building 17 Gresse Street W1T 1QL
<b>RECOMMENDATION:</b> That following referral to the Mayor of London and no objections being raised, and the securing of a Legal Agreement to secure the obligations, planning permission be <b>GRANTED</b> subject to conditions.		

Ref: 16/04133/FUL LOCATION: Blackhorse Tower, Holbrook House And Churchwood House,



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Scale 1:1250

North



## **1. Site and Surroundings**

- 1.1. The application site, on the western side of Cockfosters Road, comprises of three office buildings – the largest of which, Black Horse tower, is 9-storeys. The two other buildings (Holbrook House and Churchwood House) are both 3-storeys.
- 1.2. Immediately to the rear (east) of the site is a London Underground line (Piccadilly) which terminates at Cockfosters Station, sited approximately 65m north of the site on Cockfosters Road.
- 1.3. Immediately west of the tube line and north of the station is Trent Country Park, which lies within the Trent Park Conservation Area and within the Metropolitan Green Belt.
- 1.4. The site lies within the Cockfosters Large Local Centre.

## **2. Proposal**

- 2.1. Permission is sought for the redevelopment of the site to provide a total of 164 residential units (including 54 affordable units) with basement and surface car parking (148 spaces), comprising partial demolition and refurbishment of Black Horse Tower and construction of an additional floor to provide 88 residential units within a 10-storey block (Block A), demolition of Holbrook House and Churchwood House, erection of a 7-storey block of 44 residential units (Block B) and erection of a part 4, part 7-storey block (Block C) providing flexible uses at ground and first floor levels (2,492 sqm), a 64-bed hotel (2770 sqm) and 32 residential units, together with a central courtyard rooftop garden with play area, a roof level podium garden and landscaping of Cockfosters Green. A total GIA of 27,253sqm is proposed.
- 2.2. The proposed development involves the part demolition, refurbishment and conversion of Black Horse Tower (referred to as Block A) from office use (Use Class B1a) to residential use (Use Class C3), including the provision of a roof top single storey extension to utilise the height of the existing lift overruns, to create a total of 78 residential (market) and 10 affordable residential units with a mixture of dwelling types, including 1, 2, 3 and 4 bedroom apartments.
- 2.3. The development includes the total demolition of the L Shaped complex, comprising Churchwood House and Holbrook House to provide two new blocks (referred to as Blocks B and C respectively), centred around a podium at ground and first floor levels to tie into the existing Black Horse Tower building and the two proposed Blocks (B and C).
- 2.4. Beneath the central element of the proposed podium is a proposed basement level car parking area, which will house 103 spaces including 9 disabled spaces, along with secure cycle stores for 190 spaces and associated access lift and stair cores. This basement level will also house the tank rooms for Blocks A, B and C.
- 2.5. At ground floor level, the central portion of the podium includes a servicing area with additional parking (45 spaces including 11 disabled spaces) and three service bays capable of catering for a range of service vehicles up to the maximum size rigid vehicle (8 to 10m in length). Allowance has also been made within the service area for coach and taxi drop off/pick up.

- 2.6. Block B will comprise a seven storey block which will deliver the majority of the Site's affordable housing component, comprising a total of 44 units, ranging from 1, 2 and 3 bedroom apartments. The entrance to Block B fronts onto Norfolk Close and will include direct access to the central courtyard to the rear.
- 2.7. Block C fronts onto Cockfosters Road and provides a mixture of uses and activity in the form of a range of flexible uses at ground and first floor, including the potential for retail, restaurants/cafes, a doctors' surgery and offices. Block C will also include a 64 bedroom hotel and 32 residential units (comprising a mixture of dwelling types ranging from 1, 2 and 3 bedroom apartments).
- 2.8. The proposals include enhancements to Cockfosters Green, retaining all of the significant trees, whilst providing enhancements to the ground level planting, pathways, lighting, and street furniture.

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

- 3.1. There is a long planning history associated with the site. The most relevant is set out below:
- 3.2. In February 2016, it was determined that an Environmental Impact Assessment (ref: 16/00163/SO) was not required for the conversion and extension of Black Horse Tower (Block A) from office to residential uses together with demolition of Holbrook and Churchwood Houses and construction of two buildings (Blocks B and C) for residential uses, a hotel and flexible retail, GP surgery and gym and office use, comprising a total of 167 residential units across the site (including affordable units), 1107sqm GIA flexible retail floorspace (A1, A2, A3), 874sqm flexible community, office and retail floorspace (D1, B1, A3) 616sqm flexible community and office floorspace (D2, B1) and a 64-bed hotel (C1) together with up to 205 car parking spaces.

### **4. Consultations**

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

##### Economic Development

- 4.1.1. It has been advised that an employment and skills strategy will be required, in accordance with the s106 SPD.

##### Environmental Health

- 4.1.2. No objections are raised because it is considered that there is unlikely to be a negative environmental impact. In particular there are no concerns regarding air quality. Conditions are proposed relating to noise, dust, and contamination.

##### Traffic and Transportation

- 4.1.3. No objections are raised subject to conditions and contributions towards public realm improvements.

##### Tree Officer

- 4.1.4. Although it is advised that there is no in principle objection, the following comments are made:



- Most of the trees to be removed are category 'C' trees, in accordance with BS5837:2012, and should not be considered a constraint to development.
- There are some category 'B' lime trees of moderate value on the East side of the development adjacent to the existing and proposed car parking areas that are to be removed in order to facilitate development.
- There are no currently 'tree covered' areas that will not be replaced by better quality tree planting.
- The group of trees on the north boundary (G30) is located outside of the site. Removal of these will require the permission of the landowner.
- A preliminary Tree Protection Plan has been submitted to protect existing trees, however, this lacks some detail, and a comprehensive TPP will be required for submission under condition.
- A new path network on the existing green adjacent to mature trees will need to be constructed on a no dig basis.
- Large specimens are to be planted to provide an instant impact and tree pit design detail shown is modern and shows structural cellular crate systems beneath car parking areas where appropriate to ensure an adequate rooting environment beneath hard surfaces. Again an appropriate landscaping condition will be required.

#### Metropolitan Police Service

- 4.1.5. It has been recommended that the development adopts the principles and practices of 'Secured by Design' and the physical security requirements detailed within the current Secured by Design Homes guide. This should be secured by condition. In addition, the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). It has also been advised that the amended plans, which have reduced the size of the basement, do not raise any new concerns.

#### Greater London Authority

- 4.1.6. Consultation with the Mayor's Office is a two stage process. The following comments have been received in response to the stage one consultation:
- Whilst the principle of the redevelopment of the site is supported, the Mayor considers that the application does not yet fully comply with the London Plan for the following reasons:
    - The proposal is only providing 35% affordable housing.
    - The provision of on-site play space for 0-5 year olds is short of the requirement. A detailed play strategy should be required.
    - A 'safe zone' for pedestrians only should be delineated in the shared surfaces.
    - TfL require operational access to be safeguarded.
    - The overall parking ratio should be reduced.
    - With regard to climate change mitigation, the development falls short of the requirement for the non-domestic (27%) and domestic (24%) uses. Options to increase savings should be explored.

#### Thames Water

- 4.1.7. The following comments have been received:

- We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.
- A Groundwater Risk Management Permit from Thames Water will be required.
- With regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer.
- With regard to water supply, this comes within the area covered by the Affinity Water Company.
- No piling shall take place until a piling method statement has been submitted to the LPA for approval.

#### London Underground

- 4.1.8. It has been advised that whilst there are no objections in principle, there are a number of potential constraints being in close proximity to railway infrastructure. A series of measures are proposed to be included in a condition.

#### London Fire and Emergency Planning Authority

- 4.1.9. It has been advised that the Brigade are satisfied with the proposals for firefighting access
- 4.1.10. Any further comments received will be reported at Committee.

#### **Public Response**

- 4.1.11. Letters were sent to the occupiers of 1002 neighbouring and nearby properties in addition to site and press publicity. As a result, 45 letters, inclusive of letters from the Southgate District Civic Trust and FERRA, have been received raising some or all of the following points:

#### Impact on character of the area

- The site has been under-used for many years and there is a case for economic development, especially with close proximity to the Underground service.
- Residents generally accept that some densification will result from any development scheme; the degree and sustainability in this case are core questions for the community and its acceptance or otherwise of this development.
- Insufficient amenity space provision.
- The prominent position of this site calls for architecture of distinction, character and variety such as would enhance the village scene, but there is none.
- Development is too high / should be reduced in scale.
- The tall block is already an eyesore visible for miles around and out of keeping with the locality. Another floor is inappropriate, particularly as the lower blocks are to be replaced with more floors.
- The proposed add-on to the left-hand side of Black Horse Tower, and the proposed new high buildings along Cockfosters Road in front of Black Horse Tower, will have an adverse impact on the view of and integrity of Black Horse Tower.
- Black Horse Tower is very much a local landmark, and a dramatic piece of architecture. Obscuring it will change the character of the area for the worse.

- The existing unattractive building is already too high for the area. It could be demolished entirely and replaced with sensitively designed mix of office space, public facilities (a new doctor's surgery / health centre) and affordable housing.

#### Impact on amenity

- Density has even been pursued to the point that views available to residents from the main tower looking west are of the lowest quality - inappropriate and discordant for a suburban development.
- Increase in pollution.
- Overlooking.
- Loss of privacy.
- Loss of light.
- Noise and disturbance.

#### Highways matters

- Cockfosters Rd is a vital connection to the M25 and traffic flows morning and evening will be significantly impacted, especially at the Westpole Ave / Cockfosters Rd junction.
- Traffic is frequently jammed every day from the Cat Hill roundabout going towards Potters Bar. We also have frequent queues from the top of Cat Hill returning from Potters Bar all the way to Cockfosters.
- Loss of parking.
- Inadequate parking provision.
- Increase in traffic.
- Inadequate access.
- Double yellow lines are needed on the Cockfosters Road, top of Westpole Avenue and Mount Pleasant as cars park on corners making it dangerous for pedestrians.
- Traffic refuges in Cockfosters Road are not sufficient for pedestrian safety particularly as more children will need to cross that road.
- Although the development is adjacent to a transport hub, it lies on the edge of London. The decision to apply an arbitrary 50 percent reduction to London Plan guidelines on maximum residential parking spaces (as has been done) is hard to rationalise. Similarly, to suggest that little or no parking spaces will be needed for the hotel is also questionable.
- The existing supermarkets and restaurants at Cockfosters, particularly those directly opposite the proposed development, already create parking and traffic problems as the service road is congested.
- Although the proposed health centre would be a welcome addition, to introduce further retail units and a health club on the eastern side, without further service roads and parking bays, would further compromise the parking and traffic in this congested area.
- The traffic survey is not valid as office was open basically mon-fri. homes have cars and deliveries 24 hr 365 days a year so will generate far more traffic particularly at weekends.
- Double yellow lines should be introduced

#### Any other matters raised

- Affect local ecology.

- Although it is fashionable to claim employment gain, there is in fact no notified need of further employment in this area, as features in Hermes' submission.
- There is also no demonstrated need for either a hotel or further retailing in Cockfosters Village.
- Increased danger of flooding.
- Loss of property values.
- This development would add to the already stretched resources in the area such as schools and health services.
- No objection to a change of use of the office buildings, but feel somewhat saddened that apparently Cockfosters is unable to attract sufficient tenants for these buildings.
- Influx of new residents without adequate planning as to how the infrastructure is going to be negatively impacted is unwise.
- I believe no EIA was undertaken by or for the Council.

## 5. Relevant Policy

### 5.1. The London Plan

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 3.8	Housing choice
Policy 3.9	Mixed and balanced communities
Policy 3.10	Definition of affordable housing
Policy 3.11	Affordable housing targets
Policy 3.12	Negotiating affordable housing
Policy 3.13	Affordable housing thresholds
Policy 3.14	Existing housing
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 5.8	Innovative energy technologies
Policy 5.9	Overheating and cooling
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 5.13	Sustainable drainage
Policy 5.14	Water quality and wastewater infrastructure
Policy 6.3	Assessing the effects of development on transport capacity
Policy 6.9	Cycling
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 7.6	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 open space and addressing deficiency
Policy 7.19	Biodiversity and access to nature

## 5.2. Core Strategy

CP2:	Housing supply and locations for new homes
CP3:	Affordable housing
CP4:	Housing quality
CP5:	Housing types
CP9:	Supporting community cohesion
CP13:	Promoting economic prosperity
CP16:	Taking part in economic success and improving skills
CP18:	Delivering shopping provision across Enfield
CP20:	Sustainable energy use and energy infrastructure
CP21:	Delivering sustainable water supply, drainage and sewerage infrastructure
CP22:	Delivering sustainable waste management
CP24:	The road network
CP25:	Pedestrians and cyclists
CP26:	Public transport
CP28:	Managing flood risk through development
CP30:	Maintaining and improving the quality of the built and open environment
CP31:	Built and landscape heritage
CP32:	Pollution
CP36:	Biodiversity
CP46:	Infrastructure contributions

## 5.3. Development Management Document

DMD1	Affordable Housing on Sites Capable of Providing 10 Units or More
DMD3	Providing a Mix of Different Sized Homes
DMD4	Loss of Existing Residential Units
DMD6	Residential Character
DMD8	General Standards for New Residential Development
DMD9	Amenity Space
DMD10	Distancing
DMD37	Achieving High Quality Design-Led Development
DMD38	Design Process
DMD43	Tall Buildings
DMD44	Preserving and Enhancing Heritage Assets
DMD45	Parking Standards
DMD47	New Roads, Access and Servicing
DMD48	Transport Assessments
DMD49	Sustainable Design and Construction Statements
DMD50	Environmental Assessment Methods
DMD51	Energy Efficiency Standards
DMD53	Low and Zero Carbon Technology
DMD54	Allowable Solutions
DMD55	Use of Roof Space / Vertical Surfaces
DMD56	Heating and Cooling
DMD57	Responsible Sourcing of Materials
DMD58	Water Efficiency
DMD59	Avoiding and Reducing Flood Risk
DMD60	Assessing Flood Risk
DMD61	Managing Surface Water
DMD65	Air Quality

DMD68	Noise
DMD69	Light Pollution
DMD70	Water Quality
DMD72	Open Space Provision
DMD73	Children's Play Space
DMD78	Nature Conservation
DMD79	Ecological Enhancements
DMD81	Landscaping

#### 5.4. Other Relevant Policy Considerations

National Planning Policy Framework  
National Planning Practice Guidance  
LBE S106 SPD (2016)  
Community Infrastructure Levy Regulations 2010  
Trent Park Conservation Area Character Appraisal (2015)  
Trent Park Conservation Area Management Proposals (2015)  
Enfield Characterisation Study  
Enfield Council Tall Buildings Study  
Monitoring Report and Housing Trajectory 2015 (2016)  
Technical Housing Standards – Nationally described space standards

## 6. **Analysis**

### 6.1. **Principle**

6.1.1. In broad terms, the proposal is consistent with the policies within the London Plan and the Core Strategy which seek to support development which contributes to the strategic housing needs of Greater London and the Borough. However, this must be weighed against any impact on adjacent heritage assets and Green Belt, the loss of employment, design, the character of the area, neighbour amenity and residential amenity, traffic generation and highway safety and acceptability with regards to sustainability are given appropriate consideration.

6.1.2. Located within the Cockfosters Large Local Centre, the propose mixed use development is considered acceptable in principle.

### 6.2. **Heritage Considerations**

#### Statutory background

6.2.1. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("Listed Buildings Act") confirm that special attention shall be paid to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of that area (s.72). As confirmed by the Court of Appeal (Civil Division), the decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137, it was concluded that where an authority finds that a development proposal would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm "*considerable importance and weight*". Further case law has reconfirmed the Barnwell decision and the considerations to be undertaken by a planning authority: *The Forge Field Society & Ors, R v Sevenoaks District Council* [2014] EWHC 1895 (Admin), *Pugh v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin).

### National Guidance

- 6.2.2. Section 12 of the National Planning Policy Framework (Conserving and enhancing the historic environment) advises Local Planning Authorities to recognise heritage assets as an “irreplaceable resource” and to “conserve them in a manner appropriate to their significance” (para.126). Paragraph 132 goes on to say LPAs need to consider whether a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Proposals that lead to substantial harm to or a total loss of significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or it meets with the test identified at paragraph 133. Where a development will lead to less than substantial harm, the harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use (para. 134). The NPPF states that heritage assets include designated heritage assets and assets identified by the Local Planning Authority (including local listing) as stated in Appendix 2.
- 6.2.3. At paragraph 137, LPAs are also advised to look for opportunities for new developments within conservation areas and within the setting of heritage assets to better reveal their significance. Where a proposal preserves those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. The NPPG advises that the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which the asset is experienced is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.
- 6.2.4. The NPPG also advises that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle. It also advises that conservation is an “*active process of maintenance and managing change*”. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic, and environmental benefits.
- 6.2.5. Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise, as confirmed at s.38(6) of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) and s.70(2) of the Town and Country Planning Act 1990 (“T&CPA 1990”). The Local Plan, as confirmed at s.38(2) of the 2004 Act, comprises of: the Spatial Development Strategy for Greater London (“London Plan”), the Enfield Plan Core Strategy 2010-2015 (“Core Strategy”) and the Development Management Document (“DMD”).
- 6.2.6. London Plan policy 7.8 (“Heritage Assets and Archaeology”) advises what boroughs should do at a strategic level to identify, preserve, and enhance London’s heritage assets. Policy CP31 (“Built and Landscape Heritage”) of the of the Core Strategy sets out a requirement that development should conserve and enhance designated and non-designated heritage assets. Policy DMD44 (“Conserving and Enhancing Heritage Assets”) states that development which fails to conserve and enhance the special interest, significance or setting of a heritage asset will be refused. The design, materials and detailing of development affecting heritage assets or their setting should conserve the asset in a manner appropriate to its significance.
- 6.2.7. There are several heritage assets upon which the impact of the development should be considered against:

- Cockfosters Underground Station
- Trent Park Conservation Area

6.2.8. What must therefore be determined is whether any of the elements proposed will harm the significance of the various heritage assets, having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of a conservation area (s.72).

6.2.9. If any harm is identified, great weight must be given to that harm. Further to this, as advised above, if substantial harm or total loss to significance is identified, it would need to be established whether there are any substantial public benefits that would outweigh the identified harm or loss or the tests identified at para.133 of the NPPF are met. If there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal, and for undesignated heritage assets, a balanced judgement must be made having regard to the scale of any harm or loss and the significance of the heritage asset. It should be noted that benefits are not limited to heritage benefits but to all material planning benefits capable of meeting the policy tests.

6.2.10. The proposal will have a greater or lesser impact on individual heritage assets. The factors for consideration will be:

- Proximity
- Visibility
- Compatibility of the proposal with the context and setting of the asset
- The significance of the asset
- The sensitivity to harm of the asset

#### Assessment against Heritage Assets

*4411 COCKFOSTERS ROAD (East Side) Cockfosters LRT Station including platforms TQ 29 NE 19/1000 and platform canopies (grade II)*

6.2.11. The list entry detail of Cockfosters Station (listed 26 May 1987) is as follows:

*London Underground Station. 1933. Designed by Charles Holden. Brick and concrete entrance facades, with concrete framed train shed and booking hall. Flat roof. Main facade of 1 storey, long and low, with central square headed entrance and horizontal windows to either side with horizontal panes and metal glazing bars. End towerlets with London Underground sign finials. Cantilevered canopy over whole width. 'Prow' shaped booking hall. Train shed to rear with alternating wide and narrow bays to concrete frame, which is canted inwards above platform canopies to form a clerestory above the central track. Original light fittings, signs, etc.*

6.2.12. The above list description indicates the principle elements worthy of listing. Whilst the development proposal will infill the rooftop of the Black Horse Tower, it is considered that this element would not result in any harm to the significance of the heritage asset because it is a minor addition to the existing bulky building. The roof addition will not be experienced from the station, inclusive of its entrance, and is therefore considered to have a neutral impact. The western end of Black Horse Tower will be provided with a 4-storey extension however this is considered to have a neutral impact.



6.2.13. The buildings replacing Churchwood and Holbrook House, whilst bigger and bulkier, are predominantly screened from the station by Black Horse Tower. Notwithstanding this, where it is possible to view Block C, there is sufficient distancing (together with the intervening mass of Black Horse Tower), for the station to not be challenged in any way by these elements.

#### *Trent Park Conservation Area*

6.2.14. The significance of the Trent Park Conservation Area derives from the following:

- Its historic association with the Enfield Chase, a hunting park attached to the manor of Enfield;
- Half of the total area is grade II listed on the Register of Parks and Gardens of historic interest;
- The topography continues to play a dominant role in determining the distinctiveness of the conservation area;
- The historic integrity of the estate has largely been preserved;
- The estate retains evidence of layers of change resulting from successive ownerships, uses, functions, and fashions; and
- Trees remain a very important element.

6.2.15. The only element of the site visible from the conservation area is Black Horse Tower. As identified previously, the building dominates views from a wide area, as demonstrated in the visuals provided with the “*Built Heritage, Townscape and Visual Impact Appraisal*”. However, there is no greater impact than currently exists.

6.2.16. Having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of a conservation area (s.72) the proposal has been assessed against the identified heritage assets as set out above. It is considered that the development proposals will not lead to any harm to the designated or undesignated heritage assets having regard to Policy 7.8 of the London Plan, Core Policy 31, Policy DMD44 of the Development Management Document, and with section 12 of the NPPF. The development proposals must therefore now be assessed against any other material considerations, in accordance with s.38(6) of the 2004 Act and s.70(2) of the T&CPA 1990.

### **6.3. Green Belt Considerations**

6.3.1. The NPPF confirms that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence (para.79). The development site, being outside of the Green Belt, does not conflict with Green Belt policy. However, The site is adjacent to it, therefore the provisions of DMD83 (“Development Adjacent to the Green Belt”) apply:

- a. No increase in visual dominance and intrusiveness by way of height, scale and massing
- b. There is a clear distinction between the Green Belt and urban area; and
- c. Views and vistas into/from the Green Belt, especially at important access points, are maintained.

6.3.2. Black Horse Tower is an existing visually dominant feature within the surrounding area. Although the height of the building will not be materially different, the

development proposal infills the gap between the existing plant rooms at either end of the roof. However, the use of lightweight materials helps to alleviate any adverse visual impact, therefore there is no increase in visual dominance and intrusiveness. In addition, the distinction between the Green Belt and the urban area, together with existing views are maintained. It is considered that there is no conflict with DMD83.

#### 6.4. Employment Use

- 6.4.1. Core Policy 19 (“Offices”) seeks to protect office space within the Borough, and in particular it identifies Enfield Town as the main location for new office development. In other centres, the conversion of surplus office space is supported where it is demonstrated that there is no demand in the particular location. This is reiterated in DMD22 (“Loss of Employment Outside of Designated Areas”).
- 6.4.2. A Qualitative Appraisal demonstrates that due to the large office floor plates, the cost of upgrading the building fabric, together with rent yield, would result in the re-use of the buildings for commercial uses not being viable. Although the proposal will result in the loss of existing office space, employment activity will be maintained through the proposed flexible permission relating to the ground and first floor levels of Block C (to include: retail; financial and professional; restaurant/café; office; and non-residential institution uses falling within Use Class categories A1, A2, A3, B1a and D1). The total floorspace proposed for these uses is 2,492 sqm GEA (2,430 sqm GIA). Other benefits include:
- 102 - 214 gross FTE direct jobs on-site once the development is fully complete and occupied (38-80 indirect indirect/induced FTE jobs);
  - £5.4 - £15.6 million Gross Value Added (GVA) annually (£2M to £6.3M across Enfield);
  - £200,000-£300,000 business rate revenue per annum;
  - 202 employed residents;
  - £3.2 million retail and leisure household expenditure annually;
  - £240,000 council tax revenue annually;
  - £3.9m per annum in visitor expenditure;
  - 178 Full Time Equivalent (FTE) temporary construction jobs; and
  - £18.5 million GVA per annum during the 2.7 year construction period.
- 6.4.3. In addition, there are no neighbouring employment sites which would be compromised by the development and as detailed within the *Economic Impact Assessment*.
- 6.4.4. The proposal will deliver a range of social and economic benefits to Cockfosters, in addition to the wider economies of Enfield and London. The development will bring back into full beneficial use one of the office buildings (Black Horse Tower), improve leisure / tourism facilities through the provision of a hotel and gym, and offer additional A1/A3 uses within a robustly performing Large Local Centre. These are considered to outweigh the economic impacts associated with the existing uses of the site, having regard to DMD22.

#### 6.5. Housing Need

- 6.5.1. Section 6 of the NPPF (“Delivering a wide choice of high quality homes”) provides guidance on housing delivery and the quality and location of new houses. Paragraph 47 of the NPPF aims to “boost significantly the supply of housing” through the use of an evidence base and an annually updated supply of specific deliverable sites with a

5% buffer. Paragraph 48 confirms that local planning authorities should make allowance for windfall sites in the five-year supply if there is compelling evidence that such sites have consistently become available, although it is advised that this should not include residential gardens. Housing applications are to be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (para.49). Paragraph 53 advises that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

- 6.5.2. The Core Strategy seeks to ensure new developments offer a range of housing sizes to meet housing need. In particular, it seeks to ensure that with regard to market housing, 45% are 3+bedroom houses and 20% is 4+bedroom houses. The Core Strategy policy is based on evidence from the research undertaken by Ecotec.
- 6.5.3. Data within the Monitoring Report and Housing Trajectory 2015 (“Monitoring Report”) confirms that in 2014/15, affordable 3+ bedroom new homes comprised 37% of the total affordable (affordable rented, social rented and intermediate) units delivered, while 63% of the affordable new homes were 1 and 2 bedroom flats. For market/private housing, the proportion of 3+ bedroom new homes was 23%, while 77% were 1 or 2 bedroom flats. The proposed development will provide for the following:

Unit size	Proposed Number	%
1b	0	0
2b	121	73.8
3b	37	22.5
4b	6	3.7
<b>TOTAL</b>	<b>164</b>	

- 6.5.4. Although the above table shows that the development would continue to fall significantly short of the Core Strategy target, this should be weighed against the significant increase in the provision of housing across the site.

#### Affordable Housing

- 6.5.5. Affordable housing is social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market housing (London Plan Policy 3.10). Affordable housing targets are set by individual boroughs based upon an assessment of need over the plan period. Policy DMD1 confirms that the borough-wide affordable housing target is 40%, with a target tenure mix of 70% social / affordable rent and 30% intermediate.
- 6.5.6. Of the 164 units that will be provided, 54 (33%) will be affordable. Although below the policy target (40%), an independent viability assessment has concluded that the proposal represents the maximum level of affordable housing and an appropriate mix of units. In this regard, it is therefore considered that the development is consistent with Policies 3.8 and 3.14 of the London Plan, Core Policy 5 of the Core Strategy and DMD Policies 1, 3 and 4 of the Development Management Document.
- 6.5.7. It is considered appropriate to secure the tenure, mix and size of units through an appropriately worded condition to ensure that any potential future changes are fully

policy / standards compliant and appropriate levels of contributions have been secured.

## 6.6. Impact on Character of Surrounding Area

### Density

- 6.6.1. Any assessment of density must acknowledge the NPPF and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities, although they must also be appropriate for the area. The site has a PTAL score of 3-4, thereby suggesting that a level of density in the range of up to 130 units per hectare (u/ha) may be appropriate for this location. A total of 164 units are proposed on a site measuring approximately 1.24ha, equating to a density of approximately 132u/ha.
- 6.6.2. Although the scheme exceeds the suggested density range, it is considered that it would be difficult to refuse on this element because it is only exceeded by a marginal amount. Moreover, a numerical assessment of density is but one factor to consider in assessing whether the site is capable of accommodating the quantum of development. Consideration must also be given to the design and quality of accommodation to be provided, the siting and scale of the development, its relationship to site boundaries and adjoining properties and the level and quality of amenity space to support the development. These factors are considered below:

### Design

- 6.6.3. The NPPF (section 7) confirms that the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development. Paragraph 59 of the NPPF confirms that design policies should “*avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*”. Paragraph 60 advises that “*decision should not impose architectural styles or particular tastes...[nor] stifle innovation, innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles...[although it is] proper to seek to promote or reinforce local distinctiveness*” while paragraph 61 advises that “*...decisions should address...the integration of new development into the natural, built and historic environment*”. Paragraph 64 confirms that when development fails to take opportunities for improving the character and quality of an area and the way it functions through poor design, permission should be refused. This is reiterated at DMD37 (“Achieving High Quality and Design-Led Development”) where it is advised that development which is not suitable for its intended function, that is inappropriate to its context, or which fails to have appropriate regard to its surroundings, will be refused.
- 6.6.4. London Plan policy 7.1 (“Lifetime neighbourhoods”) advises that the design of new buildings and the spaces created by them should “*help to reinforce or enhance the character, permeability, and accessibility of the neighbourhood*” while policies 7.4, 7.5 and 7.6 confirm the requirement for achieving the highest architectural quality, taking into consideration the local context and its contribution to that context. Design should respond to contributing towards “*a positive relationship between urban structure and natural landscape features...*” Policy DMD37 (“Achieving High Quality and Design-Led Development”) confirms the criteria upon which applications will be assessed.

6.6.5. A useful definition for tall buildings can be found in the supporting text to London Plan Policy 7.7 (“Location and design of tall and large buildings”): *Tall and large buildings are those that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor.*

6.6.6. The tallest element of the scheme is the refurbished 9-storey Black Horse Tower with an additional floor. Given the broad typology of the wider area, Black Horse Tower stands out as an anomaly. The Enfield Characterisation Study (2011) (“Characterisation Study”) discusses the impact that tall buildings can have on the borough’s townscape and landscape. It highlights the need to consider their introduction carefully in the context of existing development and landscape designations. In particular, it concludes that *“Tall buildings have an important relationship with topography, particularly where there are areas of special character or key views which could be affected by a prominent building”.*

6.6.7. With specific regard to the site, the Characterisation Study identifies the nine storey office block is identified as *“a notable exception to the otherwise suburban character...”* (p.133). At page 193, further reference is made:

*“The office building at Cockfosters station is a clear example of the potential for a tall building to impact on an important landscape. Although it meets a number of locational criteria for a tall building such as being at a transport node and close to shops and services, its position on the ridge over the Trent Country Park means that it has a substantial impact on the Trent Park conservation area”.*

6.6.8. In addition, the *Tall Buildings and Views* report accompanying the DMD identifies Holbrook House / Black Horse Tower as an inappropriate building in an inappropriate location (Appendix 1- table entry 48):

*“On a ridge occupying a prominent position very sensitive to tall buildings. The existing curved shaped building is highly visible in many views from the south and east. Although serving as a landmark and aiding legibility of the borough the existing building does not contribute positively to its surroundings nor provide high quality public space. However, the site has good access to public transport being adjacent to Cockfosters tube station the existing office use is appropriate in this location. A high quality less bulky replacement building that better respects the prominent location and setting might be acceptable.”*

6.6.9. The façade of the building will be improved with the use of more modern materials, windows updated and improved, and depth provided to improve the visual appearance of the building. The proposed roof has been reduced in depth so that it presents a thinner profile. This is considered to be an improvement to the overall appearance of the building.

6.6.10. The additional floor would effectively replace and infill the existing substantial plant room at either end of the roof. In contrast to the remainder of the building, the additional floor is composed of lightweight materials (predominantly glazing) and is set back from the edges of the building, helping to reduce massing. Whilst the existing (and proposed) height is at odds with the surrounding developments, it is recognised in policy 7.7 of the London Plan (“Location and design of tall buildings”) and DMD43 (“Tall Buildings”), that tall buildings are considered more appropriate when located in areas of good public transport access.

- 6.6.11. The improvements to Black Horse Tower is considered acceptable and will serve to improve the character and appearance of this building, having regard to Policy 7.7 of the London Plan, CP 31 of the Core Strategy and DMD43 of the Development Management Document.
- 6.6.12. Block B, a 7-storey residential building, will be located south of Black Horse Tower and replaces the part 3-, part 4-storey Churchwood House. Whilst significantly taller than the existing building, it will not completely obscure views of Black Horse Tower as that building will still be visible above and also through the gap between to Block C. Its overall design is considered acceptable.
- 6.6.13. Block C will rise to a maximum height of 6-storeys and will provide flexible uses on the ground and first floors and private residential and a hotel on the upper floors. It will be significantly taller than Holbrook House (3-storeys) but this is considered acceptable because it is largely separated from Cockfosters Road by Cockfosters Green, thereby not appearing too dominant when compared against the buildings opposite (maximum 4-storeys). The overall design has been improved through the introduction of vertical elements into the façade, helping to reduce the visual bulk of the building. The overall design is considered acceptable and the varying heights and gaps through all contribute to the visual interest of the building.

#### Layout

- 6.6.14. The layout of the development is a response to the irregular shape of the development site and is also largely dictated by the siting of Black Horse Tower and the location / proximity of Cockfosters Green.
- 6.6.15. The proposed buildings step down in height, providing a transition between Black Horse Tower and the lower developments on the western side of Cockfosters Road and Norfolk Close. The varying heights and gaps between the buildings allows for views into / out from the site. In addition, although the site sits at the northern end of the Large Local Centre, by design, it currently feels detached from the remainder of the Centre. The development proposal will create a more pedestrian friendly environment along the frontage of Block C and pathways from Cockfosters Road through Cockfosters Green assists in creating some permeability and activity. The range of buildings coupled with the overall layout and public realm improvements contribute to place-making, having regard to DMD37.
- 6.6.16. The proposed layout will have some impact on the local microclimate. London Plan Policy 7.7 advises that tall buildings should not adversely affect their surroundings with regards to microclimate and wind turbulence. The submitted *Wind Microclimate Assessment* confirms that there will be localised areas where conditions are anticipated to be windier than desired for the intended pedestrian use. However, mitigation measures, such as plantings, recessed entrances, and screens can help reduce wind speeds to a more suitable level. A condition will be imposed to seek details of any mitigation measures beyond that already provided for within the landscaping strategy.

#### Quality of Accommodation

- 6.6.17. To improve the quality of new housing, the new development must meet with the minimum standards contained within the London Plan (Policy 3.5 Quality and design of housing developments). Table 1 below demonstrates that the proposed GIA for each unit will meet with or exceed the respective adopted minimum standard. The scheme is therefore considered acceptable with regards to this element.

6.6.18. Turning to individual rooms, the nationally described space standards, advises that the preferred minimum floor areas for single bedrooms and double / twin bedrooms is 7.5sqm and 11.5sqm respectively. The combined floor areas for living / dining / kitchen space are dependent upon occupancy level. Each unit meets with or exceeds the minimum standards.

#### Amenity Space Provision

6.6.19. Policy DMD9 provides the standards for the level of private amenity space provision for each unit and is primarily based upon the number of rooms and occupancy level. The standards represent the absolute minimum, although regard must also be given to the character of the area.

6.6.20. All residential units will be provided with balconies or terraces. External balcony amenity for the refurbished residential block (Black Horse Tower) will be provided through the introduction of a balcony façade structure across the building on the south side. In addition, winter gardens have been introduced to provide additional private outdoor amenity space to the majority of these units.

6.6.21. External balconies are also provided to the apartments in the affordable block. These are projecting type and all meet the minimum size standards. Garden amenity to the duplex apartments is located within the private podium space on the southern side of Black Horse Tower. Further shared external amenity for the private and affordable residential makes up the remaining central private podium space above the service area accessible directly via circulation cores.

6.6.22. The development proposal includes the provision of a large central courtyard, which will be accessible from each block. Planting along the courtyard's northern edge adds colour and interest to the space whilst helping differentiate between the communal garden and private sunken courtyard gardens to the south of Black Horse Tower. Trees in the courtyard are located above structural supports within the basement below allowing them to be of substantial size. Also located in the courtyard is a number of natural play features aimed at 0-5 aged children.

6.6.23. It is noted that the GLA considered that there was insufficient provision of play space (100sqm) for the 0-5 year olds. The anticipated child yield (76 Children) would suggest a requirement for 760sqm of play space, which would effectively comprise of almost the entire courtyard area. The purpose of the courtyard is to provide active and passive amenity space for all age groups and not just for one, although it is noted that the close proximity of Trent Park would also cater for older age groups. Having regard to the comments from the GLA, the applicant has amended the details of how the development will comply with the play space requirements within the submitted Landscape Addendum. The level of provision is now considered acceptable.

6.6.24. Cockfosters Green currently is an area of grass containing meadows, some planting and a number of established mature trees. The Green has an aesthetic value seen by people but is rarely actively used by people. The proposed improvement will, by including pathways through and benches allows for greater activity / use.

#### Daylight / Sunlight Levels

6.6.25. A daylight and sunlight assessment has been provided to establish whether the accommodation proposed will receive acceptable levels of lighting. The assessment

has been undertaken in accordance with the recommendations of the Building Research Establishment ("BRE") report *Site Layout Planning for Daylight & Sunlight: a guide to good practice 2011* and the British Standard document *BS8206 Pt2*. Three methodologies have been used: the Vertical Sky Component ("VSC"), the No-Sky Line Contour ("NSC") and the Average Daylight Factor ("ADF"). It should be noted that the first two methodologies relate to existing buildings, whilst the ADF test is used for the assessment of new buildings. In addition, commercial properties are excluded because they are generally designed to rely upon electric lighting. The properties assessed included:

- 6.6.26. The ADF method assesses the quality and distribution of light within a room, having regard to the size / number of windows and room use / size. It is considered to be the most effective way to assess daylight provision.
- 6.6.27. The results of the ADF assessment have shown that 175 (86%) of the 204 rooms assessed achieve daylight levels in excess of their target values. Fourteen of the 29 rooms which do not meet the BRE target levels are bedrooms, most of which are situated in Blackhorse Tower (Block A). The BRE guidance places less importance on bedrooms and sets lower target values. Furthermore, the majority of these rooms are located on the lower floors in areas where full adherence to the recommendations for daylight is difficult due to a greater level of obstruction to the potential view of sky due to the proximate massing e.g. at the junctions between the blocks. This reduced view of sky is exacerbated by the fact that these windows are set behind overhanging balconies which further blinker the view of sky. The trade-off of daylight marginally below that suggested in the BRE guidance and the private external amenity these balconies provide is considered acceptable in this case. Therefore, it is considered appropriate to apply the flexibility outlined within the BRE guidance.
- 6.6.28. With regard to external spaces, BRE Guide recommends that for a garden or amenity to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on 21 March. The results of the assessment show that the amount of sunlight provided within the central amenity space falls just short of the BRE recommendations, with 46.3% of the amenity area receiving at least 2 hours of sunlight on the 21st of March. Although it does not achieve the recommended 50%, only three days later on the 24th March, 50.4% of the amenity space will see at least two hours of sunlight.

#### Lighting Strategy

- 6.6.29. It is acknowledged that an external lighting scheme will need to be developed to provide sufficient lighting for security purposes whilst also avoiding overspill light pollution on existing neighbouring housing or have a negative impact on areas of nature and wildlife. Details will be secured by condition.

### **6.7. Impact on Neighbour Amenity**

#### Loss of Light / Overshadowing

- 6.7.1. The proposed development will result in a significant increase in the bulk and massing of the built form nearer to boundaries, and in particular near to the common boundary with properties fronting Norfolk Close (Nos.1 to 6). The aforementioned daylight and sunlight assessment has considered the impact of the development on the following neighbouring properties:

- 1-6 Norfolk Close



- 7-10 Norfolk Close
- 11-16 Norfolk Close
- 147-149 Cockfosters Road
- 6-12 Cockfosters Road
- 10 Mount Close

- 6.7.2. Of the 29 windows tested at 1-6 Norfolk Close, with regards to the VSC, 76% (22) passed, while 6 of the remaining 7 windows retain at least 0.7 times their former value, falling marginally short of the recommended value (0.8). With regard to the NSC, 96% of the rooms tested meet with the BRE guidelines while the one room that failed retains 0.6 times its former value.
- 6.7.3. It is acknowledged that the development proposal will have a minor effect upon the daylight and sunlight received at 1-6 Norfolk Close, however, where windows or rooms have not met with BRE guidelines, these instances are very minor and would not, by themselves, form a sustainable reason for refusal.

Distancing / Loss of Outlook / Overlooking / Loss of Privacy

- 6.7.4. It is acknowledged that given the greater massing of buildings nearer to boundaries, the outlook for neighbouring occupiers will change. Policy DMD10 ("Distancing") confirms the minimum distances considered acceptable to maintain a sense of privacy, avoid overlooking and overshadowing, and provide sufficient levels of sunlight. The table below provides the minimum acceptable distances, although it should be noted that development below those stated may be considered acceptable where it does not compromise development on adjoining sites or supported by daylight / sunlight assessments.

	Number of storeys in facing buildings					
	1 - 1	1 - 2	1 - 3	2 - 2	2 - 3	3 - 3
Minimum distance between rear facing windows (in metres)	22	22	25	22	25	30
Minimum distance between windows and side boundaries	11m					

- 6.7.5. The nearest residential buildings are to the south-west on Norfolk Close (Nos.1 to 6), sited between 7m and 11.5 to the common boundary with the application site, with a further 15m to the façade of the existing (Churchwood House) and proposed buildings (Block B).
- 6.8. Block B will be substantially taller than Churchwood House (3-storey), thus having a greater presence to those residents fronting Norfolk Close. However, unlike Churchwood House which extends for 30m near to that boundary, Block B extends for approximately 21.6m, beginning towards the rear of Nos.5&6 Norfolk Close.
- 6.9. Some substantial boundary trees within the gardens of those properties help to screen them from the development site, although it is noted that these are deciduous. The development proposal does not change this relationship. The lower three floors of Block B will still be screened by trees, thus not leading to any greater loss of privacy or overlooking. There will be no direct loss of privacy through rear-facing windows from the upper floors because of the sight angles. In addition, the northern end of Block B will only have side views of the rear gardens for 7&8 Norfolk Close.

6.9.1. It is considered that the development proposal will not substantially alter the existing relationship with regards to overlooking and privacy for adjacent occupiers.

## 6.10. Highway Safety

6.10.1. Policy 6.3 of the London Plan confirms that the impact of development proposals on transport capacity and the transport network are fully assessed. The proposal must comply with policies relating to better streets (Policy 6.7), cycling (Policy 6.9), walking (Policy 6.10), tackling congestion (Policy 6.11), road network capacity (policy 6.12) and parking (Policy 6.13). Policies DMD45 & 47 provide the criteria upon which developments will be assessed with regard to parking standards / layout and access / servicing.

### Parking

6.10.2. The maximum parking standards of the London Plan per unit are set out below, although it is advised that all developments in areas with a good PTAL score should be aiming for significantly less than 1 space per unit.

Number of beds	4 or more	3	1-2
Parking spaces	Up to 2 per unit	Up to 1.5 per unit	Less than 1 per unit

6.10.3. The site, as discussed above, is located in an area with a good PTAL score (3-4).

Unit Size	Number of Units Proposed	Minimum Provision	Maximum Provision
1b	0	0	0
2b	121	0	121
3b	37	37	55.5
4b	6	6	12
Total	164	43	188.5

6.10.4. The Transport Assessment ("TA") indicates that the development proposals include a total provision of 177 spaces, including 20 disability spaces. For the residential element of the scheme, 94 spaces (including 16 disabled spaces) are being provided, having regard to the good PTAL score.

6.10.5. For employment uses (including B1a use) in Outer London, the London Plan specifies a maximum of 1 car parking space per 100sqm to 600sqm GIA dependant on the PTAL level. Based on a PTAL of 3 to 4 at the Site, a car parking standard of 1 space per 300sqm would be considered appropriate for B1a use at this location.

6.10.6. The proposed 1,716sqm flexible retail space (A1, A2 or A3 uses) is speculative and therefore the split between A1/A2/A3 uses is unknown at this stage. For the purpose of the car parking calculation, it is proposed to apply the car parking standard for food retail (1 space per 30sqm) as this would represent the upper limit between the uses. It is proposed to reduce this by 30% to allow for local shopping trips, which are likely to be walking trips, the principle of which is agreed. It is proposed to provide 42 spaces for the retail use, inclusive of 2 disabled spaces.

6.10.7. In terms of the proposed flexible D1, B1a or A3 uses (776sqm), the split between these uses is also unknown at this stage. For the purpose of calculating the number of car parking spaces, it is proposed to apply the car parking standard for food retail with a reduction of 30% (as discussed above) to 50% of the overall floorspace

(388sqm) and the car parking standard for employment uses to the remaining 50% of floorspace (388sqm). A total of 11 spaces, inclusive of 1 disabled space, are proposed.

6.10.8. With regard to hotels (C1) use, there is no maximum car parking standards set out in the London Plan. It is recommended for hotels that in locations with a PTAL of 4 to 6, on-site provision should be limited to operational needs, parking for disabled people and that required for taxis, coaches, and deliveries/servicing. In locations with a PTAL of 1 to 3, provision should be consistent with objectives to reduce congestion and traffic levels and to avoid undermining walking, cycling or public transport. It is considered that 0.6 car parking spaces per hotel room is appropriate for a hotel at this location taking into account the PTAL of 3 to 4 at the site. However, it is proposed to reduce this to take account of retail/commercial parking spaces being available for hotel users outside the core retail hours. Thirty spaces, including 1 disabled space, are proposed.

6.10.9. Having regard to the comments received from the GLA, the previously proposed 29 spaces for the hotel use have been removed but one space will be provided for disabled users. Should hotel guests require parking, they would be able to utilise the retail/commercial spaces outside of the core retail hours.

#### Cycle Parking

6.10.10. For residential developments, the London Plan requires 1 space per 1-bed unit and 2 spaces for each 2-bed unit or greater (long-stay) and 1 space per 40-beds for short-stay (visitor). The remainder of the proposed uses would require the following provision:

- Food Retail (A1) = 1 long stay space per 175sqm and 1 short stay space per 40sqm for first 750sqm and thereafter 1 short stay space per 300sqm;
- Non-Food Retail (A1) = 1 long stay space per 250sqm for first 1,000sqm, 1 space per 250sqm thereafter and 1 short stay space per 125sqm for first 1,000sqm;
- Other Retail (A2-A5) = 1 long stay space per 175sqm and 1 short stay space per 40sqm;
- Offices (B1a) = 1 long stay space per 90sqm and 1 short stay space per 500sqm for the first 5,000sqm;
- Hotels (C1) = 1 long stay space per 20 bedrooms and 1 short stay space per 50 bedrooms;
- Health Centre (D1) = 1 long stay space per 5 staff and 1 short stay space per 3 staff

6.10.11. The proposed cycle parking provision for the site is set out in Table 5.2 of the Transport Statement, as shown below:

Land Use (GEA)	Long Stay Spaces	Short Stay Spaces	TOTAL
164 Residential Units (C3)	251	4	255
1,716sqm Retail (A1/A2/A3 use)	10	43	53
776sqm (D1/B1/A3 uses)	3	14	17
64-bed Hotel (C1)	4	1	5
<b>TOTAL</b>	<b>268</b>	<b>62</b>	<b>330</b>

6.10.12. Detailed plans showing all cycle stores, number of spaces, type of stands, dimensions of the cycle store, materials of the racks and stores etc. can be reasonably conditioned. Details of the location of the visitor spaces across the site should also be included. The design of the bike storage areas must indicate that it is big enough to accommodate cycles with stands/racks allowing both the frame and at least one wheel to be secured. The long-stay cycle parking must be lockable (ideally by an access fob or a mortice lock), sheltered from the weather, and lit. An appropriately worded condition will be imposed to secure the above details. In addition, the submitted details should also confirm staff change / shower facilities for the employment uses.

#### Trip Generation

6.10.13. The methodology to predict the trips was by using the industry standard TRICS software. This is an acceptable approach and T&T agree with the results. Overall the traffic generated to and from the site in the peak hours is unlikely to have a significant impact on the operation of the nearest junctions. It is noted vehicular trips will increase based on the existing use, and that the directions of vehicles will change, but overall the numbers are not high enough to require further junction assessment. It is noted that the methodology is included in the original transport scoping note and not the actual Statement.

6.10.14. There is also likely to be an increase in trips of other modes of transport to and from the site. The number of cycling trips and pedestrian walking trips could significantly increase due to the number of cycle spaces being provided and also the new retail units which will act as a destination for local residents, and also due to the promotion of sustainable transport modes through the Travel Plan. The predicted level of cycling (1%) is not considered robust because the aspiration of the Council is to increase cycling level towards 5%, which will be achieved through the delivery of the Cycle Enfield initiatives throughout the borough.

6.10.15. These additional trips are likely to have a material impact on the local footway and cycle route network, and therefore some mitigation towards this impact should be addressed through a legal agreement.

#### Access

6.10.16. Policy DMD45 confirms that all new developments must be designed to be fully accessible for all mobility requirements and should maximise walkability through the provision of attractive and safe layouts with pedestrian permeability.

6.10.17. Vehicular access is from the existing point of access at the western end of Westpole Avenue. There are no concerns with the re-use of the access point. Whilst it has been suggested that a raised table should be formed near the entrance in order to make driver aware of pedestrians, this is considered unnecessary. The provision of a pedestrian crossing is considered sufficient.

6.10.18. Pedestrian access is being redesigned in compared to the existing arrangement. The retail units will be accessed from a new pedestrian footway to be constructed in place of the existing access road running across the frontage of the site. This is considered an improvement. Pedestrian access to the residential units will be from either end of the site and from within the car park.

#### Refuse, Servicing & Emergency Access

6.10.19. In line with DMD47 of the Development Management Document, new development will only be permitted where adequate, safe and functional provision is made for refuse collection, emergency services vehicles and delivery/servicing vehicles.

6.10.20. Service vehicles will access the site from the car park access then turn into a service area located behind the commercial units. There are three service bays provided and the vehicle tracking diagrams confirm that all vehicles can access and egress the bays in a forward gear. Not all the units have a service bay but there is a large service area/turning space which provides a suitable area should additional servicing space be required.

6.10.21. Refuse collection for the residential units is also shown as taking place from the service yard. The bin stores for the units are close enough to the service yard to be collected without the need for the bins to be moved more than the recommended 10m.

6.10.22. These details will be secured via planning conditions.

6.10.23. It is also noted that TfL require operational access through the site. Details of how this will be maintained will be secured.

#### Electric Charging Points

6.10.24. The development is proposing 18 active and 35 passive spaces. For residential parking, the London Plan requires 20% of the parking spaces for electric vehicle parking and a further 20% passive provision for future use. Based upon the 94 spaces allocated for residents, this would equate to 19 active and 19 passive. Other standards apply in relation to retail uses (10% / 10%) and B1 uses (20% / 10%). The rationale for a lower active provision is that there is some uncertainty in the take-up of such spaces. The applicant supports the need for charging points and is therefore providing the infrastructure to increase the number of active charging points through the passive provision.

6.10.25. A solution would be to have a review mechanism built into the s106 so that after certain periods of time, surveys are undertaken to assess the demand for the active charging points and if necessary, increase their provision.

#### Highways Mitigation

6.10.26. Should planning permission be granted, a range of measures would need to be agreed through a S106 Agreement for highways improvements as outlined above and improving sustainable modes of transport through a Parking Management Plan, and a Travel Plan.

## 6.11. Sustainable Design and Construction

### Contamination

6.11.1. A *Preliminary Environmental Risk Assessment* was submitted in support of the application, with a series of recommendations made. Conditions will be imposed to secure some of the recommendations, such as: the details of any investigation; and a Construction Management Plan.

### Air Quality

#### *Construction Dust Assessment*

6.11.2. An *Air Quality Assessment* has been submitted in support of the application. The entire borough was designated as an Air Quality Management Area (AQMA) in 2001 as a result of the borough not meeting with the Government's air quality objective for annual mean nitrogen dioxide and daily means PM<sub>10</sub> by the specified dates.

6.11.3. Through the implementation of a coordinated Construction Environmental Management Plan and / or Dust Management Plan, all impacts associated with construction phase activities are likely to be mitigated to negligible. It is important that all potential dust-generating activities and locations are identified prior to commencement of work. Dust should be controlled at source by the use of appropriate plant handling techniques, good maintenance, and housekeeping.

6.11.4. All construction plant used at the proposed redevelopment must comply with the latest emission standards for non-road mobile machinery as detailed in guidance issued by the Mayor of London. This will ensure that air quality impacts associated with exhaust emissions from these vehicles will be negligible.

#### *Air Quality Neutral Assessment*

6.11.5. In April 2014, the GLA published a report to provide support to the Mayor's policy related to 'air quality neutral' developments. The report provides a method to enable a development to be assessed against the air quality neutral benchmarks set out in the Sustainable Design and Construction SPG. It requires the transport and building emissions for the development to be identified and then compared to the benchmark emissions. The report notes that the building and transport emissions should be calculated separately and not combined

6.11.6. The energy centre for the Development comprises a gas-fired Combined Heat and Power (CHP) plant and two gas boilers. The Total Building NO<sub>x</sub> Emission of 388.0kg/annum for the Development is below the benchmark of 631.9kg/annum. Given this, the Development is considered to be 'Air Quality Neutral' with respect to building emissions and no further mitigation would be required.

6.11.7. The Total Transport Emissions for NO<sub>x</sub> (143.6kgNO<sub>x</sub>/annum) is less than the Development Transport Benchmark NO<sub>x</sub> Emissions (758.3kgNO<sub>x</sub>/annum). Similarly, the Total Transport Emissions for PM<sub>10</sub> (24.7kgPM<sub>10</sub>/annum) is less than the Development Transport Benchmark PM<sub>10</sub> Emissions (130.5kgPM<sub>10</sub>/annum). As

such, the Development is considered to be 'Air Quality Neutral' in relation to transport emissions, and no further mitigation is required.

### *Summary*

6.11.8. The proposed development is considered to be air quality neutral in respect of building and transport emissions. The development has the potential to generate dust and emissions during the construction phase due to on-site activities, construction activities and exhaust emissions from construction vehicles and plant, however this can be mitigated against through details submitted via an appropriately worded condition.

### Noise

6.11.9. To assist in the consideration of any potential noise impact, a *Noise and Vibration Assessment* has been provided which has assessed the likely future noise climate on existing and future residents. Paragraph 123 of the NPPF considers noise impacts of development. It confirms that policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

6.11.10. Operational noise from plant and services can have a bearing on the amenity of existing, future, and neighbouring occupiers. Whilst the details of plant and services have not been finalised, they should not exceed the recommended operational noise limits set out in Table 8 of the *Noise and Vibration Assessment*.

6.11.11. Some noise and disturbance to existing adjoining residents is inevitable during the construction phase. Details of how the development mitigates any potential impact to adjoining occupiers throughout the construction phase will be secured by condition. This could include, amongst other measures, a restriction on hours of works, hoardings, monarflex covering on scaffolding, and engagement with local residents.

6.11.12. Having regard to the above, it is considered that the development, subject to appropriate conditions, should not unduly impact on the amenity of future or neighbouring occupiers with regard to noise and disturbance. The development is considered to comply with Policy 7.15 of the London Plan, Core Policy 32, Policy DMD68 of the Development Management Plan

### Biodiversity / Ecology

6.11.13. Policy 7.19 of the London Plan ("Biodiversity and access to nature") requires development proposals to make a positive contribution, where possible, to the

protection, enhancement, creation and management of biodiversity. Core Policy 36 of the Core Strategy confirms that all developments should be seeking to protect, restore, and enhance sites. Policy DMD79 advises that on-site ecological enhancements should be made where a development proposes more than 100sqm of floor space, subject to viability and feasibility.

6.11.14. The proposal involves the demolition of two of the existing buildings on the site and the refurbishment and extension of Black Horse Tower. An ecological appraisal ("Preliminary Ecological Statement") has been submitted and as part of the appraisal, an Extended Phase 1 Habitat Survey was undertaken in order to establish the ecological value of the site. In addition, a desk study and walkover survey was undertaken with the following results noted:

- The existing buildings are not suitable for roosting bats or nesting birds;
- Ornamental planting around the site is considered suitable foraging and nesting opportunities for birds and invertebrates but too small for bats;
- potential for bats or nesting opportunities for bats;
- Some invasive species (Cotoneaster, rhododendron, Japanese rose and buddleia) were recorded;
- Whilst some of the trees offer potential foraging and nesting opportunities for common bird species, they do not have any suitable features to support roosting bats.

6.11.15. Recommendations have been made within the Ecological Statement to manage the flora and fauna on site and to improve the ecological value of the site by ensuring that suitable habitats are provided and appropriate precautions are provided throughout demolition and construction. These will be reflected in the suggested conditions.

6.11.16. Green roofs are proposed on the southern blocks. These will contribute to enhancing the ecological value of the site in addition to providing storm water control. The green roofs will be secured by condition.

6.11.17. Having regard to the above, the proposed development will not unduly impact upon the existing ecological value of the site but through measures proposed and to be secured by condition, will serve to enhance the value of the site in accordance with policy 7.19 of the London Plan, CP36 of the Core Strategy and policy DMD79 of the Development Management Document.

#### Trees

6.11.18. An Arboricultural Report has been provided to help inform the decision making process insofar as any potential impacts from the development proposal on trees within the site and immediately adjacent.

6.11.19. Policy DMD80 advises the following:

*"All development including: subsidiary or enabling works that involve the loss of or harm to trees covered by Tree Preservation Orders, or trees of significant amenity or biodiversity value, will be refused.*

*Where there are exceptional circumstances to support the removal of such trees, adequate replacement must be provided'*



6.11.20. The trees are largely located along the boundaries of the site, with a number of trees located in Cockfosters Green. The tree survey area comprises a total of x53 individual trees and x2 tree groups. The majority of those on site (37) are classed as “Category C” trees, while no “Category A” trees were recorded, however x15 “Category B” and x3 “Category U” trees were recorded. A number of trees are to be removed in order to facilitate the development, however, many will be re-provided such as along the eastern boundary shared with properties fronting Norfolk Close, the eight existing trees will be replaced with 10 Lime trees. Of particular note are the trees proposed within the courtyard. Due to their size, each will be positioned above the structural columns below.

6.11.21. An appropriately worded condition will be imposed to provide protection to retained trees and to also seek appropriate replacement planting. Moreover, no trees (and other vegetation) will be permitted to be removed during the nesting season unless under the supervision of an appropriately qualified ecologist.

### Energy

6.11.22. Chapter five of the London Plan sets out a comprehensive range of policies to underpin London’s response to climate change. This is supported by policies within the Core Strategy and the DMD. Energy Strategies have been provided for the residential and non-residential elements of the scheme.

6.11.23. The energy strategy which has a target carbon emission savings for this energy strategy are 35% less than a Building Regulations Part L2A:2013 baseline, adopts a hierarchical approach using passive and low energy design technologies to reduce baseline energy demand and CO<sub>2</sub> emissions followed by the application of low and zero carbon technologies.

6.11.24. The focus of this energy strategy is on CO<sub>2</sub> reduction by using a highly efficient building envelope with high efficiency mechanical and electrical services, along with air source heat pumps, solar thermal panels serving the domestic hot water base load in conjunction with photovoltaic cell renewable technology. The result is a proposed development with predicted performance of:

- Block B achieves a 38.69% reduction in carbon and Block C achieves a 39.93% reduction
- Block A is a refurbishment and doesn’t fall under the London Plan requirement of 35% carbon reduction and has no carbon requirement under Building Regulations. With the improvements proposed it achieves a 3.51% reduction

6.11.25. A condition is suggested to ensure that the development complies with the targeted savings.

### *Renewable Energy*

6.11.26. A range of potential renewable energy technology options have been considered. Photovoltaics have been selected as the most appropriate technology for the site on the basis that it would not conflict with the site-wide heat network and has the potential to deliver the CO<sub>2</sub> savings required to meet the targets set for the development. The rooftop of Block B is identified as being the most suitable for the siting of the pv panels.

6.11.27. A condition is proposed to secure the details and ongoing maintenance of the PV panels.

### Drainage

- 6.11.28. London Plan policies 5.12 and 5.13 require the consideration of the effects of development on flood risk and sustainable drainage respectively. Core Policy 28 (“Managing flood risk through development”) confirms the Council’s approach to flood risk, inclusive of the requirement for SuDS in all developments. Policies DMD59 (“Avoiding and reducing flood risk”) confirms that new development must avoid and reduce the risk of flooding, and not increase the risks elsewhere and that Planning permission will only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in unacceptable levels of flood risk on site or increase the level of flood risk to third parties. DMD61 (“Managing surface water”) requires the submission of a drainage strategy that incorporates an appropriate SuDS scheme and appropriate greenfield runoff rates.
- 6.11.29. A Flood Risk Assessment (FRA) has been provided in support of the application. The Environment Agency Flood Risk maps indicate that the proposed development site is situated in Flood Zone 1, therefore it is at low risk of flooding.
- 6.11.30. A range of sustainable drainage measures have been incorporated into the scheme, which will need to be secured by condition.

### Site Waste Management

- 6.11.31. Policy 5.16 of the London Plan has stated goals of working towards managing the equivalent of 100% of London’s waste within London by 2026, creating benefits from waste processing and zero biodegradable or recyclable waste to landfill by 2026. This will be achieved in part through exceeding recycling and reuse levels in construction, excavation and demolition (“CE&D”) waste of 95% by 2020.
- 6.11.32. In order to achieve the above, London Plan policy 5.18 confirms that through the Local Plan, developers should be required to produce site waste management plans to arrange for the efficient handling of CE&D. Core Policy 22 of the Core Strategy states that the Council will encourage on-site reuse and recycling of CE&D waste. Policy DMD52 requires a Site Waste Management Plan to be submitted for all major developments.
- 6.11.33. A Site Waste Management Plan will be conditioned to demonstrate how the development will meet or exceed the targets as set out above. In addition, it should also detail how “controlled waste” such as contaminated soil, asbestos or invasive plant species are handled.

### 6.12. Education / Childcare

- 6.12.1. The scheme will be liable for education and childcare contributions for the net increase of units on site, in accordance with the adopted s106 SPD. This would need to be secured via an s106 legal agreement.

### 6.13. Employment and Training

- 6.13.1. Core Policy 16 of the Core Strategy confirms the commitment of the Council to promote economic prosperity and sustainability in the Borough through a robust strategy to improve the skills of Enfield’s population. One initiative, through the collaboration with the Boroughs of Haringey, Broxbourne, Epping and Waltham Forest, is to promote skills training for local people.

6.13.2. Details of a Local Employment Strategy could be secured by legal agreement. The Strategy should set out how the development will engage with local contractors / subcontractors, the number of trainees to be employed on site and the number of weeks training will be provided.

6.13.3. Community Infrastructure Levy (CIL)

6.13.4. The Mayoral CIL is collected by the Council on behalf of the Mayor of London. The amount that is sought for the scheme is calculated on the net increase of gross internal floor area multiplied by an Outer London weighting (£20/sqm) and a monthly indexation figure (286 for February 2016).

6.13.5. The development is CIL liable for the construction of the additional floor space, less the existing floorspace to be demolished (4,553sqm) and the 54 affordable units) which are eligible for relief.

6.13.6. The Council introduced its own CIL on 1 April 2016. The money collected from the levy (Regulation 123 Infrastructure List) will fund rail and causeway infrastructure for Meridian Water. For residential CIL, the site falls within the higher charging rate zone (£120/sqm).

6.14. **Section 106 / Legal Agreement**

6.14.1. Section 106 contributions can still be sought for items of infrastructure not identified on the Regulation 123 list. A legal agreement will be required to secure the obligations as set out below. A 5% management fee will also be incurred as per the S106 SPD.

6.14.2. Having regard to the content above, it is recommended that should planning permission be granted, the following obligations / contributions should be secured through a legal agreement:

- The securing of 54 units in total for on-site affordable housing provision
  - Up to 50% rented
  - Up to 50% shared ownership
- Contribution towards education and childcare provision
- Requirement for same architects or architects of equal quality to either provide all construction drawings or a budget is allocated to allow them to review the drawings.
- Up to £40,000 towards pedestrian improvement works identified in the PERS audit
- £40,000 towards providing better links from the site to main cycle routes as part of the Cycle Enfield project
- Up to £20,000 towards travel plan monitoring and surveys
- Travel Plan
- Review mechanism for the number of active electric vehicle charging points
- A contribution (to be agreed) towards step-free access at Cockfosters Station
- Parking Management Plan
- S278 Legal Agreement (for all highways improvements and highway works across the site)
- Local Employment Strategy
  - Securing the local sourcing of labour
  - Securing the local supply of goods and materials
  - Securing on-site skills training
- 5% management fee

## 6.15. Other Matters Raised

- 6.15.1. Concerns relating to property values are not material planning considerations. However, the cause for that concern, for example, increased overshadowing or loss of outlook, are matters that can be addressed in the scheme design.

## 7. Conclusion

- 7.1. Having regard to all of the above, it is considered that planning permission should be granted for the following reasons:

1. The proposed development would contribute to increasing London's supply of housing, having regard to Policies 3.3, 3.4 & 3.14 of The London Plan, Core Policies 2, 4 & 5 of the Core Strategy, Policies DMD1, 3 & 4 of the Development Management Document, and with guidance contained within the National Planning Policy Framework.
2. The proposed development, due to its design, size, scale and siting, does not unduly detract from the character and appearance of the street scene or the surrounding area having regard to Policies 3.5, 7.1, 7.4 & 7.6 of the London Plan Policy, Core Policy 30, DMD Policies 7, 8, 9 and 10 of the Development Management Document, and with guidance contained within the National Planning Policy Framework, and with guidance contained within the National Planning Policy Framework.
3. The proposed development, due to its siting does not unduly impact on the existing amenities of the occupiers of nearby properties in terms of loss of light, outlook or privacy and in this respect complies with Policy 7.6 of the London Plan, Core Policy 30, DMD Policy 10 of the Development Management Document, and with guidance contained within the National Planning Policy Framework.
4. Having regard to conditions attached to this permission, the proposal makes appropriate provision for servicing, access, parking, including cycle parking and visibility splays, and in this respect complies with Policies 6.3, 6.9, 6.12 & 6.13 of the London Plan, DMD Policies 45 and 47 of the Development Management Document, and with guidance contained within the National Planning Policy Framework.
5. The proposed development, by virtue of measures proposed and conditions imposed, will contribute to the mitigation of and adaptation to climate change, having regard to Policies 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10 & 5.13 of the London Plan, Core Policies 20, 32 and 36, DMD Policies 49, 51, 53, 58, 59 and 61 of the Development Management Document, and with and with guidance contained within the National Planning Policy Framework.

## 8. Recommendation

- 8.1. That following referral to the Mayor of London and no objections being raised, and the securing of a Legal Agreement to secure the obligations as set out above, planning permission be **GRANTED** subject to conditions.
- 8.2. That officers be granted delegated authority to finalise the precise wording of conditions to cover the issues identified within the report and summarised below:

1. Approved plans – revised
2. Time limited permission
3. Details of access and junction
4. Details of access throughout construction
5. Details of levels (proposed)
6. Foundations / pilings / underground structures (to avoid damage to rail / water infrastructure)
7. Details of a Construction Site Waste Management Plan
8. Details of materials
9. Material samples / sample panels on site
10. Securing mix / size / layout of units
11. All dwellings to be accessible / adaptable
12. Secured by Design
13. Details of external lighting
14. Details of hard surfacing
15. Parking / servicing facilities
16. Number / location of disabled parking bays
17. Private vehicles only – parking areas
18. Number / location / design of electric vehicle charging points
19. Means of enclosure
20. Details of a Construction methodology / Traffic management plan
21. Cycle storage
22. Details of refuse storage / recycling facilities
23. Energy efficiency
24. Details of zero / Low carbon technologies
25. Details of water efficiency (potable water)
26. Restriction of use of flat roofs
27. Drainage Strategy
28. Verification report that drainage strategy has been implemented
29. Tree protection
30. Vegetation clearance outside of bird nesting season
31. Landscaping
32. Ecological enhancements
33. Contamination
34. Management plan for communal amenity areas
35. Biodiverse roofs
36. Details of a mechanical ventilation strategy
37. Noise attenuation for plant
38. Details for communal satellite dish / TV antenna provision
39. Details of play space equipment to be provided

Application Boundary

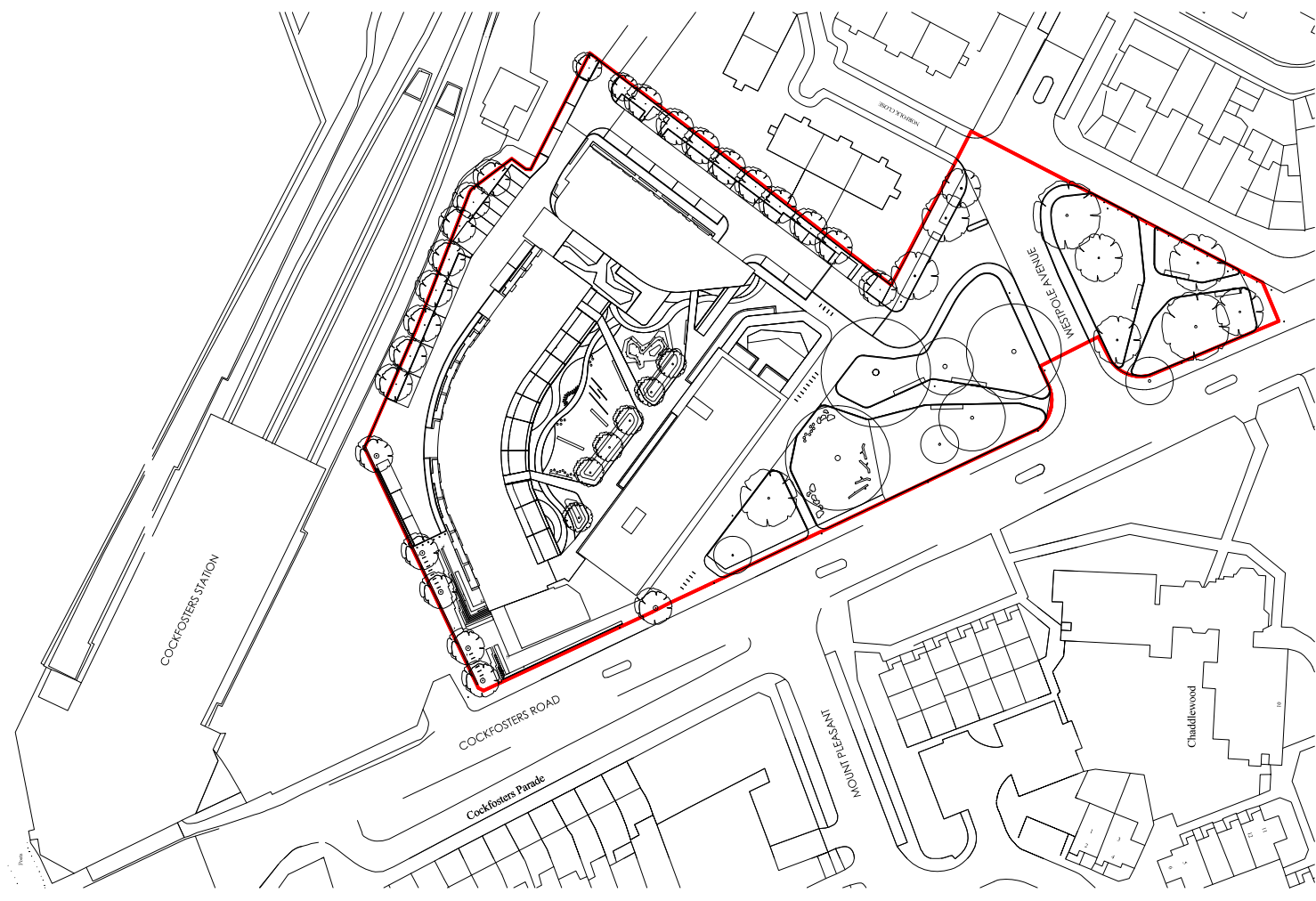
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EN4 0DY  
Drawing Title: Proposed Block Plan

Date	Scale	Drawn by	Check by
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Project No	Drawing No	Revision	A
22554	A-10-002		

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**Block Plan**  
1:500

0m 10m 20m 30m 40m 50m

VISUAL SCALE 1:500

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Revision	Rev	CD
A	Design development	05/08/16 DC PM
B	Parking Updated	06/08/16 DC PM
C	EP7 Issue	09/08/16 DC PM
D	PLANNING ISSUE	10/09/16 DC PM
E	PLANNING ISSUE	10/09/16 DC PM
F	Minor internal layout amendments	07/12/16 DC PM
G	REVISED PLANNING ISSUE	14/12/16 DC PM

Refer to Barton Willmore Landscape drawings for detailed landscape proposals

KEY

	Existing Levels
	Proposed Levels

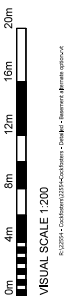
Application Boundary

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Drawing Title  
Proposed Ground Floor Plan

Date  
28/07/16  
Scale  
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A-11-000

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PM  
Revision  
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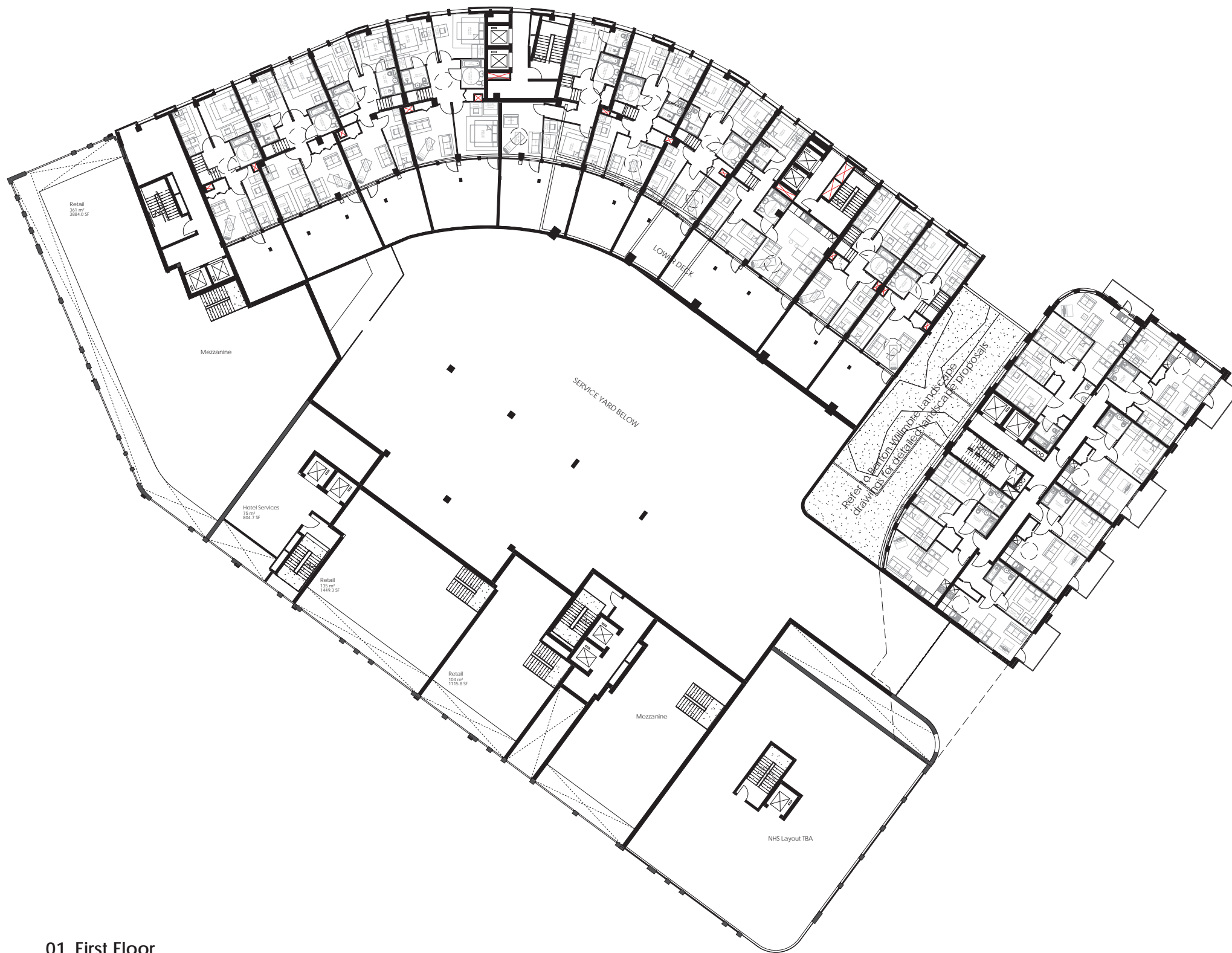
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Refer to Barton Willmore Landscape drawings for detailed landscape proposals

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Revision	Date	Drn	Ckd
A	Design development	05/08/16	DC PN
B	EB7 Issue	09/08/16	DC PN
C	PLANNING ISSUE	10/08/16	DC PN
D	Minor internal layout amendments	07/12/16	DC PN



**01\_First Floor**  
1 : 200

Project  
116 Cockfosters Road, Enfield  
EN4 0DY  
Drawing Title  
Proposed First Floor Plan

Date	Scale	Drawn by	Check by
28/07/16	1 : 200 @ A1	DC	PN
Project No	Drawing No	Revision	
22554	A-11-001	D	



VISUAL SCALE 1:200

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Roading London Bristol Cambridge Cardiff Ebbw Vale Edinburgh Leeds Manchester Salford Newcastle

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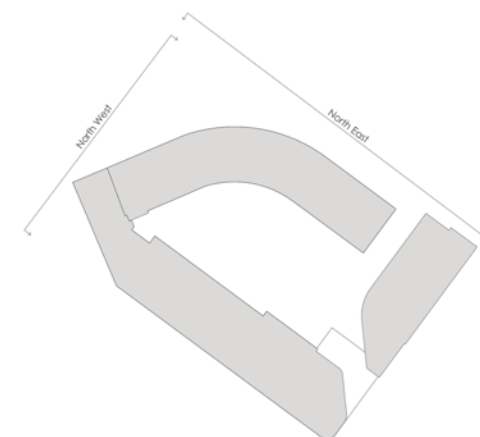
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C	14/12/16	DC	PN



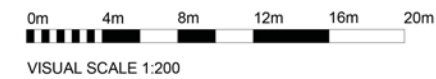
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**Site Elevation North West**  
1 : 200



Project  
116 Cockfosters Road, Enfield  
EN4 0DY  
Drawing Title  
Proposed Site Elevations North East  
and North West  
Date  
28/07/16  
Project No  
22554  
Scale  
As indicated @ A1  
Drawing No  
A-13-008  
Drawn by  
DC  
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Revision  
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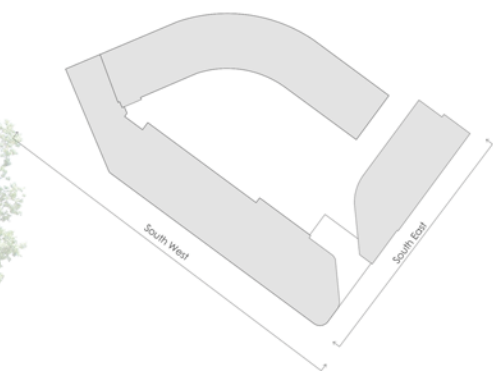
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C	14/12/16	DC	PN



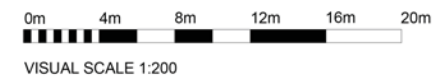
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1 : 200



**Site Elevation South West**  
1 : 200



Project  
**116 Cockfosters Road, Enfield**  
 EN4 0DY  
 Drawing Title  
**Proposed Site Elevations South East and South West**  
 Date 28/07/16 Scale As indicated @ A1 Drawn by DC Check by PN  
 Project No 22554 Drawing No A-13-009 Revision C



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Project  
Cockfosters Road



Drawing Title  
Illustrative Landscape Masterplan

Date 15.12.16	Scale 1:250@A1	Drawn by RW/DS	Check by MY
Project No 22554	Drawing No RG-L-15		Revision G

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## LONDON BOROUGH OF ENFIELD

### PLANNING COMMITTEE

Date : 21 February 2017

**Report of**

Assistant Director,  
Regeneration & Planning

**Contact Officer:**

Andy Higham  
Andy Bates  
Ms Claire Williams

**Ward:**

Southbury

**Ref:** 16/04908/RE4

**Category:** Full Application

**LOCATION:** 1 Old Road, Enfield, EN3 5XX

**PROPOSAL:** Minor material amendment to planning application ref: 14/04005/RE4 to allow an amendment to boundary enclosure.

**Applicant Name & Address:**

Mr Nad Thamotheram  
Enfield Council  
Civic Centre  
Silver Street  
Enfield  
EN1 3XY

**Agent Name & Address:**

Mr Adam Livermore Atkins  
4th Floor, The Octagon  
Middleborough  
Colchester  
Essex  
CO1 1TG

**RECOMMENDATION:**

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

**Note to Members**

Applications of this nature would normally be considered under delegated powers but the application has been submitted by a department within the Council.

## **1.0 Site and Surroundings**

- 1.1 The proposal to accommodate a new care home on the site is predominately complete.
- 1.2 The site contains several mature trees particularly along the western and eastern boundaries. The trees are not protected by virtue of being located within a Conservation Area or a Tree Preservation Order.
- 1.3 The surrounding area is predominantly residential but of a mixed character. To the south fronting Hertford Road are Grade II listed Wright's Almshouses which consist of a row of six mid-18<sup>th</sup> century two storey cottages. To the east along Hertford Road are two storey semi-detached properties and three storey blocks of flats. To the west along Old Road are 1970s style three and four storey blocks of flats; and to the north of the site on the corner of Palmers Lane and Hertford Road is Enfield Heights Academy, a two storey modern primary school building.
- 1.4 Hertford Road is a designated Principal Road and the site is located within a designated Critical Drainage Area.
- 1.5 For the information of Members they recently considered an application on this site to make changes to the energy strategy at their 24 January 2017 planning committee meeting.

## **2.0 Proposal**

- 2.1 The application seeks a minor material amendment to planning application ref: 14/04005/RE4 to allow changes to the boundary enclosure.
- 2.2 The main change to the boundary enclosure is the positioning of the fencing adjacent to the Almshouses. The fencing has been set back and angled from the front boundary at this junction to create a more sympathetic transition between the two buildings and in turn reduce any significant impact on the setting of the adjacent Listed building. For the avoidance of doubt the fencing has been implemented.

## **3.0 Relevant Planning History**

- 3.1 14/04005/RE4 - Erection of a 3-storey seventy bedroomed residential care home with associated car and cycle parking, vehicular and pedestrian access and landscaping – Planning Committee agreed with the recommendation to grant planning permission subject to conditions at the Planning Committee on 16 December 2014 and the decision was issued on 15 January 2015.
- 3.2 Several applications have been submitted to discharge conditions and seek approval for minor material amendments.

## **4.0 Consultations**

### **4.1 Public response**

- 4.1.1 Letters were sent to 198 adjoining and nearby residents and no comments were received.

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

- 4.2.1 Conservation Officer: Revised Heritage Statement requested which assesses the impact of the proposal on the adjacent listed wall and its setting. Also, requested that the low level wall consist of stone coping and a stretcher bond.

Case Officer Response: Revised Heritage Statement has been submitted to the LPA.

- 4.2.2 Traffic and Transportation: No objection as unlikely to lead to conditions which are prejudicial to highway safety and the free flow of traffic.

- 4.2.3 Tree Officer: No comment.

## **5.0 Relevant Policy**

### **5.1 London Plan (2016)**

- 7.1 Building London's Neighbours and Communities
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

### **5.2 Core Strategy (November 2010)**

- CP30 Maintaining and Improving the Quality of the Built and Open Environment
- CP31 Built and Landscape Heritage
- CP40 North East Enfield
- CP41 Ponders End

### **5.3 DMD (November 2014)**

- DMD8 General Standards for New Residential Development
- DMD15 Specialist Housing Needs
- DMD37 High Quality and Design Led Development

### **5.4 Other Policy**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- North East Enfield Area Action Plan (2016)
- Ponders End Central Development Brief (adopted May 2011)

## **6.0 Analysis**

- 6.1 On the basis of the Government's definition – "A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved" – it is considered that the proposed development could reasonably constitute a minor-material amendment.
- 6.2 The main change to the boundary enclosure is the positioning of the fencing adjacent to the Almshouses. The fencing has been set back and angled from the front boundary at this junction to create a more sympathetic transition between the two buildings and in turn reduce any significant impact on the setting of the adjacent Listed building.
- 6.3 Amended drawings were requested to reduce the height of the enclosure along Hertford Road. However concerns were raised by the applicant with the lowering of the height of the fence due to the requirement to accord with the Care Quality Commission (CQC), the regulator of health and social care in England. The CQC sets standards for care homes and requires premises to be secure to ensure people are safe while receiving care; the appropriate level of security is used in relation to the services being delivered; premises are fit for purpose and are suitable for the service provided.
- 6.4 It was considered that lowering the boundary fencing would not only compromise the safety of the vulnerable residents, but also place them at additional risk because the care home will be occupied by people with varying medical conditions including dementia and it is therefore necessary to have a secure and controlled external boundary to prevent wandering (including climbing) out of the site. This is particularly critical along the Hertford Road elevation due to the level of traffic along this road.
- 6.5 Although the Conservation Officer would have preferred the precast coping be stone rather than concrete and the brick bond be a stretcher bond, the materials that have been used are considered acceptable and are supported by the LPA as they do not result in any demonstrable harm to the special historical and architectural interest of the adjacent Listed building and wall.
- 6.6 On balance, it is considered that the change to the boundary treatment adjacent to the Almshouses would not result in any demonstrable harm to the visual amenity within the street scene or substantial harm to the special interest and architectural and historic significance of the listed building and is therefore considered acceptable.
- 6.7 The change to the boundary treatment, along with all of the other boundary treatments proposed on the site, would not appear dominant within the street scene given the scale of the new building and the use of sympathetic boundary treatments in terms of their scale, design and materials. Furthermore the adjacent school to the north of the site has boundary treatments of a similar scale. The proposal would not have a detrimental impact on visual amenity within the street scene or residential amenity.
- 6.8 The proposed changes would be acceptable having regard to Policies CP30 and CP31 of the Core Strategy (November 2010) and Policies DMD37 and DMD44 of the Development Management Document (November 2014) which seeks development to conserve and enhance the special interest, significance



or setting of a heritage asset and ensure development is of a high quality design and in keeping with the character of the surrounding area.

## **7.0 Conclusion**

- 7.1 The proposed change to the boundary enclosure would not result in any demonstrable harm to the visual amenity within the street scene or the special interest, significance or setting of the adjacent Listed Almshouses having regard to relevant adopted planning policies in the London Plan and Enfield Local Plan as well as the NPPF.
- 7.2 Consistent with the approach that Enfield takes in matters such as this, the conditions attached to the original consent are repeated below.

## **8.0 Recommendation**

That, PLANNING PERMISSION BE GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans including plans(s) that may have been revised, as set out in the attached schedule which forms part of this notice.

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

2. The development shall be constructed and maintained strictly in accordance with the external finishing materials approved under application reference number 16/00278/CND

Reason: To ensure a satisfactory external appearance.

3. Details of the external surfacing materials to be used within the development including footpaths, access roads and parking areas and road markings shall be submitted to and approved in writing by the Local Planning Authority. The surfacing shall be carried out in accordance with the approved details before the development is occupied.

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

4. Details of the construction of any access roads and junctions and any other highway alterations associated with the development shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before development is occupied or the use commences.

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

5. The planting scheme shall be carried out in accordance with the approved details in the first planting season after completion or occupation of the development whichever is the sooner. Any planting which dies, becomes severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details.

Reason: To provide a satisfactory appearance, ensure that the development does not prejudice highway safety and ensure that the ecological value of the site is enhanced post development in line with the Biodiversity Action Plan, CP36 of the Core Strategy and the London Plan.

6. The development shall be constructed and maintained strictly in accordance with the details of the refuse and recycling storage facilities approved under application reference number 15/03829/CND.

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

7. The development shall be constructed and maintained strictly in accordance with the details of the cycle parking spaces approved under application reference number 15/03829/CND.

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

8. The development shall be constructed in accordance with the details of the facilities and methodology for cleaning the wheels of construction vehicles leaving the site approved under application reference no. 15/01543/CND. The approved facilities shall be used and maintained during the construction period.

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

9. The development shall be constructed in accordance with the Construction Traffic Management approved under application reference no. 15/01543/CND.

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

10. The development shall be constructed in accordance with the contamination details approved under application reference no. 15/00916/CND.

Reason: To avoid risk to public health and the environment.

11. Following practical completion of works a final Energy Performance Certificate with accompanying Building Regulations compliance report shall be submitted to an approved in writing by the Local Planning Authority and shall reflect the

carbon reduction targets agreed. Where applicable, a Display Energy Certificate shall be submitted within 18 months following first occupation.

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets are met in accordance with Policy CP20 of the Core Strategy, DMD51 of the Development Management Document, Policies 5.2, 5.3, 5.7 & 5.9 of the London Plan 2011 and the NPPF.

12. Within three months of commencement of works an 'Energy Statement' shall be submitted to and approved in writing by the Local Planning Authority. The development shall provide for no less than a 35% improvement in total CO2 emissions arising from the operation of a development and its services over Part L of Building Regs 2013 utilising gas as the primary heating fuel. The maintenance and management strategy for the continued operation of the Photovoltaic cladding panels and the flat plate solar hot water collectors shall be submitted to and approved by the Local Planning Authority. The Energy Statement should outline how the reductions are achieved through the use of Fabric Energy Efficiency performance, energy efficient fittings, and the use of renewable technologies.

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

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets are met in accordance with Policy CP20 of the Core Strategy, DMD51 of the Development Management Document, Policies 5.2, 5.3, 5.7 & 5.9 of the London Plan 2011 and the NPPF.

13. Evidence confirming that the development achieves a BREEAM (2014 version or relevant equivalent if this is replaced or superseded) rating of no less than 'Very Good' shall be submitted to and approved in writing by the Local planning Authority. The evidence required shall be provided in the following formats and at the following times:
  - a. a design stage assessment, conducted by an accredited Code / BREEAM Assessor and supported by relevant BRE interim certificates for each of the units, shall be submitted at pre-construction stage within 3 month of commencement of superstructure works on site; and,
  - b. a post construction assessment, conducted by and accredited Code / BREEAM Assessor and supported by relevant BRE accreditation certificates for each of the units, shall be submitted following the practical completion of the development and within 3 months of first occupation.

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

Reason: In the interests of addressing climate change and to secure sustainable development in accordance with the strategic objectives of the Council and Policies 3.5, 5.2, 5.3, 5.7, 5.9, 5.12, 5.13, 5.15, 5.16, 5.18, 5.20 & 6.9 of the London Plan 2011 as well as the NPPF.

14. The development shall be carried out strictly in accordance with the details of the internal consumption of potable water approved under application reference no. 16/00319/CND and maintained as such thereafter.

Reason: To promote water conservation and efficiency measures in all new developments and where possible in the retrofitting of existing stock in accordance with Policy CP21 of the Core Strategy, DMD58 of the Development Management Document and Policy 5.15 of the London Plan.

15. The development shall be carried out strictly in accordance with the details of the rainwater recycling system approved under application reference no. 15/03828/CND and maintained as such thereafter.

Reason: To promote water conservation and efficiency measures in all new developments and where possible in the retrofitting of existing stock in accordance with Policy CP21 of the Core Strategy, Policies DMD58 and DMD61 of the Development Management Document and Policy 5.15 of the London Plan.

16. The development shall be carried out strictly in accordance with the surface drainage details approved under application reference no. 15/03554/CND and maintained as such thereafter.

Reason: To ensure the sustainable management of water, minimise flood risk and to minimise discharge of surface water outside of the curtilage of the property in accordance with Policy CP28 of the Core Strategy, DMD61 of the Development Management Document, Policies 5.12 & 5.13 of the London Plan and the NPPF.

17. All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: To ensure that wildlife is not adversely impacted by the proposed development in accordance with national wildlife legislation and in line with CP36 of the Core Strategy. Nesting birds are protected under the Wildlife and Countryside Act, 1981 (as amended).

18. The development shall be carried out strictly in accordance with the lighting scheme approved under application reference no. 15/03829/CND.

Reason: This condition will ensure maximum benefits of the biodiversity enhancements to be installed as part of the development and to avoid adverse impacts on bats and other wildlife in line with CP36 of the Core Strategy and wildlife legislation.

19. Prior to occupation a feasibility study outlining the details of the biodiversity (green/brown) roof(s) shall be submitted and approved in writing by the Local Planning Authority. The biodiversity (green/brown) roof(s) shall be:

- a. Biodiversity based with extensive substrate base (depth 80-150mm);
- b. Planted/seeded with an agreed mix of species within the first planting season following practical completion of the building works.

The biodiversity (green/brown) roof shall not be used for any recreational purpose and access shall only be for the purposes of the maintenance and repair or means of emergency escape. Details shall include full ongoing management plan and maintenance strategy/schedule for the green/brown roof to be approved in writing by the Local Planning Authority.

If deemed feasible the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To minimise the impact of the development on the ecological value of the area and to ensure the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity in accordance with Policy CP36 of the Core Strategy, DMD49 & 55 of the Development Management Document, the Biodiversity Action Plan and Policies 5.11 & 7.19 of the London Plan.

20. The development shall be carried out and maintained in accordance with the tree protection plan approved under application reference no. 15/01543/CND.

Reason: To protect existing planting during construction.

21. The development shall be carried out in accordance with the details approved in relation to considerate constructors scheme under application reference number 15/01543/CND.

Reason: To ensure the implementation of the development does not adversely impact on the surrounding area and to minimise disruption to neighbouring properties.

22. The development shall be implemented in accordance with the Site Waste Management Plan details approved under application reference no. 15/01543/CND.

Reason: To maximise the amount of waste diverted from landfill consistent with the waste hierarchy and strategic targets set by Policy DMD57 of the Development Management Document and Policies 5.17, 5.18, 5.19, 5.20 of the London Plan.

23. The development shall be carried out in accordance with the details approved in relation to electric charging points under application reference number 15/03829/CND. All electric charging points shall be installed in accordance with the approved details prior to occupation of the development and permanently maintained thereafter.

Reason: To ensure that the development complies with the sustainable development policy requirements of the London Plan.

24. The applicant shall give written notice to the Local Planning Authority of 10 days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to Root Protection Areas, excavations within or close to a Root Protection Areas, piling, carnage).

Reason: To screen, preserve and enhance the development and ensure adequate landscape treatment in the interest of amenity and that the retained trees, shrubs and hedgerows on the site or in adjacent sites are not adversely affected by any aspect of the development. In accordance with planning policies CP30, CP31, CP33, CP34 and CP36 of the Core Strategy and Policies DMD 80 and DMD 81 of the Development Management Document.

25. The following activities must not be carried out under any circumstances:
- a, No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
  - b, No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
  - c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
  - d, No mixing of cement or use of other materials or substances shall take place within Root Protection Areas, or close enough to a Root Protection Area that seepage or displacement of those materials or substances could cause them to enter a Root Protection Area
  - e, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To screen, preserve and enhance the development and ensure adequate landscape treatment in the interest of amenity and that the retained trees, shrubs and hedgerows on the site or in adjacent sites are not adversely affected by any aspect of the development. In accordance with planning policies CP30, CP31, CP33, CP34 and CP36 of the Core Strategy and Policies DMD 80 and DMD 81 of the Development Management Document.

26. The development shall be carried out in accordance with the scheme of supervision for the arboricultural protection measures approved under application reference no. 15/01543/CND.

Reason: To screen, preserve and enhance the development and ensure adequate landscape treatment in the interest of amenity and that the retained trees, shrubs and hedgerows on the site or in adjacent sites are not adversely affected by any aspect of the development. In accordance with planning policies CP30, CP31, CP33, CP34 and CP36 of the Core Strategy and Policies DMD 80 and DMD 81 of the Development Management Document.

27. In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars and any recommendations therein; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.

a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS 3998.

b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To screen, preserve and enhance the development and ensure adequate landscape treatment in the interest of amenity and that the retained trees, shrubs and hedgerows on the site or in adjacent sites are not adversely affected by any aspect of the development. In accordance with planning policies CP30, CP31, CP33, CP34 and CP36 of the Core Strategy and Policies DMD 80 and DMD 81 of the Development Management Document.

28. The development shall be implemented in accordance with the travel plan approved under application reference no. 16/03517/CND.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

29. The development shall not be occupied until an on street loading bay has been provided as shown on approved drawing number 5130303-ATK-Z1-ZZ-PL-A-4011 Rev PL4. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To ensure that the development does not prejudice highway safety.

30. The development shall be carried out in accordance with the piling method statement approved under application reference no. 15/04914/CND.

Reason: To ensure that the water quality is not detrimentally affected by the development in line with Policy CP32 of the Core Strategy and DMD70 of the DMD.

31. The development shall be carried out in accordance with the water abstraction details approved under application reference no. 15/03829/CND.

Reason: To ensure that the water quality is not detrimentally affected by the development in line with Policy CP32 of the Core Strategy and DMD70 of the DMD.

32. Details of the materials of the mechanical ventilation grilles/ vents to be used including their colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory external appearance.

## Informative

1. Thames Water advises the following:
  - Where a development proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Thames Water can be contacted on 0845 850 2777
  - Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
  - Contact Thames Water Developer Services on 0845 850 2777 to discuss the details of a piling method statement if one is required.
  - Contact the Groundwater Resources Team by email at [GroundwaterResources@Thameswater.co.uk](mailto:GroundwaterResources@Thameswater.co.uk) or by telephone on 0203 577 3603 to discuss the information required relating to protecting the water abstraction source.
  - Approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at the site.
2. The applicant is advised to take into consideration the principles and practices of Secure by Design including Section 1 Design and Layout and Section 2 Physical Security requirements within the current Secure by Design New Homes 2010.



## LONDON BOROUGH OF ENFIELD

### PLANNING COMMITTEE

**Date :** 21 February 2017

**Report of**

Assistant Director,  
Regeneration & Planning

**Contact Officer:**

Andy Higham  
Sharon Davidson  
Mr Sean Newton

**Ward:**

Chase

**Ref:** 16/05126/FUL

**Category:** Full Application

**LOCATION:** The Red House, Rectory Farm Land, The Ridgeway, EN2 8AA

**PROPOSAL:** Change of shooting days to include Thursdays and Fridays, 09:00 to 16:00.

**Applicant Name & Address:**

Mr G Halls  
C/o Agent

**Agent Name & Address:**

Mrs Lucie Stone  
45 Grosvenor Road  
St Albans  
AL1 3AW  
United Kingdom

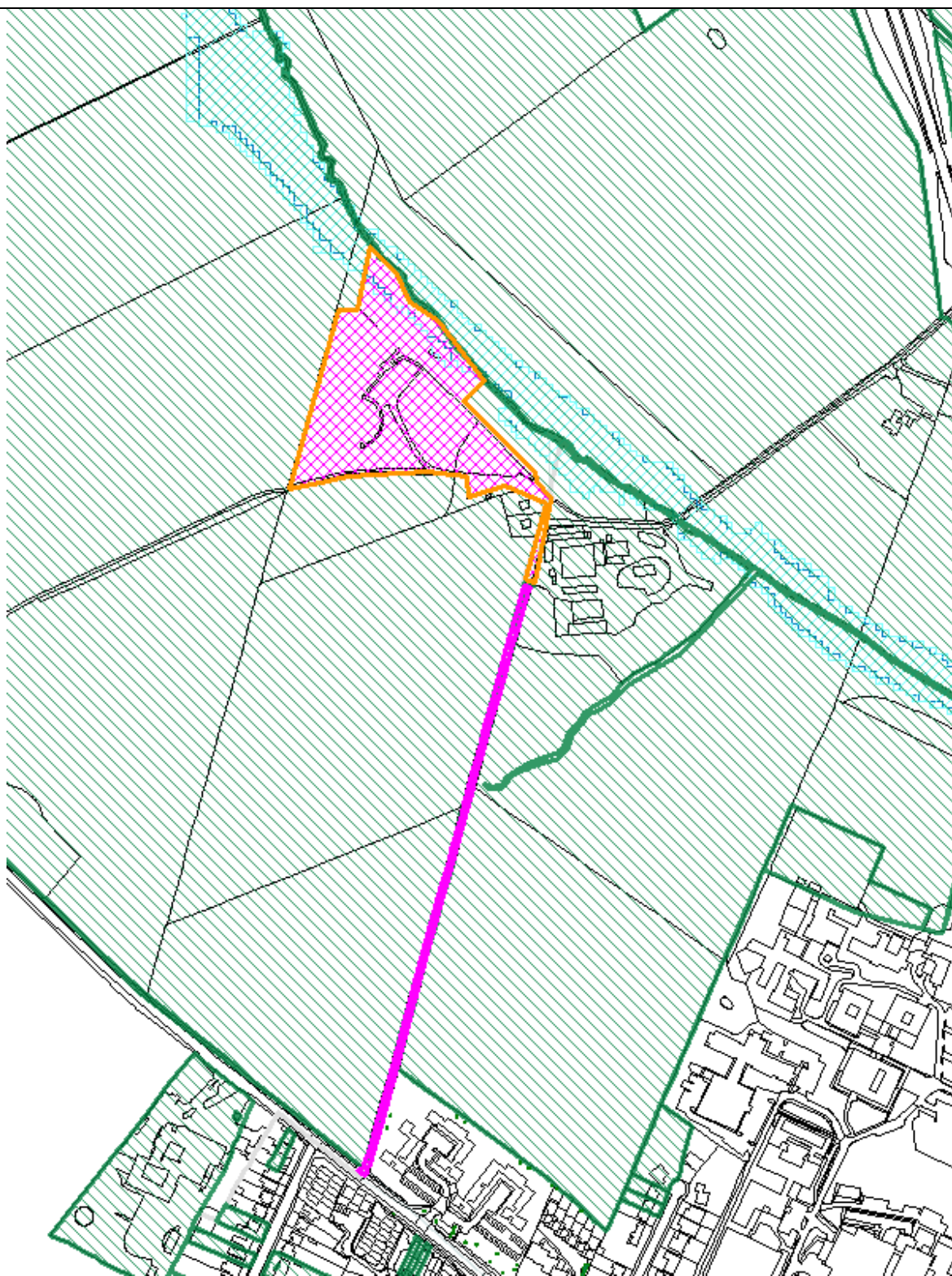
**RECOMMENDATION:**

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

**Note for Members:**

**This application is brought to Planning Committee for decision as it has been "called in" by Councillor Vicki Pite.**

Ref: 16/05126/FUL LOCATION: The Red House, Rectory Farm Land, The Ridgeway, EN2 8AA



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North



## **Site and Surroundings**

- 1.1. Former farmland currently being used as a clay pigeon shooting ground. The site is near to 1 & 2 Rectory Farm Cottages and is bounded by Turkey Brook to the north.
- 1.2. The site is accessed via a private access road on the northern side of The Ridgeway, located approximately 100m east of the Royal Chase Hotel. The access road also serves 1 & 2 Rectory Farm Cottages, a scaffolding business, and a furniture storage business located in barns within the main complex of farm buildings. The access road also serves as a bridleway and was also designated as a cycle route by the Council in 2014. It is also part of the London Loop.
- 1.3. The site is within the Metropolitan Green Belt and the Turkey Brook Valley Area of Special Character.

## **2. Amplification of Proposal**

- 2.1. Permission is sought for the change of shooting days to include Thursdays and Fridays, 09:00 to 16:00, although shooting would not begin until 10am. At the moment, the approved days of operation are Wednesday, Sundays and Bank Holiday Mondays.
- 2.2. It is proposed to restrict the additional shooting days to corporate events (entertainment / team building) only and will not be open to the public on these days.

## **3. Relevant Planning Decisions**

- 3.1. In October 1991, outline permission (ref: TP/91/0956) was granted for field sports and farm visitors centre involving construction of fish ponds, clay pigeon shooting, visitors centre building, barbecue area, dog training facilities and a car park. Condition 11 of the permission restricted the hours of operation to between 10.00 a.m. and 4.00 p.m. on Sundays and Wednesdays and at no other time without the approval in writing of the Local Planning Authority.
- 3.2. An application (ref: TP/91/0956/VAR1) to vary condition 11, to permit an additional day of operation during which shooting shall take place to include Saturdays between 10.00 am and 4.00 pm was refused in November 2007.
- 3.3. Planning permission was granted in 1992 (TP/92/0971) for a revised application for field sports and farm visitors centre (involving construction of fish ponds, clay pigeon shooting, visitors centre building, barbecue areas, dog training facilities and car park). Similar to the 1991 permission, a restriction was again placed on the days and hours of use.
- 3.4. In 2005, an application (ref: LDC/04/0544) for a certificate of lawful development (existing use) was made on the basis that the clay pigeon shooting had been operating beyond the constraints of the condition. It was subsequently determined that on the basis of the information provided, there had been a continual use as a clay pigeon shooting ground on Sundays, Wednesdays, Bank Holiday Mondays and Boxing Days for 10 years prior to the date of the application.

## **4. Consultations**

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

### Environmental Health

- 4.1.1. Following the receipt of information confirming the maximum number of shooters and the period of time shooting takes place, no objections are raised.

### Traffic & Transportation

- 4.1.2. It has been advised that there are no objections.

### 4.2. **Public response**

- 4.2.1. Letters were sent to 88 adjoining and nearby residents. Two letters have been received raising some or all of the following points:

- Since permission was granted, it has been impossible to sit and enjoy garden (34 Roundhedge Way).
- For the majority of the week, will have to listen to the constant popping noise created by the shooters.
- The enjoyment of a few should not be at the expense of the many who reside in the neighbourhood.
- Increase in noise and disturbance

- 4.3. Ward Councillor Vicki Pite objects to the proposal for the following reasons:

- Impact on neighbours in Rectory Cottages
- Access via a bridleway that is also a cycling route, one of Enfield's Greenways and part of London Loop, hence used by riders, cyclists and walkers and not constructed for heavy traffic.
- To extend the use of the bridleway I feel is a risk to other users of the bridleways all of whom are vulnerable in the face of traffic - cyclists, children learning to ride horses, walkers. Further, the surface of the bridle way is already damaged (I believe some repair was done in order to include it in London Loop) and by my estimation, inappropriate for heavy or frequent vehicular use, especially vans and lorries.
- On the day I visited I had to wait both driving in and driving out for vehicles to pass. On leaving the farm I had to back up about 25 yards for a large van approaching to access the farm. On arriving at the farm I waited for a police car to come along the bridleway from the farm and cottages towards The Ridgeway.
- Failure to properly address the pre app advice which was that no objections raised subject to the provision of an acoustic assessment. An acoustic assessment is submitted as required. However, close reading indicates to me that it was not written with this application in mind and the data used has been over interpreted in favour of the applicant and is out of date
- Insufficient regard to the grounds of a previous, unsuccessful, but almost identical application. It does not explain why what was unacceptable then is acceptable now
- I could find no explanation as to why this new application for twice the number of shooting days should be any less of a detriment to the amenity of the neighbours than the earlier one for only one extra day.
- Planning consent has been granted regarding the use of the outbuildings (one for scaffolding, two for furniture storage) conditional on limiting the number of vehicles using the road. There is evidence that already these conditions are being breached.

## 5. Relevant Policy

### 5.1. The London Plan

Policy 4.5	London's visitor infrastructure
Policy 4.6	Support for and enhancement of arts, culture, sport and entertainment
Policy 6.3	Assessing the effects of development on transport capacity
Policy 6.9	Cycling
Policy 6.12	Road network capacity
Policy 6.13	Parking
Policy 7.8	Heritage assets and archaeology
Policy 7.15	Reducing noise and enhancing soundscapes
Policy 7.16	Green Belt
Policy 7.19	Biodiversity and access to nature

### 5.2. Core Strategy

CP11:	Recreation, Leisure, Culture and Arts
CP24:	The road network
CP25:	Pedestrians and cyclists
CP26:	Public transport
CP28:	Managing flood risk through development
CP30:	Maintaining and improving the quality of the built and open environment
CP31:	Built and landscape heritage
CP32:	Pollution
CP36:	Biodiversity
CP46:	Infrastructure contributions

### 5.3. Development Management Document

DMD44	Preserving and Enhancing Heritage Assets
DMD45	Parking Standards
DMD47	New Roads, Access and Servicing
DMD48	Transport Assessments
DMD49	Sustainable Design and Construction Statements
DMD50	Environmental Assessment Methods
DMD68	Noise
DMD69	Light Pollution
DMD70	Water Quality
DMD78	Nature Conservation
DMD79	Ecological Enhancements
DMD81	Landscaping
DMD82	Protecting the Green Belt
DMD84	Areas of Special Character

### 5.4. Other Relevant Policy Considerations

National Planning Policy Framework  
 National Planning Practice Guidance  
 Enfield Characterisation Study (2011)  
 Community Infrastructure Levy Regulations 2010

## 6. Analysis

### 6.1. Principle

6.1.1. Whilst the use is considered acceptable having regard to the existing use of the site for clay pigeon shooting, the main consideration is the impact of noise and disturbance on neighbouring residential occupiers from the proposed two additional days.

## 6.2. **Green Belt Considerations**

6.2.1. The NPPF confirms that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence (para.79). Policy 7.16 of the London Plan ("Green Belt") confirms that strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance. Policy DMD82 of the Development Management Document ("Protecting the Green Belt") confirms that inappropriate development will be refused, and the criteria upon which appropriate development will be acceptable.

6.2.2. Being an open-air recreational facility, the development is considered appropriate in Green Belt terms and would not conflict with any of the purposes of including land within the Green Belt (para.80 NPPF). Moreover, given that the development proposal is for the extension of the operating days, with no additional built development required, the proposal will have no greater harm on the openness of the Green Belt. The development proposal is considered to have sufficient regard to Policy 7.16 of the London Plan, Core Policy 33 of the Core Strategy, DMD82 of the Development Management Document, and with guidance contained in the NPPF (in particular, section 9).

6.2.3. The site falls within the Turkey Brook Area of Special Character. A key issue identified within the "Enfield Characterisation Study" is strong rural character close to the urban edge, with attractive and well maintained, high quality landscapes (p159). The development proposal relates to an extension of the operating hours, therefore, with no further built development necessary, it would continue to preserve and enhance the existing strong rural character and high quality landscape of this area of special character, having regard to Core Policies 31 & 33 of the Core Strategy, and DMD 84 of the Development Management Framework.

## 6.3. **The Rural Economy**

6.3.1. The NPPF (para. 28) advises local authorities that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, and support sustainable tourism and leisure developments. London Plan Policy 4.5 ("London's visitor infrastructure") confirms that the Mayor will support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London. Policy 4.6 ("Support for and enhancement of arts, culture, sport and entertainment") advises local authorities to seek to enhance the economic contribution and community role of arts, cultural, professional sporting and entertainment facilities and Policy 7.16 supports development in the Green Belt providing that it is appropriate and secures the objectives of improving it.

6.3.2. The development is for the expansion of an existing rural-based recreational business to include additional days of use to accommodate corporate clients. This is

considered to be consistent with Policies 4.5, 4.6 & 7.16 of the London Plan, Core Policy 11 of the Core Strategy, DMD82, and guidance contained in the National Planning Policy Framework (in particular section 3).

#### 6.4. Impact on Neighbouring Properties

##### Noise

- 6.4.1. The main consideration is the impact of noise on the neighbouring occupiers. Paragraph 123 of the NPPF considers noise impacts of development. It confirms that policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
  - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
  - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
  - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 6.4.2. The nearest dwellings to the site are Nos.1 and 2 Rectory Farm Cottages, sited approximately 168 and 154m distant respectively. It is acknowledged that a previous application (ref: TP/91/0956/VAR1) to extend the hours of operation to include Saturdays (10am to 4pm) was refused due to concerns over the impact on the amenity of these neighbouring residential occupiers. However, being a Saturday would have meant that residents would not have had any respite at the weekends because shooting was already taking place on Sundays. The current proposal would extend the hours of operation but this would only be during the working week, when it is not unreasonable to expect a greater level of activity.
- 6.4.3. The applicant has confirmed that there will be an average of 15 participants, and no more than 20 shooting at any one time. Although guests will arrive at 9:30am, shooting will not start before 10:00, finishing promptly at 16:00, if not sooner. It has been advised that it would be very rare that shooting would take place over the full day. Typically, the sessions are split into a morning or afternoon, with a session typically comprising around 1 - 1.5 hours of shooting.
- 6.4.4. An acoustic report has been submitted in support of the application, which concludes that average noise levels throughout a shooting event are currently less than 3dBA above the prevailing ambient noise level in the vicinity, correlating to only a 'slight' impact. The sound of gunshot is a random/ intermittent noise, which may be heard above any background noise. Background noise in this location is likely to be dominated to a degree by traffic noise (The Ridgeway) but is also likely to include the general comings and goings associated with the adjacent farm, together with people and horses using the adjoining footpath and bridleway.
- 6.4.5. Potentially, with four Bank Holiday Mondays each year, there could be 4 weeks whereby shooting activity could take place on five days of the week, dropping to four days maximum for the remaining weeks. This is a maximum because the use is dependent on securing corporate bookings, and being an outdoor activity, is

seasonal. As advised above, the additional days are for corporate guests only and the applicant is willing to accept a condition to restrict the use.

- 6.4.6. Given the nature of the use, in terms of the hours of operation during the working week and the length of time for each shooting session, it is considered that on balance, the development should not unduly impact on the amenity of the neighbouring occupiers. However, to provide some comfort to the LPA and residents of this, it is recommended that a temporary 1 year permission should be granted to enable some monitoring of the activity. Should no noise nuisance arise in that time, then the LPA could consider granting a permanent permission in that context if a new application was submitted.
- 6.4.7. Having regard to the above, it is considered that the development will not unduly impact on the existing amenity of neighbouring occupiers with regard to noise and disturbance. The development is considered to comply with Policy 7.15 of the London Plan, Core Policy 32, Policy DMD68 of the Development Management Plan.

#### Lighting

- 6.4.8. No additional lighting is required for the development.

### **6.5. Traffic and Highway Considerations**

#### Access / Traffic Generation / Parking / Servicing

- 6.5.1. The access road also serves as a bridleway and a recognised cycle route, in addition to serving a working farm and two additional businesses. The access road is approximately 580m long, is straight, and affords good visibility along its entire length. Multiple users along the access road will therefore be aware of each other, therefore the safety of users should not be compromised. Moreover, the level of traffic associated with the additional days of use would not be excessive, particularly as those additional days are for corporate events only, with guests expected to mainly arrive by mini-van. For the reasons discussed above, it is not expected that the additional two days would generate a level of traffic which would lead to safety concerns on the bridleway, having regard to Core Policies 24 & 25, and DMD47 of the Development Management Document.
- 6.5.2. Servicing and parking requirements will not differ from existing arrangements, which is considered acceptable having regard to Core Policy 24, and DMD47 of the Development Management Document.
- 6.5.3. Having regard to the above, it is considered that the development provides acceptable parking and servicing facilities having regard to Policy 6.13 of the London Plan and Policy DMD45 & 47 of the Development Management Document.

### **6.6. Sustainable Design & Construction**

- 6.6.1. No additional infrastructure or facilities are required for the development.

#### **Community Infrastructure Levy**

- 6.6.2. The proposed development is not CIL liable as it relates to additional days of use as opposed to additional built development.

## **7. Conclusions**



- 7.1. Taking all material planning considerations into account, it is considered that the development should be approved for the following reasons:
1. Having regard to the existing use of the site, the proposed development is considered to be an appropriate form of development in the Green Belt and one which will continue to maintain the open character of the Green Belt while continuing to preserve and enhance the Turkey Brook Area of Special Character, having regard to Policy 7.16 of the London Plan, Core Policies 31 & 33 of the Core Strategy and DMD82 & 84 of the Development Management Document, and guidance contained in the National Planning Policy Framework (in particular section 9).
  2. The proposed development, to include shooting activities on Thursdays and Fridays for corporate clients only, is considered to be an appropriate and sustainable form of rural development that would continue to enhance the existing business and support rural tourism and leisure. The development is considered to have appropriate regard to Policies 4.6 of the London Plan, Core Policy 11 of the Core Strategy, DMD82, and guidance contained in the National Planning Policy Framework (in particular section 3).
  3. The proposed development, to include shooting activities on Thursdays and Fridays for corporate clients only, should not unduly impact on the existing amenities of adjoining occupiers in terms of noise and disturbance, having regard to Policy 7.15 of The London Plan, Core Policy 32 of the Core Strategy, Policy DMD68 of the Development Management Document and with guidance contained in the National Planning Policy Framework (in particular section 11)
  4. The development makes appropriate provision for access, parking and servicing and will not lead to conditions detrimental to highway safety having regard to Policy 6.3 of The London Plan, Core Policies 24 & 25 of the Core Strategy, DMD45 & 47 of the Development Management Document.

## **8. Recommendation**

- 8.1. That a planning permission is granted subject to the following conditions:
1. Approved Plans
  2. Limited Period Permission  
This permission is granted for a limited period expiring on 24 February 2018 when the use hereby permitted shall be discontinued and/or the buildings hereby permitted removed and the land reinstated, unless otherwise agreed in writing by the Local Planning Authority.  
  
Reason: To enable the monitoring of noise in the interest of safeguarding residential amenity.
  3. Hours of Use  
The hours of operation during which shooting shall take place shall only be between 10:00am and 4:00pm on Wednesdays to Fridays, Sundays and Bank Holiday Mondays and at no other time whatsoever unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring residential occupiers.

4. Restriction of Use

The site shall not be open to members of the public on Thursdays and Fridays without the prior written approval of the Local Planning Authority but shall be restricted solely to corporate events

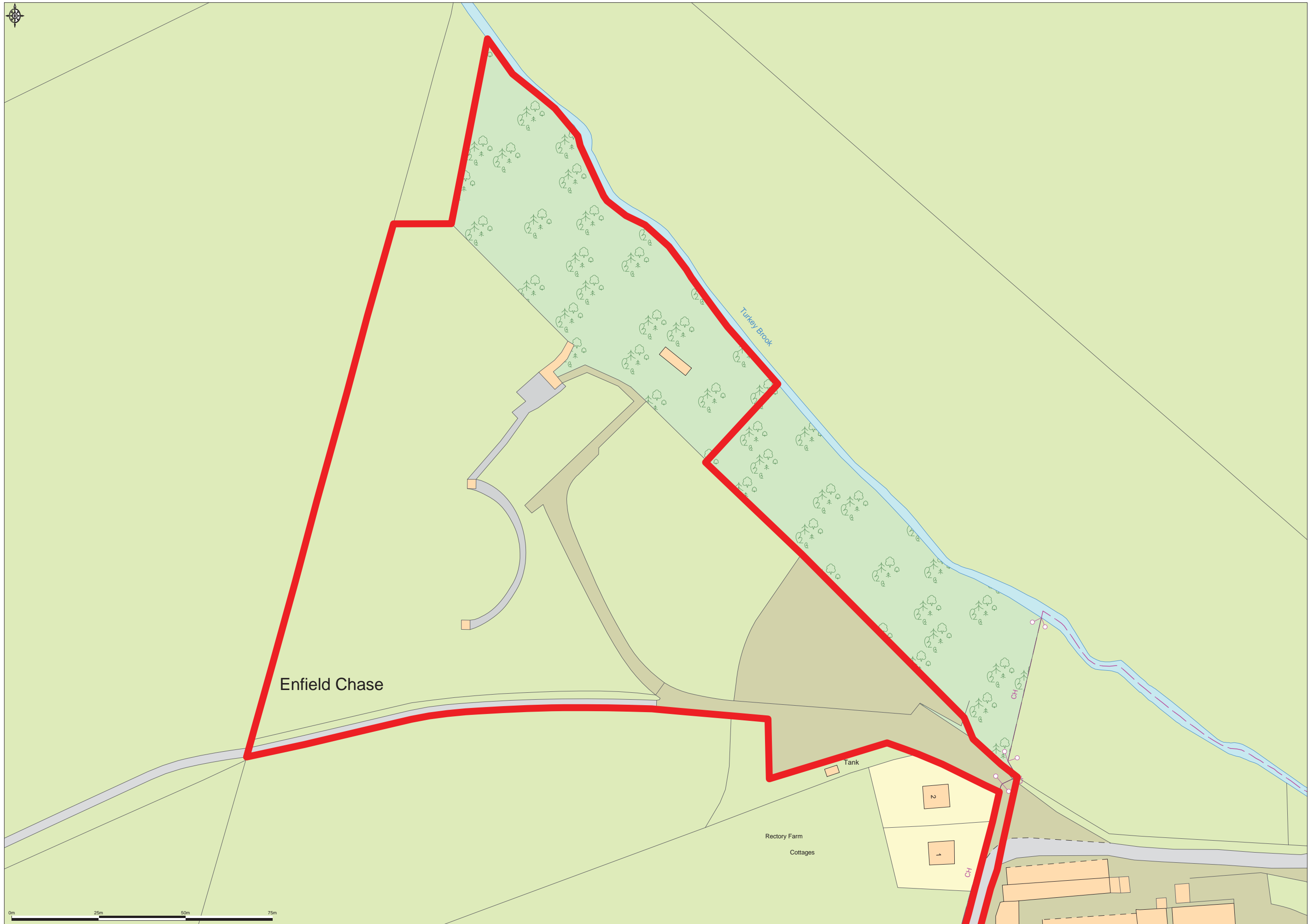
Reason: Having regard to the intended use as proposed by the applicant.

5. The clay pigeon shoot shall be confined to area approved under planning reference TP/91/0956, with shooting only taking place from the existing stalls and clays launched only from the existing traps as approved under the aforementioned planning permission.

Reason: (i) to ensure the satisfactory appearance of the development within its landscape setting in an Area of Special Character; (ii) to ensure that the development does not injure the amenity of the countryside through unnecessary damage to vegetation or the accumulation of debris, rubbish or polluting matter; (iii) to safeguard the amenities of residential properties neighbouring Rectory Farm and users of the surrounding area.

6. That only cartridges that are subsonic and that contain fibre wadding shall be used in the shooting activities.

Reason: to ensure that the minimum disturbance is caused to residential occupiers and users of the surrounding area and to reduce the accumulation of debris.



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## LONDON BOROUGH OF ENFIELD

### PLANNING COMMITTEE

Date : 21 February 2017

**Report of**  
Assistant Director,  
Regeneration & Planning

**Contact Officer:**  
Andy Higham  
Andy Bates  
Ms Claire Williams

**Ward:**  
Town

**Ref:** 16/05402/FUL

**Category:** Full Application

**LOCATION:** Garages Gordon Hill, Enfield, EN2 0QP

**PROPOSAL:** Demolition of existing garages and erection of a terrace of 4 x 2 storey single family dwellings (1 x 1-bed and 3 x 3-bed) amenity space, associated parking and landscaping.

**Applicant Name & Address:**  
C/O Agent

**Agent Name & Address:**  
DPA (London) Ltd  
25 Tudor Hall  
Brewery Road  
Hoddesdon  
EN11 8FP  
United Kingdom

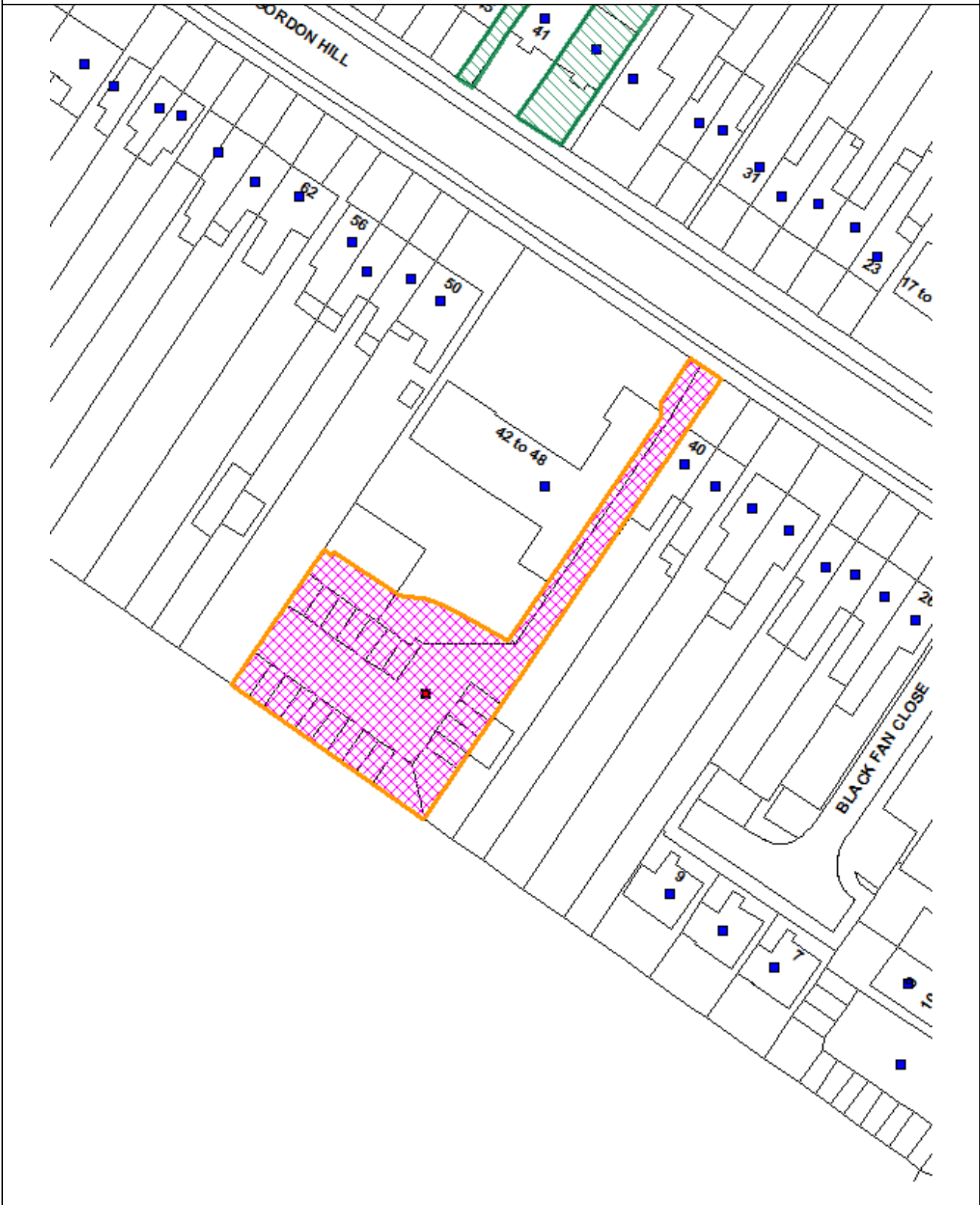
**RECOMMENDATION:**

That on completion of a S106 agreement, planning permission be **APPROVED** subject to conditions.

**Note to members:**

Applications of this nature would normally be considered under delegated powers but the application has been brought to the Planning Committee because Councillor Rye requested that the application be presented and determined by the Committee if Officers are minded to approve the scheme.

Ref: 16/05402/FUL LOCATION: Garages , Gordon Hill, Enfield, EN2 0QP



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North



## **1.0 Site and Surroundings**

- 1.1 The application site is located on the southern side of Gordon Hill predominately to the rear of a two storey block of ten flats, No.42 to No.48 Gordon Hill. The site comprises an approximately 45 metre long access road that leads to 22 garages. The application site also encompasses part of the land to the front of No.42 and 48 Gordon Hill.
- 1.2 The site is located within a residential area and is characterised by predominately two storey semi-detached and terraced residential dwellings of similar styles. To the rear of the site is a sports field associated with the Holtwhites Sports Club.
- 1.3 The application site is not located within a Conservation Area and there are no Listed buildings on the site or within the vicinity.

## **2.0 Proposal**

- 2.1 The application originally sought planning permission for the demolition of the existing garages and erection of a terrace of 4 x 2 storey single family dwellings (2 x 2-bed and 2 x 3-bed) amenity space, associated parking and landscaping. However through changes to the scheme planning permission is now sought for the demolition of the existing garages and erection of a terrace of 4 x 2 storey single family dwellings (1 x 1-bed and 3 x 3-bed) amenity space, associated parking and landscaping.
- 2.2 The row of terraces with a gable end roof form would measure 30 metres in width, 7 - 7.8 metres in depth due to the staggered front and rear building lines, 7.8 metres in height and 4.9 metres in height to the eaves level. The building would be set in from the side boundaries by 0.7 metres and set forward of the rear boundary by 3.4 - 3.8 metres due to the staggered rear building lines. The rear gardens would measure 21 – 32.6sqm in area.
- 2.3 Units 1, 3 and 4 which are the three bed units would have an integral garage. Unit 2 originally had a parking space located opposite the new building to the rear of the rear boundary of No.42 to No.48 Gordon Hill; however this parking space has been removed.
- 2.4 A new bin store for the houses would be located opposite the row of terraces along with one disabled parking space. The existing bin store for the existing flats which is currently located adjacent to the existing access road would be relocated to the front of the site to facilitate the widening of the access road. A bin store would also be located within the front of the site for the bins serving the houses to be moved to on collection days.
- 2.5 The access road would measure 4.3 – 4.8 metres wide. The existing boundary fence adjacent to the block of flats along the access road would be removed. A shared surface with a pedestrian zone of 900mm demarcated along the northwest side of the access road through the use of a change in material and a single white line is proposed. This would assist with providing a safe route for pedestrians to the existing flats and the new houses.

2.6 The application has been amended from the previously withdrawn application in the following ways:

- Application site increased in size to provide a visitor parking space to the front of the site and bin storage
- The ridge heights of the houses levelled
- Dwellings set in from the side boundaries by 0.7 metres
- Internal layout of the dwellings amended
- Access road widened

2.7 Amended drawings have been received for the current application that includes the following changes to the scheme.

- The red line amended to incorporate all areas that fall within the application site.
- Two storey front projections reduced in height so that they are in line with the eaves level.
- Rearrangement of the first floor level of the 2 bed units so that they are above their respective ground floor level which has ultimately resulted in three 3 bed units and one 1 bed unit rather than two 2 bed units and two 3 bed units.
- Parking space removed for unit 2

### **3.0 Relevant Planning History**

#### Application Site

3.1 16/02152/FUL - Demolition of existing garages and erection of a terrace of 4 x 2 storey dwellings (comprising 2 x 2-bed and 2 x 3-bed) together with amenity space, landscaping and parking. – Withdrawn 09.01.2017

#### Black Fan Close

3.2 TP/87/2038 - Erection of 3 two-storey 3-bedroom detached houses with ancillary garaging/parking facilities involving construction of an access road. – Granted 05/01/1990 and implemented (known as Black Fan Close)

#### Rear of 39 – 45 Gordon Hill

3.3 TP/04/1762 – Erection of a detached 2-bed bungalow, detached double garage and vehicular access from Gordon Hill. – Approved 12.10.2004

3.4 TP/03/1618 - Erection of a two-bed bungalow with a detached double garage, associated car parking facilities and access from Gordon Hill. – Approved 17.12.2003

3.5 TP/01/1943 - Demolition of row of 6 garages and erection of 2 chalet bungalows with detached garage in rear gardens and access from Gordon Hill. – refused and dismissed at appeal.

#### Rear of 41 – 47 Gordon Hill



- 3.6 15/00453/FUL – Erection of a detached 2-storey, 3-bed single family dwelling house with off street parking at front and solar panels to roof. – Approved 01.05.2015
- 3.7 TP/10/0519 - Erection of a 2-storey block of 2 semi-detached 3-bedroom single family dwellings with off street parking. – Refused on 16 April 2010 for the following reasons:
1. The proposed development by virtue of its size, siting, scale, bulk, massing, layout, design and proximity to boundaries would constitute an overdevelopment of the site resulting in a dominant and overbearing form of development out of keeping and character with the surrounding pattern of development and detrimental to the amenities of nearby residents contrary to Policies (I)GD1, (I)GD2 and (II)GD3, of the Unitary Development Plan, with Policies 3A.3, 4B.1 and 4B.8 of the London Plan, and with PPS1: Delivering sustainable development and PPS3: Housing.
  2. The proposed further intensification of the use of the existing access into the site having regard to its restricted width and scale of development proposed would result in increased vehicular and pedestrian activity passing close to the windows and doors of No 41A Gordon Hill giving rise to additional loss of privacy and disturbance to the residents contrary to Policies (I) GD1, (I) GD2, (II) GD3 and (II) H8 of the Unitary Development Plan.
  3. The proposed further intensification of the use of the existing access into the site having regard to its restricted width and scale of development proposed, would not make satisfactory provision for pedestrian and vehicular access in accordance with the standards adopted by the Council and would therefore compromise highway safety including pedestrian safety detrimental to the free flow of traffic contrary to Policies (II) GD6, (II) GD8, (II) T13 and (II) T16 of the Unitary Development Plan.

Rear of 150 Gordon Hill

- 3.8 TP/06/2312 - Redevelopment of site to provide 2 x 2 storey blocks of residential units comprising (Block A 3 x 2-bed and 3 x 3-bed, Block B 1 x 2-bed and 1 x 3-bed) involving rooms in roof with rooflights and dormer windows to front, associated car parking, access road and new vehicular access from Gordon Hill. – Approved 30.01.2007
- 3.9 TP/06/2308 - Redevelopment of site to provide 2 x 2 storey blocks of residential units (comprising 3 x 2-bed and 3 x 3-bed - Block A and 1 x 2-bed and 1 x 3-bed - Block B) involving rooms in roof with rooflights to front, associated car parking, access road and new vehicular access from Gordon Hill (A DUPLICATE APPLICATION HAS BEEN SUBMITTED UNDER REF: TP/06/2312). – Approved 30.01.2007

**4.0 Consultations**

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

4.1.1 Traffic and Transportation: The issues relating to parking, refuse storage and collection and access has been dealt with satisfactorily for the most part. However additional information was requested on cycle parking and servicing.

4.1.2 Tree Officer: No objection.

4.1.3 Thames Water: No objection but informative suggested.

4.1.4 Environmental Health: No objection but a condition requiring details of a scheme to deal with contamination on the site has been requested.

4.1.5 Housing: Financial contribution required if the total development floorspace exceeds 1000sqm.

#### **4.2 Public response**

4.2.1 Letters were sent to 53 adjoining and nearby residents and 5 comments were received and can be summarised as follows:

- Overdevelopment
- Out of keeping with the character of the area
- Affect local ecology
- Close to adjoining properties
- Increase danger in flooding
- Information missing on plans
- More open space needed on development
- Strain on existing community facilities
- Narrow access road and scale of development would result in increased vehicle and pedestrian traffic to the detriment of existing residents to the No.40 Gordon Hill and No.42 – 48 Gordon Hill
- Insufficient parking on Gordon Hill and proposed development would further put pressure on on-street parking
- Inadequate parking spaces proposed for the development
- Emerging from the access road onto Gordon Hill is hazardous
- The development would increase the number of vehicle movements and increase the risk of accidents
- Implications of rights of way, access and party wall
- Concerns with the re-surfacing on the access road and the implications for possible consequential water/ damp ingress to properties
- Construction nuisance
- Provision for refuse and servicing is unclear
- Noise nuisance of moving refuse bins and increase in traffic from vehicles
- Proposed development would infringe on statutory rights under the Human Rights Act 1998
- The affordable housing contribution is undervalued
- Small integral garages
- Access road too narrow for regular and safe vehicle access
- Boundary fence between flats and access road to be removed and will have vehicles immediately adjacent to doors and windows causing increased hazards, noise and air pollution.

- Development too high and should be restricted to single storey
- Intrusive and will allow direct views of gardens and habitable rooms and block light at the end of properties.
- Access to the street from the gate in the existing fence is to be removed and sealed despite the application stating the existing fences are to be maintained.
- The boundary fence is proposed to be 1.8 metres in height compared to the existing 3 metres provided by the garages.
- Loss of privacy, overshadowing and overlooking issues.
- Insufficient soft landscaping
- Not comparable to the development at Black Fan Close and Tippets Close
- Conditions suggested to be attached to any permission such as no side windows within the side elevations or windows and balconies within the roof.

Councillor Rye made the following comment: *'There are significant resident objections that ought to be heard by Councillors should the recommendation be to approve this application. The site has been subject to similar applications that have been refused.'*

*I would object as I believe the site is unsuitable for the present application due to overdevelopment, out of keeping with immediate area, too close to adjoining properties, access issues, lack of parking and traffic issues.'*

Case Officer response: Infringement of the Human Rights Act falls outside of the planning remit. The amendment to the existing gate on the site is a civil matter that also falls outside of the planning remit. All other issues will be explored within the analysis section of this report.

## **5.0 Relevant Policy**

### **5.1 London Plan (2016)**

- Policy 3.3 - Increasing housing supply
- Policy 3.4 - Optimising housing potential
- Policy 3.5 - Quality and design of housing developments
- Policy 3.8 - Housing choice
- Policy 3.9 - Mixed and balanced communities
- Policy 3.10 - Definition of affordable housing
- Policy 3.11 - Affordable housing targets
- Policy 3.13 - Affordable housing thresholds
- Policy 5.1 - Climate change mitigation
- Policy 5.2 - Minimising carbon dioxide emissions
- Policy 5.3 - Sustainable design and construction
- Policy 5.14 - Water quality and wastewater infrastructure
- Policy 6.3 - Assessing the effects of development on transport capacity
- Policy 6.9 - Cycling
- Policy 6.12 - Road network capacity
- Policy 6.13 – Parking
- Policy 7.1 – Lifetime neighbourhoods
- Policy 7.4 - Local Character
- Policy 7.6 - Architecture

## 5.2 Core Strategy (November 2010)

- CP2 - Housing supply and locations for new homes
- CP3 - Affordable housing
- CP4 - Housing quality
- CP5 - Housing Types
- CP20 - Sustainable energy use and energy infrastructure
- CP21 - Delivering sustainable water supply, drainage and sewerage infrastructure
- CP22 - Delivering sustainable waste management
- CP25 - Pedestrians and cyclists
- CP30 - Maintaining and improving the quality of the built and open environment
- CP31 – Built and Landscape Heritage
- CP46 – Infrastructure Contributions

## 5.3 DMD (November 2014)

- DMD2 - Affordable Housing for Developments of less than 10 units
- DMD3 - Providing a mix of different size homes
- DMD6 – Residential Character
- DMD8 - General standards for new residential development
- DMD9 - Amenity Space
- DMD10 – Distancing
- DMD37 - Achieving High Quality and Design-Led Development
- DMD45 – Parking Standards and Layout
- DMD47 - New Roads, Access and Servicing
- DMD49 - Sustainable design and construction statements
- DMD50 –Environmental Assessment Methods
- DMD51 - Energy efficiency standards
- DMD58 Water Efficiency
- DMD81 - Landscaping

## 5.4 Other Policy

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Section 106 Supplementary Planning Document (adopted 2016)
- Enfield Strategic Housing Market Assessment (2010)
- Mayor of London’s Housing Supplementary Planning Guidance (SPG) (2016)

## 6.0 **Analysis**

### Principle of Development

- 6.1 The NPPF prioritises previously developed land or brownfield land for development. The use of previously developed land is usually the most sustainable option, as it fits within an existing pattern of development, means that development can take advantage of and contribute towards improving existing infrastructure, and the reuse of derelict land or existing buildings helps alleviate the pressure to develop green field sites. The Council will prioritise the appropriate reuse of previously developed land in order to encourage

sustainable forms of residential development. The site comprises 22 garages and therefore there is no objection to the redevelopment of the application site for residential development.

- 6.2 Policy 3.4 of the London Plan promotes the optimisation of housing output within different types of location. Policy 3.8 of the London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. The proposal would be compatible with these policies, and Core Policy 2 of the Core Strategy and Policy DMD3 of the Development Management Document, insofar as it would add to the Borough's housing stock.
- 6.3 However, 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, ensure development is in keeping with the character of the area, ensure adequate internal floor space and layouts are provided; and development has appropriate regard to highway issues. These issues must be balanced with the requirement for new housing within the Borough, as set out above.

#### Density

- 6.4 For the purposes of the London Plan density matrix, it is considered the site lies within an area more akin to a suburban pattern of development. The site lies within an area with a PTAL of 3.
- 6.5 If defined as suburban, the density matrix suggests a density of between 150 and 250 habitable rooms per hectare with a PTAL rating of 3. The character of the area indicates that the average unit size in the area has between 3.1 – 3.7 rooms. This suggests a unit range of 40 - 80 units per hectare for a PTAL of 3. The site has an area of approximately 0.1140ha. The proposal involves the provision of 18 habitable rooms giving a density of 158 habitable rooms per hectare and a density of 35 units per hectare which would not exceed the density ranges set out in the London Plan.
- 6.6 It is acknowledged however 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. 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 DMD6, DMD8 and DMD37 of the DMD and will be assessed later in this report.

#### Impact on Character

- 6.7 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 can meet the existing and future needs of residents; and also Policy DMD37 which sets out criteria for achieving high quality and design led development.
- 6.8 Policy DMD8 of the DMD states that development must be appropriately located taking into account the nature of the surrounding area and land uses and be of an appropriate scale, bulk and massing.
- 6.9 Policy 7.1 requires buildings and spaces to be designed to reinforce or enhance the character, legibility, permeability and accessibility of a neighbourhood and contribute to people's sense of place, safety and security.
- 6.10 A row of four two storey terraced dwellings are proposed with a gable end roof which would respect the character and appearance of the houses that exist along Gordon Hill. The new houses would however be more modern in appearance compared to the Victorian terrace houses along Gordon Hill with the incorporation of two storey flat roof front projections, Juliette balconies, integral garages and a mix of external finishing materials. There is no objection to this design approach. Details of external finishing materials would need to be secured through a condition.
- 6.11 The row of houses would be set in from the side boundaries by 0.7 metres and there would be a distance between the new houses and the rear elevation of No.42 – 48 Gordon Hill of approximately 24.5 – 30 metres. The distance of the new houses from shared boundaries and neighbouring buildings particularly No.42 – 48 is considered acceptable, particularly given the distances would be in accordance with Policy DMD10 which will be discussed in more detail within the 'Impact on Residential' section of this report. Given the row of terraces would be in keeping with the character of the area and their size and siting would not be significantly excessive, incongruous or inappropriate for the area, it is not considered that the proposal would be an overly cramped form of development and sufficient amenity space would be provided for each unit.
- 6.12 The plot sizes and depths of the new houses would not respect those of the dwellings that front Gordon Hill but would not be too dissimilar to the depth of the plots along Black Fan Close and Tippetts Close.
- 6.13 Two bin stores are now proposed to be sited in close proximity to the front boundary of No.s 42 – 48. Although it would be ideal if the stores were set further back from the front boundary, a condition would be attached to any permission requiring details of the refuse/ recycling stores to be submitted to and approved by the LPA which would include their size and materials. This would hopefully enable the LPA to secure details that would help to mitigate any visual impact within the street scene.
- 6.14 Due to its location to the rear of No.42 – 48 Gordon Hill, the proposed development would not form part of the established street scene along Gordon Hill, it is considered that the row of terraced houses would not result in any demonstrable harm to the character and appearance of the surrounding area or result in any significant harm to visual amenity because it would not be readily visible to the public domain.

### Residential Amenity

- 6.15 A number of concerns have been raised over the potential for loss of light, overlooking and loss of privacy. Policy DMD8 requires development to preserve amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance.
- 6.16 Policy DMD10 of the DMD states that new development should maintain specific distances between buildings, unless it can be demonstrated that the proposed development would not result in housing with inadequate daylight/sunlight or privacy for the proposed or surrounding development.
- 6.17 There would be a distance of 7.3 - 12 metres between the front elevation of the terraces and the rear boundary of No.42 – 48. However it is not considered that overlooking from the front windows into the rear gardens would be significant given the variation in the distance between the new building and the rear boundary, and the fact that the minimum distancing standards set out in Policy DMD10 would be achieved.
- 6.18 There should be a minimum distance of 22 metres between rear facing windows. It is noted that the front windows of the new building would face the rear windows of the block of flats to the front of the site but the minimum distance of 22 metres is still considered relevant.
- 6.19 There would be a distance between the new houses and the rear elevation of No.42 – 48 Gordon Hill of approximately 24.5 – 30 metres which would be in accordance with Policy DMD10 and will ensure that the proposed development would not result in significant overlooking, loss of light and privacy to the existing and future occupants of No.42 – 48 in addition to No.40 and 50 Gordon Hill.
- 6.20 No windows are to be inserted within the flank elevations of the building and therefore there would be no views into the rear gardens of No's 40 and 50 Gordon Hill. A condition would be added to ensure that no fenestration can be inserted into the flank elevations of the building in order to safeguard the amenities of the adjacent dwellings.
- 6.21 Concerns have been raised regarding the removal of the boundary fence between the side elevation of the building accommodating the flats No.42 - 48 and the access road, due to passers-by looking into the side windows, in addition to increased hazards, noise and air pollution. The access road would measure 4.3 – 4.8 metres wide and a single white line introduced to demarcate a pedestrian route along the length of the access road.
- 6.22 In order to protect the character and appearance of the subject properties and surrounding area, to protect the amenities of the adjoining properties and to ensure adequate amenity space is retained, a condition would be attached to any permission removing permitted development rights in terms of extending the new dwellings and erecting new buildings within the residential curtilages.

### Housing Mix

6.23 Policy CP5 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 of less than 10 units should contribute towards meeting these targets by providing a mix of different sized homes, including family sized accommodation. 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 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).

6.24 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.

6.25 Amended drawings have been received that has rearranged the first floor level of the 2 bed units so that they are above their respective ground floor level which has ultimately resulted in three 3 bed four person units and one 1 bed 2 person unit rather than two 2 bed 3 person units and two 3 bed 4 person units. Although a one bed unit would be provided on the site, the change has resulted in three family units which would contribute to providing new family accommodation within the borough. Consequently on balance the proposed development is considered acceptable

#### Internal Layout

6.26 Table 3.3 of The London Plan 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. In addition, 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 3.5 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.

6.27 In view of paragraph 59 of the NPPF and Policy 3.5 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) (2016).

6.28 Policies DMD5 and DMD8 of the Development Management Document and Policy 3.5 of the London Plan set minimum internal space standards for residential development. In accordance with the provisions of the WMS, the presence of these Policies within the adopted Local Plan is such that the Technical Housing Standards – Nationally Described Space Standard would apply to all residential developments within the Borough. It is noted that the London Plan Housing SPG adopted in March 2016 has been updated to reflect the Nationally Described Space Standards.



- 6.29 Amended drawings have been received that has rearranged the first floor level of the 2 bed units so that they are above their respective ground floor level which has ultimately resulted in three 3 bed four person units and one 1 bed 2 person unit rather than two 2 bed 3 person units and two 3 bed 4 person units.
- 6.30 For a 3 bed, 4 persons two storey house the GIA should be 84sqm and for a 1 bed 2 person two storey dwelling the GIA should be 58sqm. The three bed units would measure 84 – 87sqm and the 1 bed unit would measure 62.4sqm and therefore all units would be in accordance with the minimum space standards.

#### 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 As set out in Policy DMD9 the overall quality and design of amenity space is important to how successfully it functions and its accessibility. Private amenity space is defined as open space which is accessible only to and screened for the purposes of the resident/residents of the unit. The standards for private amenity space set out in the policy include a minimum requirement for individual unit types and an average which needs to be met across the development as a whole. An absolute minimum standard is applied to ensure that all units have usable amenity space.
- 6.33 For dwellings without access to communal amenity space, Policy DMD9 requires 3bed 4 person houses to provide a minimum private amenity space of 23sqm. There is not a minimum requirement for 1 bed 2 person houses and therefore it is considered appropriate to use the minimum requirement of 23sqm for a 2 bed 4 person dwelling. It is noted that the 1 bed house would provide a 21sqm rear garden which would be a 2sqm shortfall but it should be noted that the dwelling is to serve 2 people rather than 4 people and therefore the proposed amenity space is considered acceptable. The rear garden for the 3 bed units would measure 32 – 32.6sqm which would exceed policy requirements.

#### Highway Issues

- 6.34 Concerns have been raised regarding the access road being too narrow for regular and safe vehicle and pedestrian access; that insufficient car parking would be provided on the site and the impact the proposed development would have on on-street parking along Gordon Hill.
- 6.35 Although there would be a loss of garages on the site, the submitted Transport Statement sets out that the garages are too small to adequately house a modern car. As a result, the garages have fallen in to disrepair and aside from storage are no longer used for their original purpose. Consequently the loss of the garages would not in the circumstances of this case result in parking stress along Gordon Hill or any neighbouring streets.
- 6.36 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.

- 6.37 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.
- 6.38 The parking standards within the London Plan states that 3 bed units should provide up to 1.5 parking spaces and 1 - 2 bed units should provide less than 1 parking space per unit. An integral garage with electric vehicle charging points and cycle storage would be provided for each of the three bed units. The parking space for the one bed unit has been removed. One disabled parking bay and one visitor parking bay would also be provided on the site. The Traffic and Transportation team have been consulted and have not raised any concerns with the number of parking spaces to be provided. Having regard to the accessibility of the site and the London Plan, the level of car parking provision is considered appropriate and should not give rise to a significant demand for on street parking in Gordon Hill. A S106 agreement would be completed to secure the visitor parking space located to the front of the site for the life of the new development.
- 6.39 There would be some increase in traffic associated with the new development and additional parking spaces because the existing garages are no longer used for vehicles but predominately for storage so there is limited traffic movement across the site. However, Traffic and Transportation are satisfied that that this increase is marginal and would not have a significant impact on the safe and free flow of pedestrian and vehicle movement with regards to the public highway.
- 6.40 The access road to the site would be widened to measure 4.3 - 4.8m wide. A shared surface with a pedestrian zone of 900mm demarcated along the northwest side of the access road via the use of a change in material is proposed which would assist with providing a safe route for pedestrians to the existing flats and the new houses. The footway depth adjacent to the access point from Gordon Hill means acceptable visibility splays are possible for both the footway and the carriageway. The access is also wide enough to facilitate an emergency vehicle - details of access for a LWB fire tender at 10.2 metres in length entering and exiting the development in a forward gear were provided. In addition the layout of the parking arrangement is satisfactory and there is adequate space for turning in order for vehicles to enter and leave the site in a forward gear, including emergency vehicles. Therefore, having regard to this, no objection is raised to the proposal.
- 6.41 Two cycle parking spaces would be provided for each unit. Refuse collection will take place from Gordon Hill. A refuse strategy has been detailed within the Transport Statement which would include the existing management company who currently manages the existing flats No.42 – 48 moving the bins once a week from the residents storage area to the collection point located along the front of the site. Further details of refuse and cycling can be secured by way of condition given that the plot is substantially large enough to accommodate both requirements and the drawings that have been provided that includes details of refuse storage and cycle parking.

### Trees, Landscape and Biodiversity

- 6.42 Policy DMD80 of the DMD states that all development including subsidiary or enabling works that involve the loss of or harm to trees covered by Tree Preservation Orders, or trees of significant amenity or biodiversity value will be refused. The proposed scheme is unlikely to have any significant affect on trees as there are no trees within the vicinity that are of particular significance to the wider amenity of the area. The Tree Officer was consulted and raised no objection with the proposed development.
- 6.43 The London Plan and the 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. Several conditions relating to landscaping and biodiversity would be attached to any grant of planning permission to ensure that the proposal is in accordance with these policies.

### Accessibility

- 6.44 The national technical standards are material in the assessment of the subject application. Building Regulations optional standard M4(2) is the equivalent of Lifetime Homes Standard and given the status of the Local Plan and in particular Policy 7.2 of the London Plan, Policies DMD5 and DMD8 of the DMD and Policy CP4 of the Core Strategy the LPA would hold that this optional standard is applicable to all residential development within the Borough.
- 6.45 The London Plan and Enfield Local Plan require all future development to meet the highest standards of accessibility and inclusion. 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.
- 6.46 A condition would be attached to any permission to ensure the scheme complies with the optional national technical standard M4(2).

### Sustainability

- 6.47 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.
- 6.48 In the interests of addressing climate change and to secure sustainable development in accordance with the strategic objectives of the Council and relative planning policies set out in the DMD, several conditions would be attached to any grant of planning permission in terms of the submission of an energy statement and incorporating renewable technology.

### Drainage

- 6.49 The site is not located within a flood zone. Objections have been raised regarding an increase in danger in flooding on the site. Thames Water were consulted on the scheme and raised no objection to the proposed development. The scheme would need to comply with Thames Water requirements. The scheme would also need to comply with Policy DMD61 of the DMD which states that a drainage strategy will be required for all development to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan. A drainage strategy would be required to be secured through a condition.

### Section 106 Agreements

- 6.50 Policy CP3 of the Core Strategy, Policy DMD2 of the Development Management Document and the S106 SPD (adopted November 2011) require contributions for Affordable Housing from all schemes of one unit upwards. The S106 SPD also requires contributions towards education on all developments, including those for a single dwelling, which increase pressure on school places. However, following the High Court Judge ruling and amendments to the NPPG the Council are no longer seeking affordable housing contributions and education contributions for schemes of less than 10 units. The building would have an internal floorspace that would be less than 1000sqm and therefore a financial contribution towards affordable housing is not applicable.

### CIL

- 6.51 The development would be liable to both the Enfield and Mayoral CIL.

The Mayor CIL liability is  $(£20/m^2 \times 320m^2 \times 286)/274 = £6,680.29$ . The Enfield CIL liability is  $(£60/m^2 \times 320m^2 \times 286)/274 = £20,040.88$

## **7.0 Conclusion**

- 7.1 The proposed development would contribute to increasing the Borough's housing stock and would not detract from the residential character and amenities of the surrounding area and in particular, the visual amenities or privacy of the occupants of neighbouring residents. Furthermore, the proposal would not give rise to conditions prejudicial to the free flow and safety of traffic or highway users.

## **8.0 Recommendation**

That, subject to the completion of a S106 agreement, PLANNING PERMISSION BE GRANTED subject to the following conditions:

1. (C51 Time Limit) - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans including plans(s) that may have been revised, as set out in the attached schedule which forms part of this notice.

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

3. The development shall not commence until plans detailing the existing and proposed ground levels including the levels of any proposed buildings, roads and/or hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

4. The occupation of the development shall not commence until a scheme to deal with the contamination of the site including an investigation and assessment of the extent of contamination and the measure to be taken to avoid risk to health and the environment has been submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and the Local Planning Authority provided with a written warranty by the appointed specialist to confirm implementation prior to the commencement of development.

Reason: To avoid risk to public health and the environment.

5. That development shall not commence on site until a construction methodology has been submitted to and approved in writing by the LPA. The construction methodology shall contain: (i) photographic condition survey of the roads and footways leading to the site of construction, (ii) details of construction access and vehicle routing to the site, (iii) arrangements for vehicle servicing and turning areas, (iv) arrangements for the parking of contractors vehicles, (v) arrangements for wheel cleaning, (vi) arrangements for the storage of materials, (vii) arrangements for deliveries, (viii) hours of work, and, (ix) any and all works to maintain and make good the existing private access to the site both during and following construction. The development shall then be undertaken in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure a satisfactory external appearance.

7. Prior to the commencement of superstructure works, details of surface drainage works shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and shall be designed to a 1 in 1 and 1 in 100 year storm event allowing for climate change to include a full maintenance and management plan. A flood risk assessment should be included as part of the drainage plan. The drainage system shall be installed/operational prior to the first occupation and the approved management and maintenance plan put in place to ensure its continued function over the lifetime of the development.

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

Reason: To ensure the sustainable management of water, minimise flood risk and to minimise discharge of surface water outside of the curtilage of the property in accordance with Policy CP28 of the Core Strategy, Policies 5.12 & 5.13 of the London Plan and the NPPF.

8. Prior to the commencement of superstructure works, full details of soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. Soft landscaping details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants and trees, to include native and wildlife friendly species and large canopy trees in appropriate locations (noting species, planting sizes and proposed numbers / densities)
- Implementation timetables
- Tree protection measures

All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall set out a plan for the continued management and maintenance of the site and any planting which dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with new planting in accordance with the approved details or an approved alternative and to the satisfaction of the Local Planning Authority.

Reason: To minimise the impact of the development on the ecological value of the area, to ensure the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity and to preserve the character and appearance of the area in accordance with

Policies CP30 and CP36 of the Core Strategy, Policy DMD81 of the DMD, the Biodiversity Action Plan and Policies 7.19 & 7.21 of the London Plan.

9. Prior to the commencement of superstructure works, details of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. Details shall be designed to be built into the new building and surrounding the new dwelling following guidance by a suitably qualified ecologist.

Reason: To ensure that the biodiversity of the site is enhanced post development in order to comply with Policy CP36 of the Core Strategy and to ensure that the council fulfil their obligations under the 2006 NERC Act.

10. Prior to the commencement of superstructure works, details of the surfacing materials to be used within the development including footpaths, access roads and parking areas and road markings shall be submitted to and approved in writing by the Local Planning Authority. The surfacing shall be carried out in accordance with the approved detail before the development is occupied or use commences.

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

11. Prior to the commencement of superstructure works, an undertaking to meet with best practice under the Considerate Constructors Scheme and achieve formal certification shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the implementation of the development does not adversely impact on the surrounding area and to minimise disruption to neighbouring properties.

12. No exterior lighting is to be installed near the entrance/ exit point of new biodiversity enhancement features (bat/bird boxes/bricks etc) or situated adjacent to any trees/ hedgerows on the site boundaries.

Reason: To ensure maximum benefits of the biodiversity enhancements to be installed as part of the development and to avoid adverse impacts on bats and their wildlife.

13. Prior to the commencement of superstructure works, details of the internal consumption of potable water shall be submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day as specified in the pre-assessment submitted with the scheme.

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

Reason: To promote water conservation and efficiency measures in all new developments and where possible in the retrofitting of existing stock in accordance with Policy CP21 of the Core Strategy, Policy 5.15 of the London Plan.

14. Prior to commencement of superstructure works, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall provide for no less than a 35% reduction on the total CO2 emissions arising from the operation of a development and its services over Part L of Building Regs 2013. Should Low or Zero Carbon Technologies be specified as part of the build the location of the plant along with the maintenance and management strategy for their continued operation shall also be submitted. The Energy Statement should outline how the reductions are achieved through the use of Fabric Energy Efficiency performance, energy efficient fittings, and the use of renewable technologies.

The development shall be carried out strictly in accordance with the energy statement so approved and maintained as such thereafter.

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets are met in accordance with Policy CP20 of the Core Strategy, Policies 5.2, 5.3, 5.7 & 5.9 of the London Plan 2016 and the NPPF.

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

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

16. Prior to the occupation of the development, details of the siting, size, number and materials of the refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the London Borough of Enfield – Waste and Recycling Planning Storage Guidance ENV 08/162, shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

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

17. Prior to the occupation of the development details of the siting, number and design of secure cycle spaces (eight residential spaces and four visitor spaces) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied.

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

18. The development hereby approved shall be built in accordance with Requirement M4(2) of Building Regulations and shall be maintained as such thereafter. Prior to occupation evidence of compliance with Requirement M4(2) across the development shall be submitted to and approved in writing by the Local Planning Authority.



Reason: This optional national technical standard will ensure that the development allows for the future adaptability of the home to meet with the needs of future residents over their lifetime in accordance with Policy CP4 of the Core Strategy, DMD8 of the Development Management Document and Policy 3.5 of the London Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

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

20. Notwithstanding Classes A, B, C and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any amending Order, no buildings or extensions to buildings shall be erected or enacted at the proposed single dwelling houses or within their curtilage without the permission in writing of the Local Planning Authority.

Reason: In order to protect the character and appearance of the subject properties and surrounding area, to protect the amenities of the adjoining properties and to ensure adequate amenity space is provided.

21. Notwithstanding the electric vehicle charging points and cycle storage proposed within the integral garages, the garages hereby approved shall only be used for the accommodation of private motor vehicles, unless agreed in writing by the Local Planning Authority.

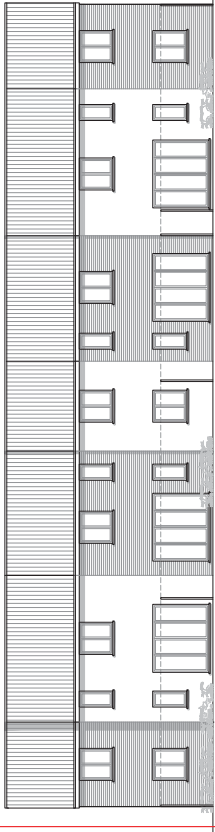
Reason: To ensure that the development complies with the Enfield Local Plan Policies and to prevent the introduction of activity which would be detrimental to visual and residential amenity.

## **Informative**

1. Thames Water advises the following:

In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

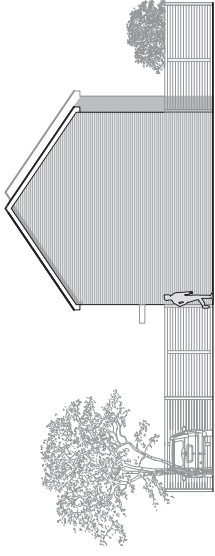
Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.



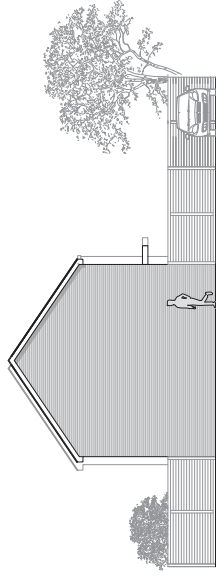
5 Proposed Rear Elevation  
1:100



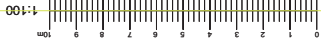
3 Proposed Front Elevation  
1:100



6 Proposed Side Elevation  
1:100

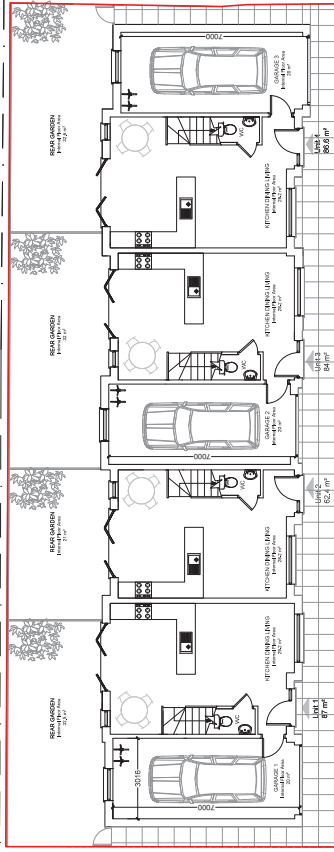


4 Proposed Side Elevation  
1:100

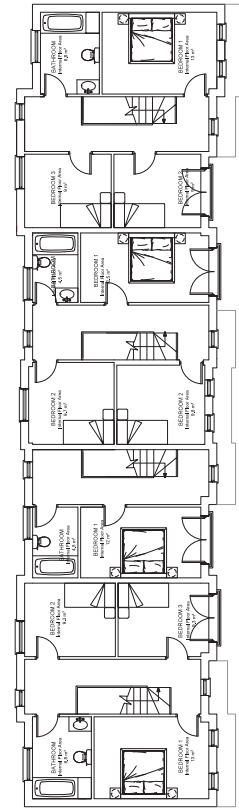


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 01902 460011  
 info@dparchitects.co.uk  
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Client	Mr. J. Gray
Site address	Cherry Hill Grove Middle EN7 6DP
Project Description	4 Terrace houses proposed
Drawing Title	Proposed Floor Plans and Elevations
Drawn	UP
Checked by	DP
Issued for	Planning Approval
Scale	1:100 @ A1
Drawing No.	1160 204
Date	January 2017
Revisions	R1 - 2017 02 06 G1 - 2017 02 01 P - 2016 12 22 Note to include Waste Parking Space and Bin Store EC-20/1 2017

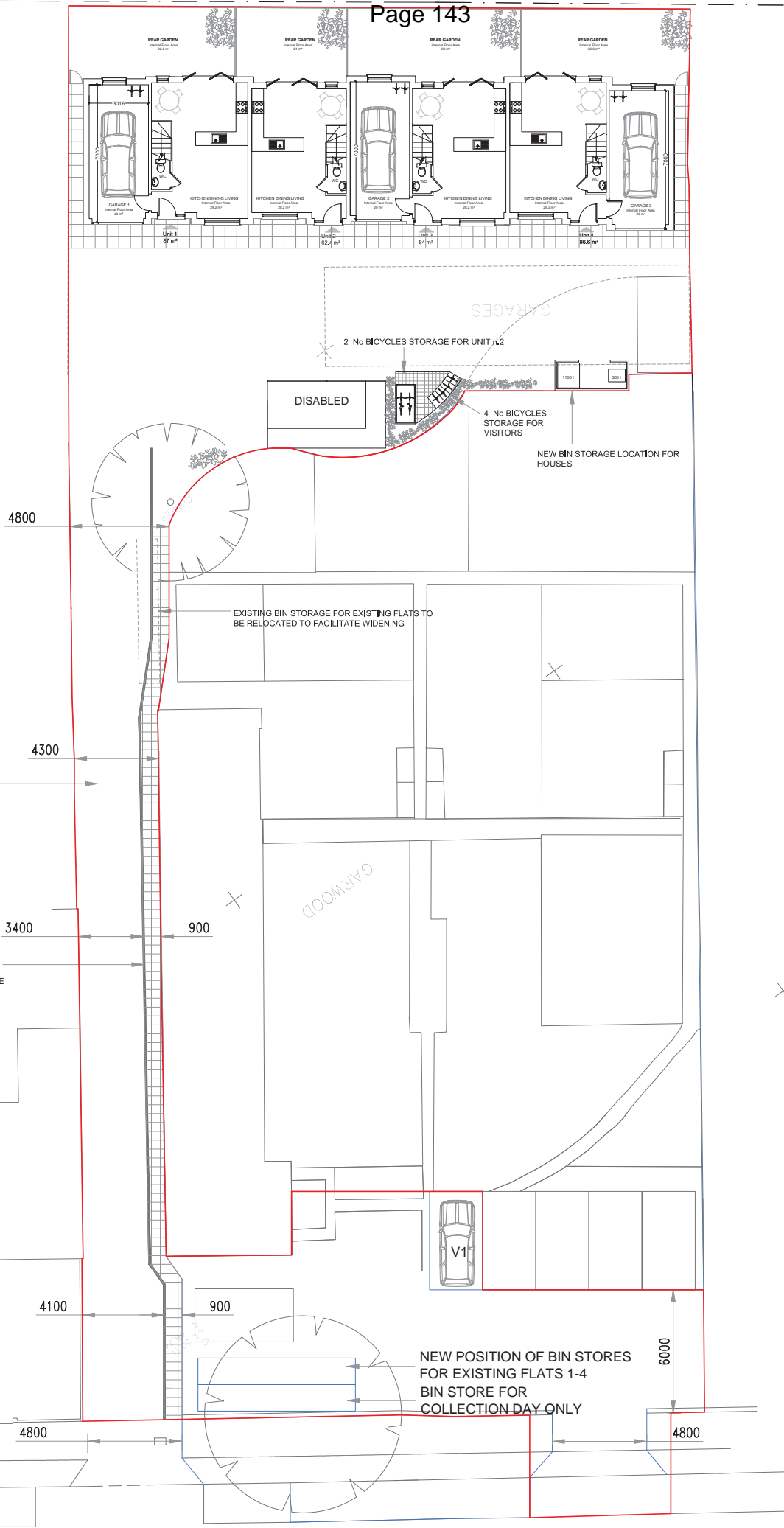


1 Proposed Ground Floor Plan  
1:100



2 Proposed First Floor Plan  
1:100

DPA (London) Ltd. retain copyright of the design, scheme & ownership of the drawings. Drawings should be read in conjunction with structural engineer's drawings and information. Any omission to be reported to and clarified with client prior to commencement. Verify dimensions, levels and existing structure, etc. on site prior to commencement. All works to comply with current regulations, British and European Standards. Please note that before building works commences it is the responsibility of the builder or owner to serve party wall notices to all neighbours. Initial drawings submitted to Building Control (ABC), which could have significant cost or additional works to be done on site. All works commenced on site prior to obtaining full building control approval will be carried out at your own risk.



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 www.dpa-architects.co.uk

Client	Mr. J. Garey
Site address	Gordon Hill Enfield Middle EN2 0DP
Project Description	4 Terraced houses proposed
Drawing Title	Proposed Site Plan
Drawn	LP
Checked by	DP
Issued for	Planning Approval
Scale	1:100 @A1
Drawing No.	1160 202
Date	January 2017
Revisions	H - 2017 02 06 G - 2017 02 01 F - 2016 12 22 New boundary line to include Visitor Parking space and Bin Store E - 20 01 2017

1 Proposed site plan  
 1:100

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Mr. J Garey

Gordon Hill  
Enfield  
Middx  
EN2 0QP

4 Terraced houses proposed

Location Plan

LP

DP

Pre App

1:1250@A4

1160 200 D

January 2017

F - 2016.12.22  
New boundary line to include  
Visitor Parking space and Bin Store  
E - 20.01.2017

Client

Site address

Project Description

Drawing Title

Drawn

Checked by

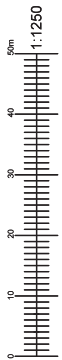
Issued for

Scale

Drawing No.

Date

Revisions



**1** Location Plan  
1:1250

## LONDON BOROUGH OF ENFIELD

### PLANNING COMMITTEE

**Date:** 21 February 2017

**Report of**  
Assistant Director,  
Regeneration & Planning

**Contact Officer:**  
Andy Higham  
Andy Bates  
Robert Singleton

**Ward:** Town

**Application Number:** 16/05784/FUL

**Category:** Minor Offices / R&D /  
Light Industry

**LOCATION:** 1-3 MARKET CHAMBERS, CHURCH STREET, ENFIELD, EN2 6AA

**PROPOSAL:** New shopfront and entrance alteration including installation of 2 x ATM's, render and replacement door to side elevation and erection 3 storey rear extension.

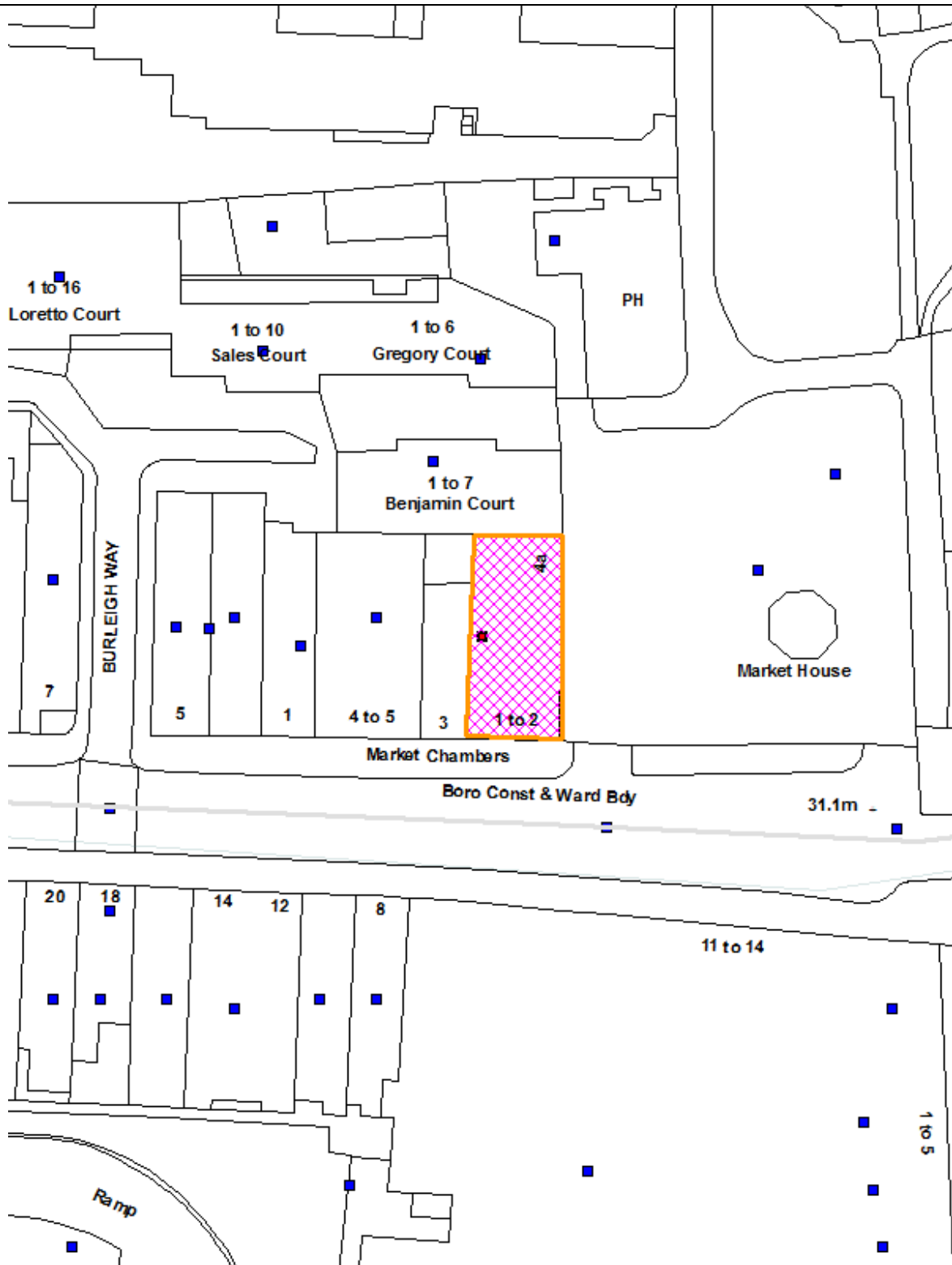
**Applicant Name & Address:**  
Metro Bank PLC and L.C.P Estates Limited  
C/O Agent

**Agent Name & Address:**  
Mr Mark Underwood  
Deloitte Real Estate  
Athene Place  
66 Shoe Lane  
London  
EC4A 3BQ

**RECOMMENDATION:**

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

Ref: 16/05784/FUL LOCATION: 1-3 Market Chambers, Church Street, Enfield, EN2 6AA



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Scale 1:1250

North



## 1. Site and Surroundings

- 1.1 The subject site comprises a three storey corner property located to the north side of Church Street and adjacent to Market Square. The premises are currently in use as a bank and forms part of a parade of commercial units within the core retail frontage of the designated Enfield Town Centre.
- 1.2 The site is within the Enfield Town Conservation Area, but is not a listed building.



Illustration 1: Site Plan

## 2. Proposal

- 2.1 The project proposes a new shopfront and entrance alteration including installation of 2 x ATM's, render and replacement door to side elevation and erection 3 storey rear extension to the existing bank, currently occupied by the Enfield Town branch of Santander. The change of use of No.3 Market Chambers – currently occupied by 'Occo' Coffee House – does not require planning permission by virtue of Article 3 and Schedule 2, Part 3 Class A of the Town and Country Planning (General Permitted Development) Order 2015. Associated internal changes also do not require consent.
- 2.2 The application is a resubmission of a scheme previously approved under delegated authority (ref: 16/00850/FUL) and submitted on behalf of Metro Bank PLC, the incumbent new occupiers of the site. The consent was quashed by the Council following the decision of the High Court to grant

'leave' to the current occupiers – Santander UK – to pursue a Judicial Review of the Council's decision to grant consent for the works. The grounds for the Judicial Review cited by Santander UK focused on the following points:

### **Ground 1**

The grant of planning permission subject to condition 3 was unlawful because:

- a. Condition 3 was invalid as a matter of law; and / or
- b. Condition 3 was imposed:
  - i. Without having proper regard to a material consideration, namely the NPPF Policy on the imposition of conditions; and / or
  - ii. Without any reasons being given to justify a departure from the NPPF Policy; and / or
  - iii. Irrationality in the *Wednesbury* sense.

### **Ground 2**

There was a failure to understand or properly apply Local Plan Policy DMD17, and thus a breach of section 70(2) of the Town and Country Planning Act 1990. Further or alternatively, the loss of an opportunity to accommodate and alternative community use, a material consideration, was not taken into account.

- 2.3 The High Court quashed the consent granted under ref: 16/00850/FUL.
- 2.4 Members are advised that the decision to quash the notice was not taken on the basis that the Local Planning Authority considered that the decision was incorrect or indeed that scheme was not acceptable in planning terms, rather the decision to quash the notice was made on the basis of a modest omission in the delegated report pertaining to one specific point of DMD17 which exposed the Council to the risk of costs being awarded at the expense of the public purse.
- 2.5 The subject scheme differs from that of ref: 16/00850/FUL in that the proposal for the change of use of the snooker hall to the second floor has been withdrawn in spite of the fact that this use has since ceased operation. All other elements of the scheme remain consistent with the previous application and considerations are limited to the following:
  - i. The impact of the shopfront changes and rear extension to the Enfield Town Conservation Area;
  - ii. The impact of the rear extension to neighbouring properties

## **3. Relevant Planning Decisions**

- 3.1 16/00850/FUL – New shopfront and entrance alteration including installation of 2 x ATMs, render and replacement door to side elevation, *change of use of second floor to ancillary office use* and erection 3 storey rear extension – Approved subject to following conditions (12/08/16):



1. The development hereby permitted shall be carried out in accordance with the approved plans, which may have been revised, as set out in the attached schedule which forms part of this notice.

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

2. The external finishing materials shall match those submitted for consideration on 12/04/16. The external finishing materials used in the construction of the rear extension – omitted from the sample palette – shall match exactly the existing building and/or areas of hard surfacing.

Reason: To ensure a satisfactory appearance within the Enfield Town Conservation Area.

3. *Prior to the commencement of works and following a full structural survey, a detailed report outlining the feasibility of relocating the pilasters / columns to the ground floor shop front to more directly align with the same design features at the upper floors shall be submitted to and approved in writing by the Local Planning Authority. The feasibility study shall take account of all relevant structural considerations and any requirements for third party consents. Should it be determined that the relocation of the pilasters / columns be feasible and the location of the pilasters columns are agreed by the Local Planning Authority revised plans shall also be submitted and scheme implemented strictly in accordance with these revised details prior to the occupation of the unit.*

*Reason: To ensure a satisfactory appearance to a building that makes a positive contribution to the established special character of the surrounding Enfield Town Conservation Area.*

4. The premises shall be open for business and working only between the hours of 08:00 – 20:00 Monday to Friday, 08:00 – 18:00 Saturdays and 11:00 – 17:00 Sundays and at no other time; and all activity associated with the use shall cease within 1 hour of the closing times specified above. All associated ground floor lighting – with the exception of lighting associated with the operation of the ATMs hereby approved – shall be illuminated only between the hours of 0700 – 22:00 hours seven days a week.

Reason: To safeguard the amenities of the occupiers of adjoining and nearby residential properties and to ensure that the illumination of the unit does not detract from the established special character of the Enfield Town Conservation Area.

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

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

- 3.2 Condition 3 was levied on the basis that the proposed alterations to the main shopfront – as guided by pre-app and discussions throughout the application process – and had sought to respect the architectural merit of the parent building whilst ensuring a sympathetic use of materials in the design of the public facing frontage rendering them acceptable in planning terms. Whilst CAG initially objected to the original scheme, expressing concern in relation to the arrangement of the pilasters to align more completely with the columns present on the upper floors, due to difficulties with the current leaseholder of the site a full structural survey to support a relocated set of pilasters could not be undertaken and hence alternative alignments could not be explored. This was clearly unfortunate, however, in agreement with the applicant a condition to secure a full structural survey and if deemed feasible a mechanism to secure and implement a further revised arrangement was considered to be appropriate to be attached to the consent to secure the best outcome for the site and was considered to be compliant with NPPF and NPPG Policy. In any case, it is clear that the design of the shopfront sought to reflect and pay credence to the architectural merit of the parent building and hence even if a revised arrangement cannot be secured due to structural issues, the overall design of the shopfront pays sufficient regard to the established special character of the parent dwelling and the surrounding Conservation Area to justify the decision to grant consent. This consent was subsequently quashed (27/10/16)
- 3.3 16/00851/ADV – Installation of 2 x internally illuminated fascia signs, 2 x non-illuminated projecting signs, 2 x internally illuminated sign to ATMs, 2 x non-illuminated logo's to door handles – Approved subject to conditions (12/08/16). This consent remains extant and has not been challenged and any and all signage does not require further consideration.

#### **4. Consultations**

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

###### CAG:

- 4.1.1 The application was considered by the Conservation Advisory Group at their meeting on 7<sup>th</sup> February 2017. No objection has been raised by the group.

###### Environmental Health:

- 4.1.2 Raise no objections to the scheme subject to conditions relating to air quality, noise transmittance and contamination.

###### Historic England:

- 4.1.3 At the time of writing, no response had been received from Historic England. Any response received will be reported as a late item.

###### Strategic Planning and Design

- 4.1.4 At the time of writing, no response had been received from the Strategic Planning and Design team. Any comments will be reported as a late item.

###### Enfield Town Conservation Area Group:

- 4.1.5 At the time of writing, no response had been received from the Enfield Town Conservation Area Group. Any comments will be reported as a late item.

## **4.2 Public response**

4.2.1 The application was referred to 16 surrounding properties including the subject premises and existing occupiers, a press notice was published (05/10/16) and a site notice was posted. Following an administrative error which saw the development described inaccurately to include the change of use to the second floor, a revised description was drafted and a 14 day re-consultation issued (consultation expired 20/02/17). At the time of writing no representations had been made. A follow-up e-mail was also sent to the agents representing Santander UK to directly notify them of the application and invite further comment. No response has been received. Any representations received as part of the re-consultation shall be reported as late items for Members to consider. However, in the interests of clarity, under the original application, Santander UK objected to the proposal on the following grounds:

- A number of the changes proposed would threaten the continued operation of the leaseholder
- Loss of all Santander branches in Enfield Town
- Contrary to the NPPF
- Signage design and proliferation will have a harmful impact upon the Conservation Area
- Non-aligned columns will result in a cluttered façade

### *Officer response:*

4.2.2 Issues pertaining to interests in the land and the continued operation of the existing unit as a result of the works are not a material consideration. In any case, consent is conferred over a period of 3 years for the main planning application, there is no inference within the application that works would be immediate and hence works may progress after the current lease has expired. The point raised is a civil matter between the landowner and the leaseholders.

4.2.3 No specialist planning protection is afforded to company specific uses nor is there any current policy or legislative basis to compel representation of all banking companies within a Town Centre. The application does not seek to change the use of the ground floor unit and would in fact expand the use to the upper floors. In terms of financial services offered in Enfield Town (Use Class A2) there would be no net change.

4.2.4 Matters relating to the impact of the development to the Conservation Area are discussed in detail in the analysis section of this report.

## **5. Relevant Policy**

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

### **5.1.1 The London Plan**

Policy 7.8 – Heritage assets and archaeology

5.3.2 Local Plan – Core Strategy

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

Core Policy 31: Built and landscape heritage

Enfield Town Conservation Area Character Appraisal

5.3.3 Development Management Document

DMD44: Conserving and Enhancing Heritage Assets

5.4 National Planning Policy Framework

5.4.1 The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable development. In this respect, sustainable development is identified as having three dimensions – an economic role, a social role and an environmental role. For decision taking, this presumption in favour of sustainable development means:

- approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

Specific policies in the Framework indicate development should be restricted.

5.4.2 The NPPF recognises that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making.

5.5 National Planning Practice Guidance

5.5.1 On 6<sup>th</sup> March 2014, the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (NPPG) to consolidate and simplify previous suite of planning practice guidance.

**6. Analysis**

6.1 The main issues to consider are as follows:

- i. Impact of the works to the Enfield Town Conservation Area
- ii. Impact of the rear extension to residential amenity

6.2 Impact of the works to the Enfield Town Conservation Area

- 6.2.1 The subject site lies within the Enfield Town Conservation Area. The Character Appraisal identifies the property as making a positive contribution to the area and is sited in a highly conspicuous location to the south west corner of the Market Square, which when coupled with the Locally Listed Barclays Bank to the south east, the Kings Head Public House and the Grade II Listed St Andrews Church to the north, provide the setting to the historic heart of Enfield Town in the form of the Market Square. Accordingly, a significant amount of protection should be afforded to the area and due regard must be given to the impact of the proposal upon these valuable historic assets.
- 6.2.2 The fact that development was proposed in a Conservation Area and would affect the setting of a Listed Building is important on a number of levels. Conservation Areas and Listed Buildings are 'designated heritage assets' as defined by National Planning Policy (NPPF) and are afforded special consideration at a national and development plan policy level. They are also afforded statutory protection by, inter alia, s.66 & s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires 'special regard / special attention' to be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of Conservation Areas and – where there is identified 'harm' to a Listed Building and within a CA – considerable importance and weight to be placed on that as a material planning consideration.
- 6.2.3 The NPPF states that in determining planning applications that would form part of a historic environment, that Local Planning Authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.2.4 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 6.2.5 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and

- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

6.2.6 DMD44 reiterates that applications for development which fail to conserve and enhance the special interest, significance or setting of a heritage asset will normally be refused. Development affecting the significance of an asset may include, but is not limited to: the introduction of new structures/objects; alterations; complete or partial demolition; removal of buildings/features or parts thereof; the introduction of signage or advertisements; changes of use (including the use of open spaces); subdivision or fragmentation; changes to landscaping; the removal of built or landscape features or parts thereof; or any other form of development which fails to preserve and enhance the asset or its setting. The setting of an asset is not limited to its curtilage and is defined as the physical and non-physical environment in which the asset is experienced, including consideration of views to and from the asset, noise, dust and vibration, spatial associations and the historic relationship between places.

6.2.7 The case of *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137, concluded that where an authority finds that a development proposal would harm the setting ... or the character and appearance of a conservation area, it must give that harm 'considerable importance and weight'. The case of *Forge Field Society & Ors, R v Sevenoaks District Council* [2014] EWHC 1895 (Admin) re-confirmed the *Barnwell* ruling and went on to recognise that a finding of harm...gives a strong presumption against planning permission being granted.

6.2.8 Indeed, under *East Northamptonshire DC v Secretary of State for Communities and Local Government* the judge ruled that in the assessment of harm and the balancing exercise, the duty set out in s. 66(1) needs to be considered in the context of the overall consideration of a planning application and the determination of an application for planning permission (and any appeal) is to be made in accordance with the development plan unless material considerations indicated otherwise. Here, 'material considerations' included Government planning policies and English Heritage policies and, to give effect to the s. 66(1) duty, the decision-maker should give considerable importance and weight to the desirability of preserving the setting of listed buildings when weighing that factor in the balance with other material considerations which had not been given special legislative status. The judge said that in carrying out this balancing exercise, the inspector had failed to give proper effect to s. 66(1). Although he had weighed the 'harm' of the proposal against the wider benefits and the concept of keeping safe from harm was closely linked with the meaning of 'preservation' within s. 66(1), the addition of the word 'desirability' in s. 66(1) provision meant that 'preservation' of setting was to be treated as a desired or sought-after objective, to which the inspector ought to accord 'special regard'. That went beyond the mere assessment of harm. The judge concluded that the inspector had not, during the balancing exercise, accorded 'special weight' or considerable importance to 'the desirability of preserving the setting'. The inspector had, instead, treated the 'harm' to the setting and the wider benefit of the wind farm

proposal as if those two factors were of equal importance and so he had not given effect to the duty under s.66(1).

- 6.2.9 As is made clear in paragraph 45 of Forge Field, even if the harm would be less than substantial so that paragraph 133 did not apply but paragraph 134 did, the harm must still be given considerable importance and weight. The presumption therein needs to be "demonstrably applied" – see paragraph 49 of Forge Field. Put another way, in a paragraph 134 case, the fact of harm to a heritage asset is still to be given more weight than if it were simply a factor to be taken into account along with all other material considerations, and paragraph 134 needs to be read in that way.
- 6.2.10 In relation to the submitted scheme, the subject property is already in use as a bank, with the 'Occo' coffee shop located to the west and already benefits from an ATM installed to both the Market Square and Church Street elevations. As submitted, it is clear that the proposed alterations to the main shopfront – as guided by pre-app and discussions throughout the application process – have sought to respect the architectural merit of the parent building whilst ensuring a sympathetic use of materials in the design of the public facing frontage. The historic changes to the shop front which has seen the removal of much of the original frontage and the installation of aluminium frames sometime in the early 1990s, are considered to actively detract from the character and appearance of the building.
- 6.2.11 The Enfield Town Conservation Character Appraisal bemoans inappropriate shop front and the historic legacy of poorly designed additions to ground floor retail units which are held to cause harm to the Conservation Area. In relation to the subject property, such harm is currently evident and as a direct consequence the architectural merit of the building is largely located to the upper floors of the building where stylistically, the 1930s rendered brick building presents a long elevation to Church Street, an angled corner, and a shorter return elevation to Market Square. Designed in a distinctive inter-war style, it retains much of its original detailing to the upper storeys including Crittall windows. There is a strong vertical emphasis and rhythmic design created by the use of double height pilasters topped with capitals that act to dominate the main elevation and unify both elevations via an angled corner.
- 6.2.12 The subject scheme would see the removal of the existing shop front, as well as a number of inappropriate advertisements, and the installation of a replacement that has sought to reconnect the ground floor frontage with the upper floor, mimicking the strong verticality of the parent building to present a more unified whole that will serve to draw the eye to the upper floors. Rather than causing harm to the building and the wider designated heritage assets, it is considered the development will more positively contribute to the character of the area and while the alignment of the columns has been previously questioned to better align with the upper floors, Officers and CAG are of the opinion that the proposed shopfront is wholly acceptable in planning terms as submitted (confirmed by CAG at s meeting on 7 February 2017) and furthermore are unable to comprehend an appropriate design solution that would serve to better align the columns regardless of a structural survey. In any case, the overall design of the shopfront pays sufficient regard to the established special character of the parent dwelling and the surrounding Conservation Area and would not result in any harm.

6.2.13 The proposed rear extension would be barely discernible from the public realm offering only glimpses of the rear elevation due to the presence of a larger mixed use development nearby and again would not be held to cause any harm to the designated heritage assets including the setting and appearance of the application premises. As is the case with the shopfront, materials to match the parent property – namely exposed brickwork – will be utilised and secured by condition.

6.2.14 In relation to the ATMs, the subject scheme would not result in a net increase in the number of units installed, rather they are being relocated. In this regard, having regard to the statutory tests and adopted policy, it is considered that the proposal would not result in any material harm to the character and appearance of the Conservation Area. This is consistent with the provisions of Policies CP30 and CP31 of the Core Strategy, DMD37 and DMD44 of the Development Management Document and the NPPF.

### 6.3 Impact of the Rear Extension

6.3.1 DMD 25 extols the virtues of well-considered town centre development whereby development will only be permitted where:

- a. The proposed use supports town centre vitality and viability;
- b. The design and siting of the development promotes visual continuity with the surrounding built environment;
- c. The proposed use does not harm the character, appearance and amenity of the area;
- d. The residential amenities of local residents will not be harmed by way of noise, disturbance, loss of daylight or privacy;
- e. The proposal will not have an adverse impact on safety and traffic flows or unacceptably add to traffic and parking problems in the area;
- f. The scale of parking is proportionate to the size of the development; and
- g. An active frontage is achieved at the ground floor.

6.3.2 As has been stated previously, the development would ensure that the established special character and appearance of the surrounding area is preserved and to some degree enhanced as a result of the works proposed. In terms of absolute impact to more sensitive residential receptors, the only units likely affected are to the rear of the site. In terms of the proposed rear extension, the design of the addition ensures that the extension is largely subsumed into the existing building envelope and will not consequently serve to have any greater impact than the existing built form and, therefore, cannot be considered as being harmful to any adjacent properties.

### 6.4 *Community Infrastructure Levy*

6.4.1 As of the April 2010, legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow 'charging authorities' in England and Wales to apportion a levy on net additional floor space 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 CIL has been adopted and would require a rate of £60 per sq.m.



6.4.2 The rear extension would be under relevant thresholds for the application of the CIL charge.

**7. Conclusion**

7.1 The subject development result in not harm to designated heritage assets and would actively enhance the appearance of the building and surrounding Conservation Area. Accordingly, it is recommended that this application be GRANTED subject to conditions.

**8. Recommendation**

**8.1** That planning permission be granted subject to conditions

**8.2 Conditions**

1. The development hereby permitted shall be carried out in accordance with the approved plans, which may have been revised, as set out in the attached schedule which forms part of this notice.

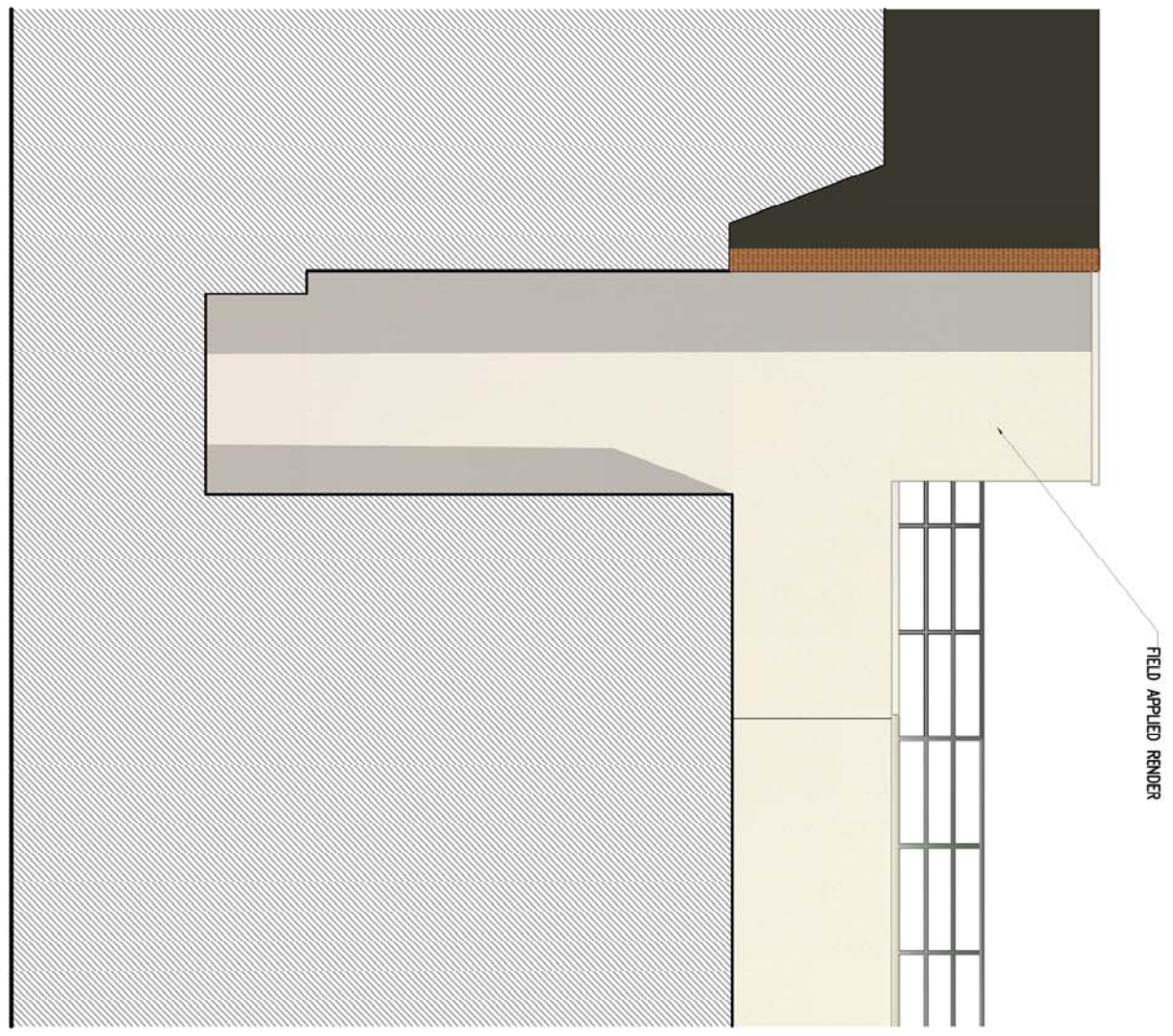
Reason: For the avoidance of doubt and in the interests of proper planning.

2. The external finishing materials shall match those submitted for consideration. The external finishing materials used in the construction of the rear extension – omitted from the sample palette – shall match exactly the existing building and/or areas of hard surfacing.

Reason: To ensure a satisfactory appearance within the Enfield Town Conservation Area.

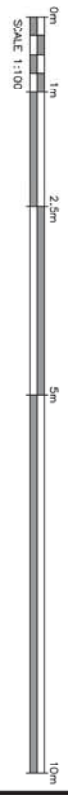
3. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

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

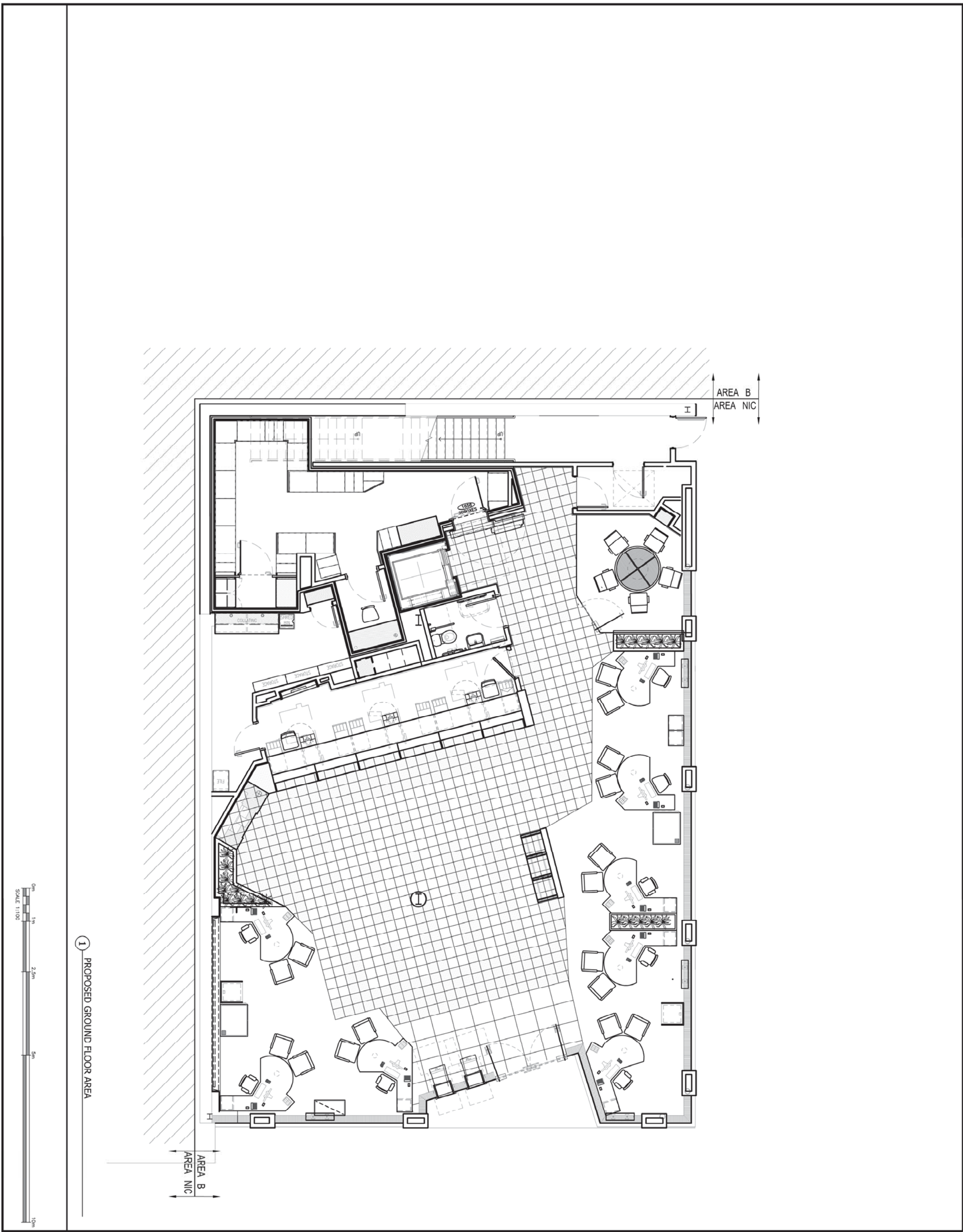


FIELD APPLIED RENDER

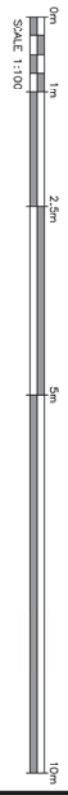
① PROPOSED REAR COURTYARD ELEVATION



<p><b>METRO BANK</b>                  UNITED KINGDOM                  ENFIELD                  1, 2, &amp; 3 MARKET CHAMBERS                  ENFIELD EN2 6M</p>	<p>ISSUE OR REVISIONS</p> <table border="1"> <tr> <th>DATE</th> <th>ISSUE</th> <th>BY</th> <th>REVISION</th> </tr> <tr> <td>17/07/14</td> <td>ISSUED</td> <td>PJ/PJ</td> <td></td> </tr> <tr> <td>17/07/14</td> <td>BUILD CONTROL REV</td> <td>PJ/PJ</td> <td></td> </tr> <tr> <td>17/07/14</td> <td>BUILD CONTROL REV</td> <td>PJ/PJ</td> <td></td> </tr> <tr> <td>17/07/14</td> <td>REVISION</td> <td>PJ/PJ</td> <td></td> </tr> <tr> <td>17/07/14</td> <td>FORWARDING</td> <td>PJ/PJ</td> <td></td> </tr> </table>	DATE	ISSUE	BY	REVISION	17/07/14	ISSUED	PJ/PJ		17/07/14	BUILD CONTROL REV	PJ/PJ		17/07/14	BUILD CONTROL REV	PJ/PJ		17/07/14	REVISION	PJ/PJ		17/07/14	FORWARDING	PJ/PJ			<p>DATE: _____                  SIGNATURE: _____</p>	<p>PROPOSED                  REAR ELEVATION  <b>A3.2</b></p>
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<p>11000 Auburn Way, Suite 100,                  Mt. Laurel, NJ 08054                  Fax: 856.435.9305</p>																												



1 PROPOSED GROUND FLOOR AREA



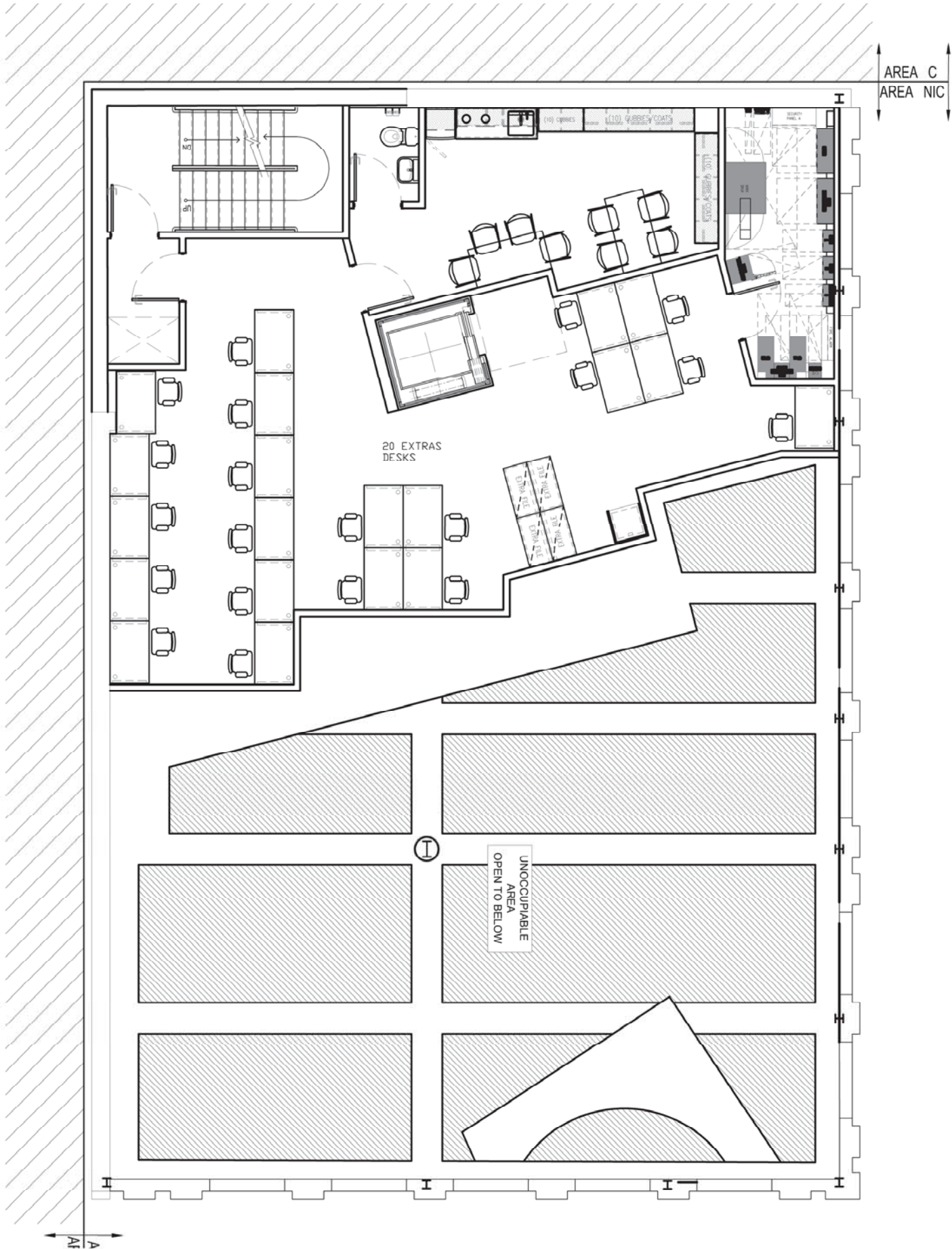
**INTERARCH**  
 11000 Ashton Way, Suite 100,  
 Mt. Laurel, NJ 08054  
 Fax: 856.439.9005

**METRO**  
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 ENFIELD  
 1, 2, & 3 MARKET CHAMBERS  
 ENFIELD EN2 6AM  
 PROPOSED  
 GROUND FLOOR PLAN  
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 DRAWN BY: AT  
 CHECKED BY: AT  
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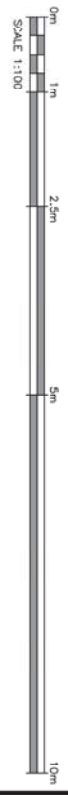
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4	02/17/15	PLANNING ISSUE	PI/PN	
5	02/17/15	PLANNING ISSUE	PI/PN	
6	02/17/15	PLANNING ISSUE	PI/PN	





1 PROPOSED FIRST FLOOR AREA



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 11000 Auburn Way, Suite 100,  
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 Fax: 856.439.9005

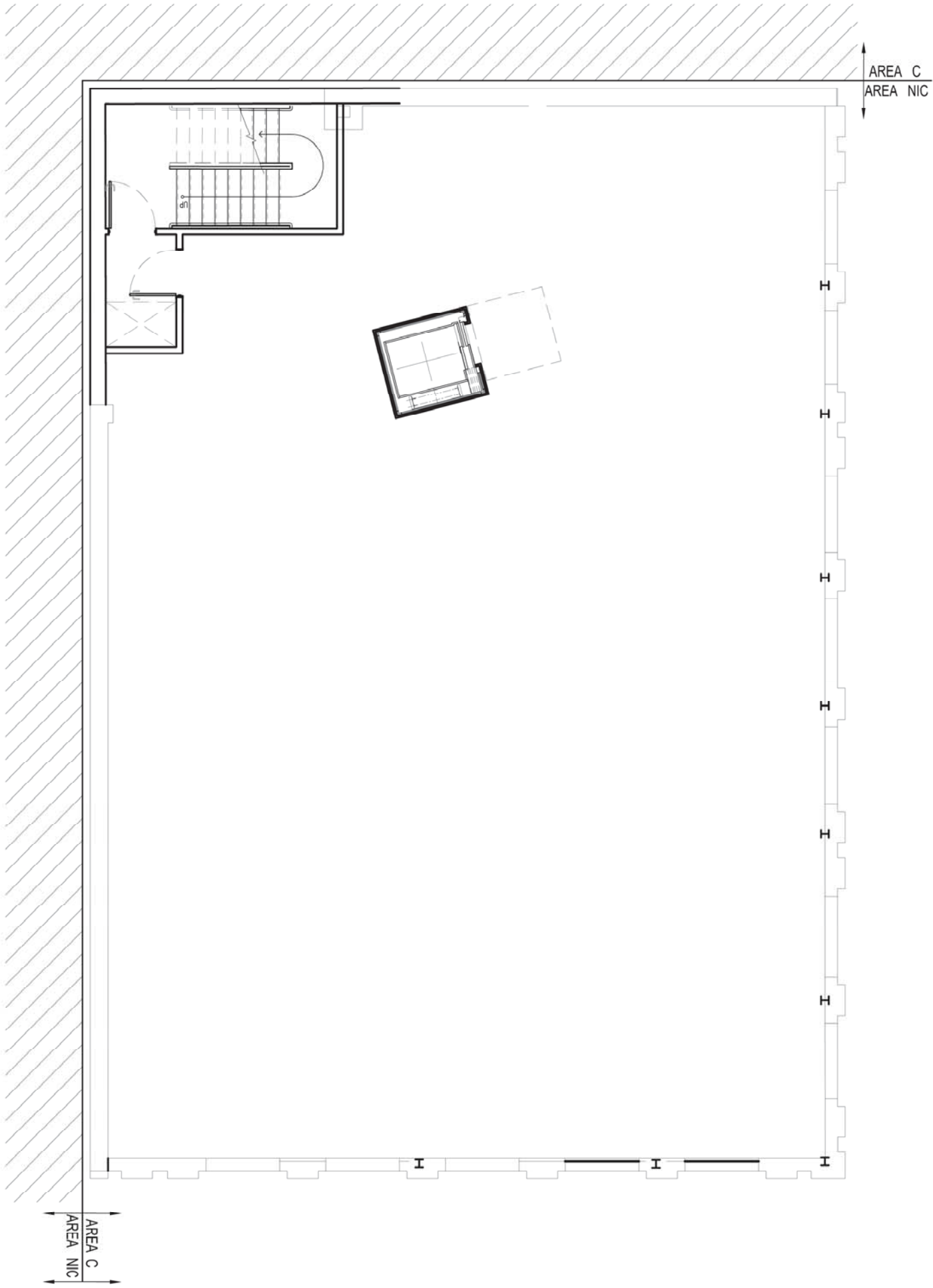


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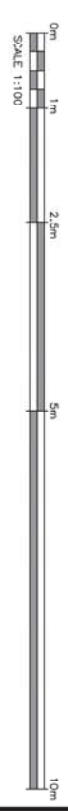
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**METRO BANK**  
 UNITED KINGDOM  
 ENFIELD  
 1, 2, & 3 MARKET CHAMBERS  
 ENFIELD EN2 6AM

PROPOSED  
 FIRST FLOOR PLAN  
**A1.2**  
 11/27/14



① PROPOSED SECOND FLOOR AREA

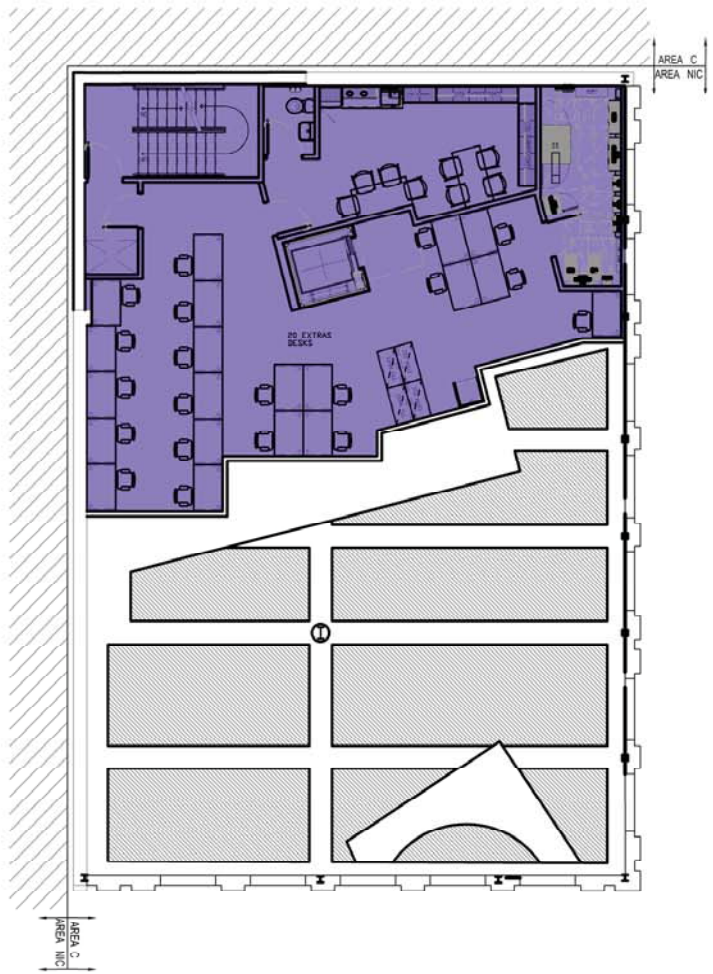


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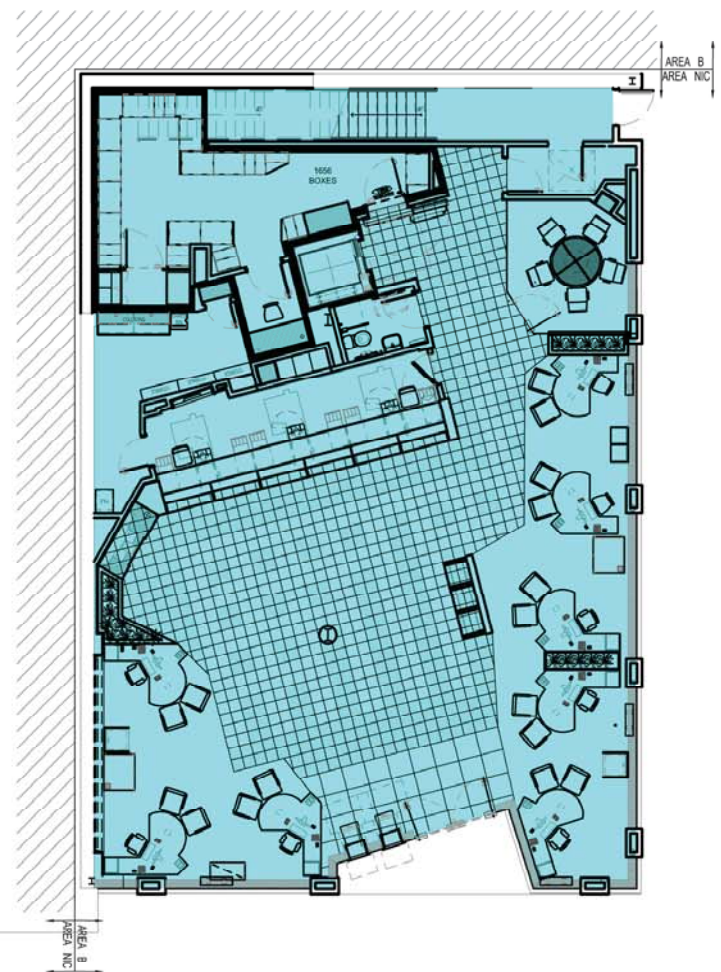
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**METRO BANK**  
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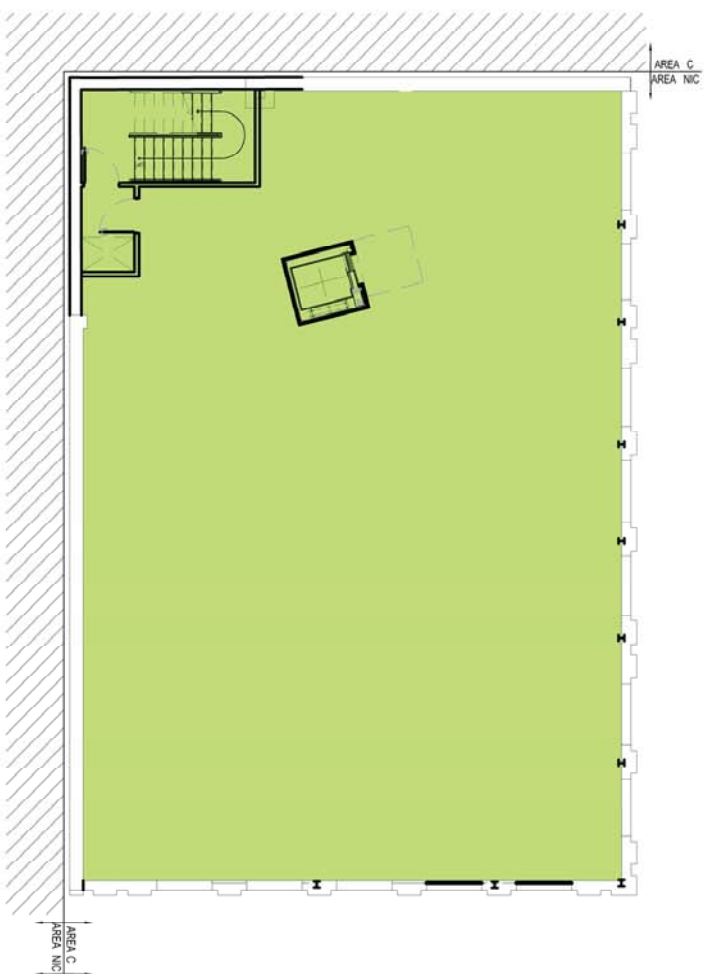
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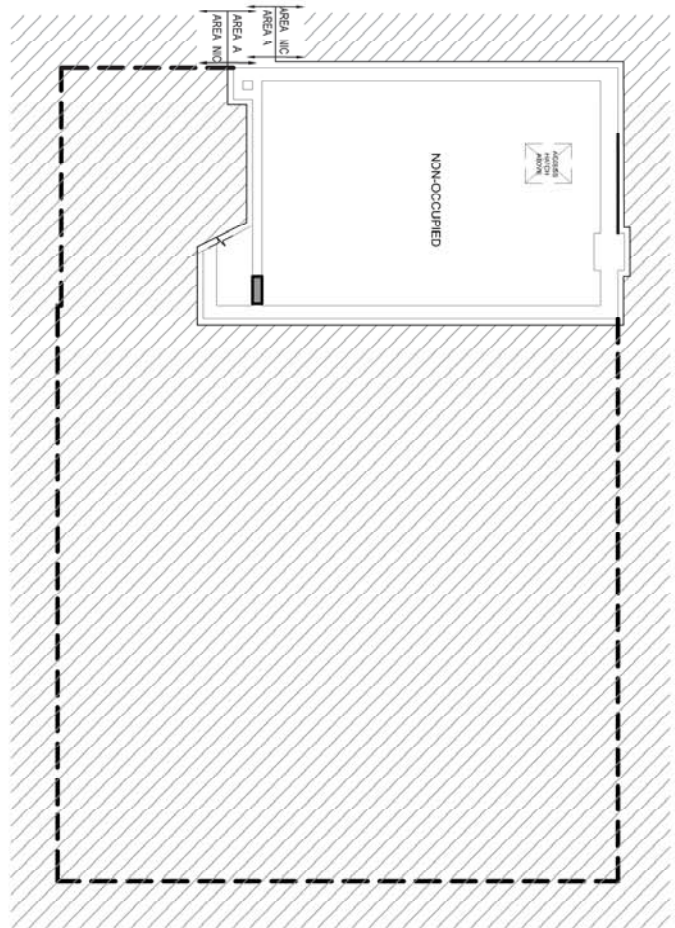
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2 PROPOSED GROUND FLOOR BUILDING AREA

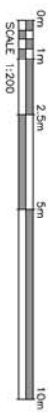


3 PROPOSED SECOND FLOOR



1 PROPOSED BASEMENT FLOOR BUILDING AREA

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			3006.6 SQFT	2877.9 SQM		7797.4 SQFT
						724.4 SQM

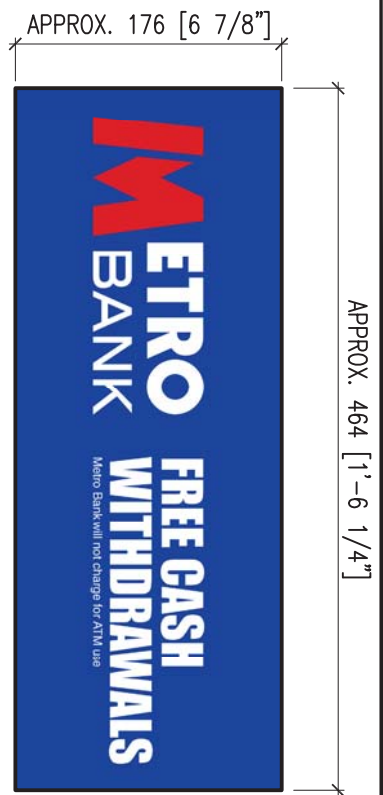


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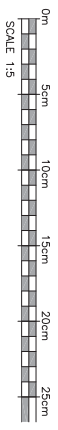
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5 ILLUMINATED ATM SIGNAGE (LOWER)

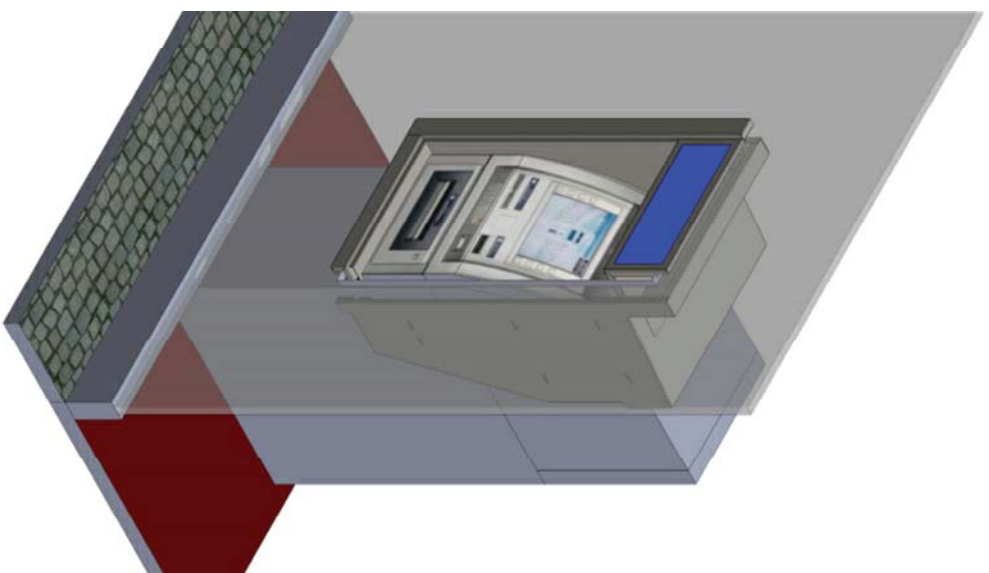


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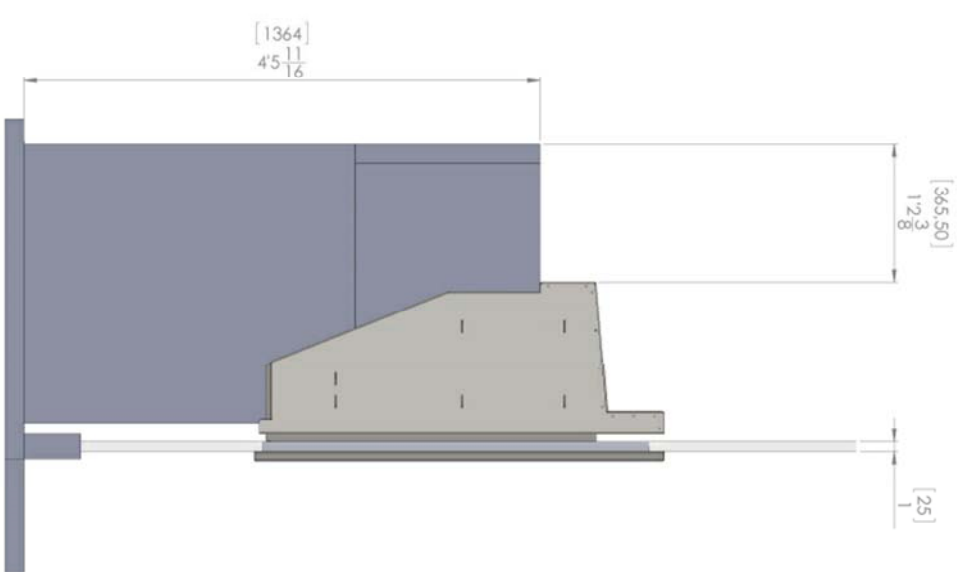


**WINCOR  
NIXDORF**

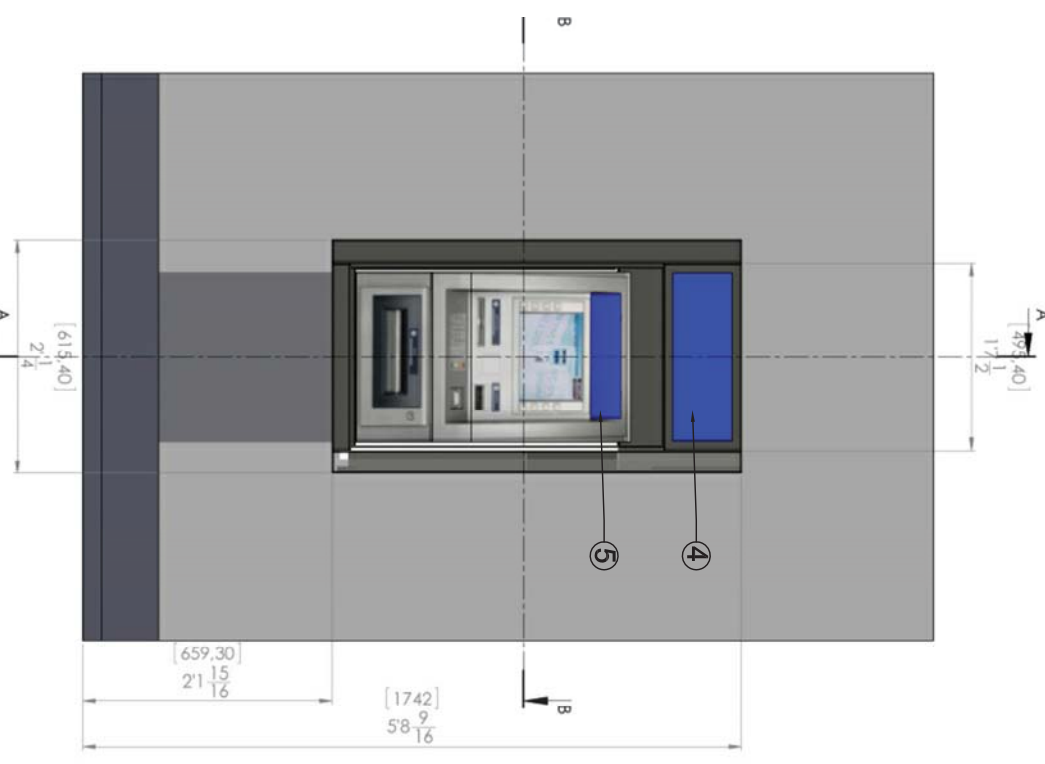
ProCash 1500xe



3 ATM AXONOMETRIC



2 ATM SECTION THROUGH STOREFRONT



1 ATM FRONT ELEVATION VIEW



**INTERARCH**  
11000 Autumn Way, Suite 100,  
Mt. Laurel, NJ 08054  
Tel: 856.439.3000  
Fax: 856.439.3005

DATE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_



ISSUE OR REVISIONS

NO.	DATE	DESCRIPTION
1	12/23/14	BUILD CONTROL, REV. PM/PM
2	01/29/15	BUILD CONTROL, REV. PM/PM
3	07/27/15	PLANNING ISSUE, PM/PM
4	08/27/15	PLANNING ISSUE, PM/PM
5	08/27/15	PLANNING ISSUE, PM/PM

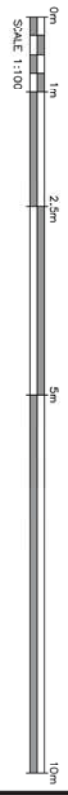
**METRO BANK**  
UNITED KINGDOM

ENFIELD  
1, 2, & 3 MARKET CHAMBERS  
ENFIELD EN2 8AA

PROPOSED  
EXTERIOR ATM  
SCALE: 1:20  
DATE: 12/23/14  
**A7.1**

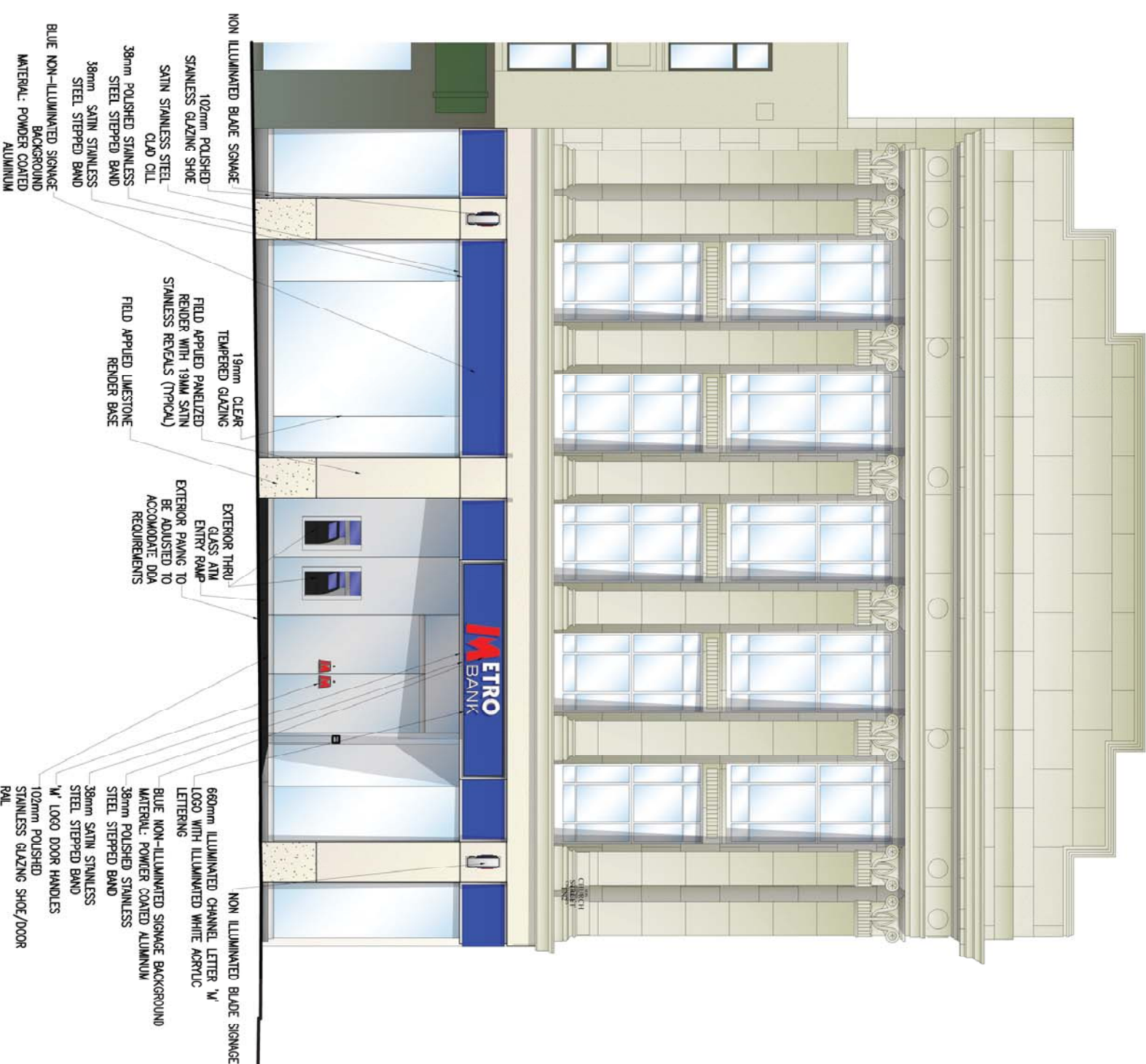


① PROPOSED REAR COURTYARD ELEVATION (EAST-WEST)

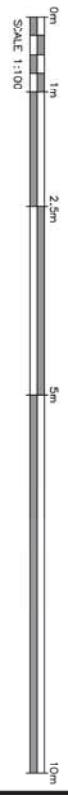


<p>PROPOSED REAR ELEVATION <b>A3.3</b></p>	<p><b>METRO</b> M BANK UNITED KINGDOM ENFIELD 1, 2, &amp; 3 MARKET CHAMBERS ENFIELD EN2 6JA</p>		<p>ISSUE OR REVISIONS</p> <table border="1"> <tr> <td>1</td> <td>12/21/14</td> <td>BUILD CONTROL REV</td> <td>PH/PM</td> </tr> <tr> <td>2</td> <td>01/27/15</td> <td>BUILD CONTROL REV</td> <td>PH/PM</td> </tr> <tr> <td>3</td> <td>03/07/16</td> <td>PLANNING ISSUE</td> <td>PH/PM</td> </tr> </table>	1	12/21/14	BUILD CONTROL REV	PH/PM	2	01/27/15	BUILD CONTROL REV	PH/PM	3	03/07/16	PLANNING ISSUE	PH/PM	<p>DATE: _____                  SIGNATURE: _____</p>														
1	12/21/14	BUILD CONTROL REV	PH/PM																											
2	01/27/15	BUILD CONTROL REV	PH/PM																											
3	03/07/16	PLANNING ISSUE	PH/PM																											





1 PROPOSED CHURCH STREET ELEVATION

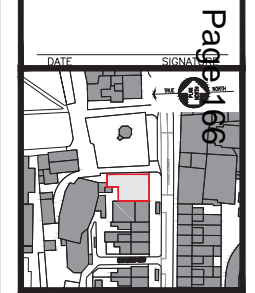
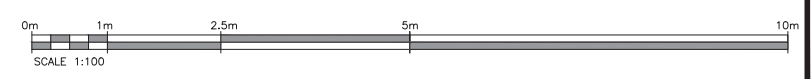


<p><b>METRO BANK</b>                  UNITED KINGDOM                  ENFIELD</p>	<p>1, 2, &amp; 3 MARKET CHAMBERS                  ENFIELD EN7 6AA</p>	<p>PROPOSED                  CHURCH STREET                  ELEVATION  <b>A3.0</b></p>	DATE: 11/20/24 DRAWN BY: [REDACTED] CHECKED BY: [REDACTED]
			ISSUE OR REVISIONS



- 102mm POLISHED STAINLESS GLAZING SHOE
- SATIN STAINLESS STEEL CLAD CILL
- 38mm POLISHED STAINLESS STEEL STEPPED BAND
- 102mm POLISHED STAINLESS GLAZING SHOE
- SATIN STAINLESS STEEL CLAD CILL
- 38mm POLISHED STAINLESS STEEL STEPPED BAND
- 38mm SATIN STAINLESS STEEL STEPPED BAND
- 660mm ILLUMINATED CHANNEL LETTER "M" LOGO WITH ILLUMINATED WHITE ACRYLIC LETTERING
- BLUE NON-ILLUMINATED SIGNAGE BACKGROUND MATERIAL: POWDER COATED ALUMINUM
- FIELD APPLIED PANELIZED RENDER WITH 19MM SATIN STAINLESS REVEALS (TYPICAL)
- 19mm CLEAR TEMPERED GLAZING
- FIELD APPLIED PANELIZED RENDER WITH 19MM SATIN STAINLESS REVEALS (TYPICAL)
- FIELD APPLIED LIMESTONE RENDER BASE
- SIMILAR TIMBER DOOR TO BE INSTALLED TO MATCH EXISTING

1 PROPOSED MARKET SQUARE ELEVATION



ISSUE OR REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK
1	06/16/14	ISSUED	PM	PM
2	12/23/14	BUILD CONTROL REV	PM	PM
3	01/20/15	BUILD CONTROL REV	PM	PM
4	01/29/14	FFL RELEASE	PM	PM
5	02/27/15	PLANNING ISSUE	PM	PM
6	04/13/15	PLANNING ISSUE	PM	PM
7	08/17/15	RE-ISSUE	PM	PM
8	11/04/15	RE-ISSUE	PM	PM
9	02/04/16	RE-ISSUE	PM	PM
10	02/17/16	PLANNING ISSUE	PM	PM
11	06/02/16	RE-ISSUED	PM	PM
12	10/06/16	RE-ISSUED	PM	PM



PROPOSED MARKET SQUARE ELEVATION

PROJECT NO.	DWG NO.
11000	A3.1
SCALE: 1:100	SHEET: A3
DATE: 12/23/14	