

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-18th 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 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.