

# LONDON BOROUGH OF ENFIELD

## PLANNING COMMITTEE

Date : 11 July 2018

**Report of**  
Director, Regeneration &  
Planning

**Contact Officer:**  
Andy Higham  
Kevin Tohill 020 8379 5508

**Ward:**  
Upper Edmonton

**Ref:** 18/00760/FUL

**Category:** Full Application

**LOCATION:** Public House, 50-56 Fore Street, London, N18 2SS

**PROPOSAL:** Redevelopment of site involving demolition of existing buildings to provide a part 2-part 9 storey block of 68 residential units comprising (30 x 1 bed, 26 x 2 bed and 12 x 3 bed) with balconies and terraces together with 2 commercial units ( A1/A2 unit and A4 Public House unit) on the ground floor with car parking, landscaping and associated works.

**Applicant Name & Address:**

Mr Simon Oliver  
Magic House  
5 - 11 green lanes  
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London  
N13 4TN

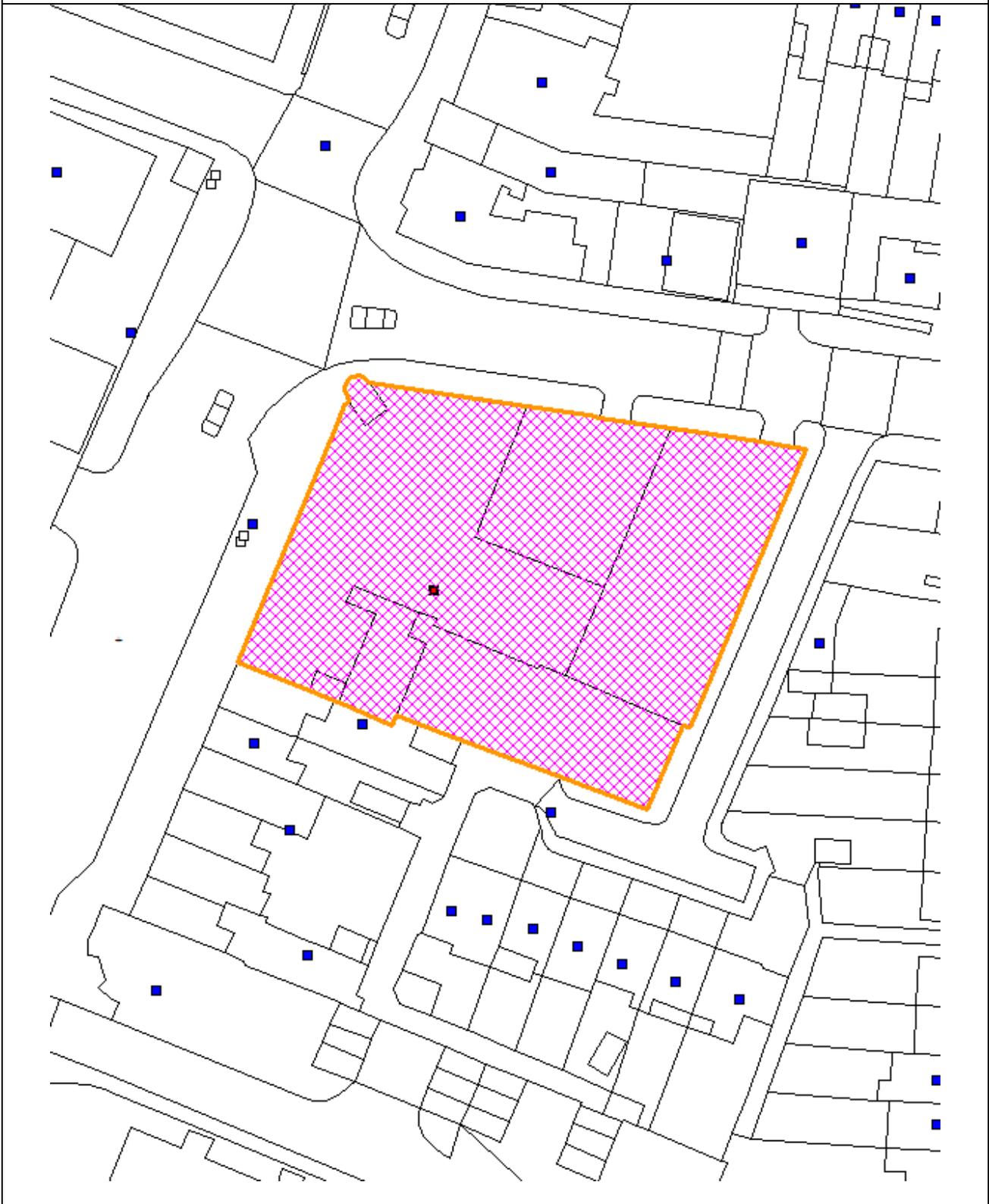
**Agent Name & Address:**

Mrs Babs Farmer  
Forge Architect  
6-8 Cole Street  
London  
SE1 4YH

**RECOMMENDATION:**

That subject to the completion of a S106 Agreement to secure the obligations set out in this report, the Head of Development Management/Planning Decisions Manager be authorised to **GRANT** planning permission subject to conditions and completion of a S106 Agreement.

Ref: 18/00760/FUL LOCATION: Public House, 50-56 Fore Street, London, N18 2SS



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## Background Summary to Members of the New Planning Committee

1. This is a re-submission of a previous refused scheme under application 17/00815/FUL which proposed the following development:

*“Redevelopment of site involving demolition of existing buildings to provide a part 4, part 7 storey block of 58 residential units comprising (17 x 1 bed, 24 x 2 bed and 17 x 3 beds with balconies and terraces together with 2 commercial units (1 X A1/A2 unit and 1x A4 Public House unit) on the ground floor with car parking, landscaping and associated works. (Amended Description)”.*

2. The proposed development had undergone significant levels of discussion at pre-application stage. The scheme was recommended for approval and considered by Planning Committee at its meeting on 1<sup>st</sup> of August 2017. Following discussion however, the scheme was not accepted and the Planning committee determined to refuse planning permission on the following grounds of
  - a) Design and Overdevelopment,
  - b) Insufficient Levels of Affordable Housing,
  - c) Lack of Car Parking,
  - d) Lack of Communal Playspace.
3. The applicant appealed this decision to the Planning Inspectorate and following an Appeal Hearing and site visit on the 20<sup>th</sup> March, the Council's decision was not supported and the appeal was allowed. Planning permission was therefore granted for the development subject to conditions and completion of a S106 Agreement. This appeal decision was issued on the 20<sup>th</sup> April 2018 ( a copy is appended to this report).
4. While the appeal process was in train, the Applicant has responded by attempting to re-address the issues: principally by increasing the quantum of affordable housing, creating a communal playspace area together with other design enhancements. This has led to the submission of this application.
5. This application has been re-assessed on its individual planning merits taking into account the planning history on the site and the subsequent planning appeal decision. As a result, the revised scheme is being recommended for approval

## **1. Site and surroundings**

- 1.1 The application site is 50-56 Fore Street Edmonton, presently occupied by the Gilpin Bell Public House: a part single, part 3 storey building comprising pub on the ground floor with ancillary accommodation over the upper floor. The site is located on a corner with a frontages to both Fore Street and Claremont Street. It is located at the southernmost end of Fore Street, a short distance from the borough boundary with Haringey. The site is relatively flat and has a reasonably sized rear yard parking area.
- 1.2 The surrounding area is mixed in character. Fore Street by its nature is predominantly commercial, although there is a residential over the upper floors and there are various high rise residential developments dispersed around the area, the most prominent of which is the new Silverpoint development which lies a short distance north of the site.
- 1.3 The site has a PTAL rating of 5, and has an area of approximately 2760sqm of 0.276ha.
- 1.4 The site itself is not in a conservation area and the existing building is not listed. However, the Fore Street Conservation Area does lie to the immediate north of the site on the opposite side of the junction with Claremont Street. The building on the opposite side of the junction (former Court House) that houses the LT Bar with residential flats overhead is also Locally Listed.
- 1.5 The site is located within the Angel/ Edmonton district centre.

## **2. Proposal**

- 2.1 The applicant seeks full planning permission for the redevelopment of site involving demolition of existing buildings to provide a part 2 up to 9 storey block of 68 residential units comprising (30 x 1 bed, 26 x 2 bed and 12 x 3 bed) with balconies and terraces together with 2 commercial units ( A1/A2 unit and A4 Public House unit) on the ground floor with car parking, landscaping and associated works.
- 2.2 To the Fore Street frontage the building would measure 33m in width and would consist of a part 4 up to part 9 storey building, stepping up from Number 48 Fore Street at 4 storeys and 12m in height to a recessed 9<sup>th</sup> storey at a height of 27m. To the Claremont Street frontage the building would be 49m in length and would step up from 2 storeys and 6m in height to the recessed 9<sup>th</sup> storey and 27m in height.
- 2.3 The application proposes 68 flats (30x1 bed, 26x 2bed and 12x3 bed) with associated rear gardens, balconies or terraces on all elevations to serve as private amenity space for each respective flat. Five of the 3- bed units would be duplex 3 bed houses that are accessed from their own front doors directly off Claremont Street.
- 2.4 From the original proposals submitted with the last application, amended plans have been received in relation to the ground floor Fore Street frontage. As opposed to one previous A1-A4 unit on the ground floor, the ground floor frontage has been separated into 2 units with the retention of A4 (public house) use on the corner with Fore Street and Claremont Street and a second A1/A2 unit on the immediate Fore Street frontage. The A4 public house use would be 220sqm and accessed and serviced from the front on Fore Street. The second A1/A2 unit would be 185sqm.

- 2.5 Pedestrian access to the residential flats would be from Claremont Street via two main residential stair cores with lifts. To the rear, vehicular access to the site would be provided via Clive Avenue. This would provide access to the 27 car parking spaces (7 disabled spaces). This is a parking ratio of 0.4. The area to the rear would also accommodate communal cycle storage where 96 cycle parking spaces would be provided in a communal store. There is a communal refuse storage area for 18x 1100L bins on the Claremont Street frontage accessed directly from Claremont Street.

### 3. Relevant planning history

- 3.1 16/00665/PREAPP: Proposed demolition of existing buildings and erection of building up to 10-storeys in height for mixed use with 62 residential units, 5 live/work units and 465m<sup>2</sup> of A1/A2/A3 commercial space. Pre-Application advice given and the issues identified were:

- 10 storeys scale of the building was excessive especially as it linked in with the 3 storey adjoining parade. A better transition to a lower storey height on the main corner was needed.
- The proposed elevation was too busy with too many contrasting materials and needed to be scaled back and simplified.
- There were not enough family units and some of the flats were solely north facing aspects.
- A detailed parking survey and transport statement would be needed to support the application on parking grounds.
- Justification would be needed with regards the loss of the public house use form the site.

- 3.2 17/00815/FUL: Redevelopment of site involving demolition of existing buildings to provide a part 4, part 7 storey block of 58 residential units comprising (17 x 1 bed, 24 x 2 bed and 17 x 3 beds with balconies and terraces together with 2 commercial units (1 X A1/A2 unit and 1x A4 Public House unit) on the ground floor with car parking, landscaping and associated works. (Amended Description)

- 3.3 As referred to earlier in the report this application was refused by the planning committee for the following reasons:

1. Notwithstanding the viability information provided, it is considered that housing for a development of this scale, contrary to policies 3.11 and 3.12 of the London Plan (2015), Policies CP3 and CP39 of the Core Strategy and *DMD* the proposal fails to provide the maximum reasonable amount of affordable 1 and DMD 3 of the Development Management Document.
2. The proposed development particularly due to high density, together with its architectural approach, bulk, scale, mass and design would result in the introduction of an overly intensive form of development. This would be detrimental to the character and appearance of the area, to the adjacent listed buildings and the Fore Street Conservation area. The development fails to integrate satisfactorily with its surroundings and would result in the introduction of a visually prominent form of development out of keeping with the surrounding area. It is thus considered that the proposal fails to take the opportunities available for improving the character and quality of the area, contrary to Policies CP5 and CP30 of the Core Strategy, Policies

DMD6, DMD8, DMD10, DMD37 and DMD38 of the Development Management Document, London Plan Policies 3.4, 7.4 & 7.6 and the NPPF.

3. The proposed development would result in the generation of additional traffic and parking pressures on the local and strategic road network, adding to existing traffic and parking capacity issues. In this respect the development would be contrary to Policy 6.13 of the London Plan, CP 24 and CP30 of the Core Strategy and Policy DMD 45 and DMD 47 of the Development Management Document.
  4. The proposed development due to lack of communal amenity space and children's on-site play space, taken together with the inclusion of winter gardens rather than balconies, due to the design constraints, would fail to provide sufficient and meaningful external amenity space, resulting in a poor quality living environment for future residents. The proposal would be contrary to CP30 of the Core Strategy (2010), 3.5, 3.6 of the London Plan (2015), the London Housing SPG and DMD 8 and DMD 9 of the Development Management Document (2014).
- 3.4 However this decision was overturned and allowed on all grounds at planning appeal under appeal reference APP/Q5300/W/17/3191327.

#### **4. Consultation**

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

###### Traffic and Transportation

- 4.1.1 Traffic and Transportation consider there are an insufficient number of car parking spaces on site to accommodate the development. Whilst it is acknowledged that other similar developments in the area have low parking ratios, concerns have been raised about the cumulative impact to on street parking in the surrounding streets. Officers consider that other issues such as the access, cycle parking and pedestrian access to be acceptable subject to conditions. If the scheme is to be approved S106 measures and monies should be assigned as recommended

###### Environmental Health

- 4.1.2 No objections subject to conditions in relation to sound insulation, contamination and the proposed flue.

###### Housing

- 4.1.3 The Housing team advise that Enfield's Core Policy 5 requires 40% of new housing to be affordable and a mix of tenures and sizes. On this basis in regard to the above development, we would request 40% of the units to be affordable, in this case, 23. This would then be further split 70:30 between rent and shared ownership, which equates to 16 units for rent and 7 for shared ownership. The council's policy also requires 10% of the units, in this case 6, to be built to Stephen Thorpe/Habinteg wheelchair design standard.

###### Environment Agency

- 4.1.4 No objections

### Historic England

- 4.1.5 No objections on Archaeology grounds subject to conditions.

### Thames Water

- 4.1.6 No objections

### Fire Brigade

- 4.1.7 No objections subject to the scheme complying with Building Regulations approved document B B5.

## **4.2 Public Consultations**

- 4.2.1 372 neighbouring properties were consulted for a period of 21 days ending on 11<sup>th</sup> April 2018. Three site notices were posted close to the site on 10<sup>th</sup> April and the application was also advertised in the local paper.
- 4.2.2 Whilst there were 5 objections raised to the previous application on the site at the time of writing the report there had been no objections received on the councils online website system nor had any been received in the post.

## **5. Relevant Policy**

### 5.1 London Plan

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing development
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on schemes
- 3.13 Affordable housing thresholds
- 4.1 Developing London's economy
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self sufficiency
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing the effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking

- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbours and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage Assets and archaeology
- 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
- CP6 Meeting particular housing needs
- CP8 Education
- CP9 Supporting community cohesion
- CP16 Taking part in economic success and improving skills
- 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
- 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 Contribution

## 5.3 Development Management Document

- DMD1 Affordable Housing on site capable of providing 10 or more units.
- DMD3 Providing a Mix of Different Sized Homes
- DMD6 Residential Character
- DMD8 General Standards for New Residential Development
- DMD9 Amenity Space
- DMD10 Distancing
- DMD17 Protection of community facilities
- DMD37 Achieving High Quality and Design-Led Development
- DMD44 Conserving and enhancing heritage assets
- DMD47 New Roads, Access and Servicing
- DMD49 Sustainable Design and Construction Statements
- DMD50 Environmental Assessment Methods
- DMD51 Energy Efficiency Standards
- DMD64 Pollution Control and Assessment
- DMD68 Noise
- DMD69 Light Pollution
- DMD77 Green Chains
- DMD78 Nature Conservation

#### 5.4 Other Relevant Policy

- National Planning Policy Framework

#### 5.5 Other Material Considerations

- The Mayors Housing SPG (2012)
- Affordable housing SPG
- Section 106 Supplementary Planning Document (Nov.2015)
- Enfield Strategic Housing Market Assessment (2010)
- Providing for Children and Young People's Play and Informal Recreation SPG
  
- Accessible London: achieving an inclusive environment SPG;
- Sustainable Design and Construction SPG;
- Mayor's Climate Change Adaption Strategy; Mayor's Climate Change Mitigation and Energy Strategy;
- Mayors Water Strategy
- Mayor's Ambient Noise Strategy
- Mayor's Air Quality Strategy
- Mayor's Transport Strategy;
- Land for Transport Functions SPG
- London Plan; Mayoral Community Infrastructure Levy
- Circular 06/05 Biodiversity and Geological Conservation- Statutory Obligations and Their Impact within the Planning System

### **6. Analysis**

6.1 The main issues for consideration regarding this application are as follows:

- Principle of the Development
- Scale and Density
- Design and Impact on the Character of the Surrounding Area
- Impact on the setting of the heritage assets
- Neighbouring Amenity
- Standard of Accommodation and Proposed Mix of Units
- Private Amenity provisions
- Traffic, Parking and Servicing Issues
- Affordable Housing and other S106 Contributions
- Sustainability
- Tree Issues

#### 6.2 Principle of the Development

##### *Residential*

6.2.1 There were no objections to the principle of the previous development which Planning Committee found to be unacceptable and this remains the case. The proposal would be compatible with Policies 3.3 and 3.4 of the London Plan and Core Policy 2 of the Local Development Framework insofar as it provides an addition to the Borough's housing stock which actively contributes towards both Borough specific and London-wide strategic housing targets.

- 6.2.2 There is a significant need for additional housing in the borough and in this case, this application is considered to be an efficient use of the site, proposing a mixed use development providing 68 additional homes with a mix incorporating family units in an accessible urban setting, where larger quantum's of housing with higher densities should be encouraged. It certainly responds to the objectives of policy emerging in the new London Plan to ensure the development's contribution to meeting housing is optimised.

### *Commercial*

- 6.2.3 In addition, the application proposes to retain the existing commercial element on the ground floor. The previous application proposed one large open plan commercial unit with a flexible A1-A4 use class. This was considered too broad and flexible across the A use classes and gave no real clarity in relation to the actual use or function of the ground floor element of the scheme. As a result, this application now re-proposes a new 230sqm A4 public house unit on the corner with Claremont Street along with a second A1/A2 unit adjacent.
- 6.2.4 This is considered to be a more balanced approach and allows for the re-provision of a public house use on the site. Whilst it is smaller than the Wetherspoons pub on site at 230sqm it is considered it still provides for a viable replacement. In addition there are other public houses in the area notably the LT Bar on the opposite side of the junction.
- 6.2.5 Therefore in conclusion taking all of these factors into account, it is considered the principle of the development is acceptable.

### 6.3 Density

- 6.3.1 Density assessments must acknowledge guidance outlined in the NPPF and particularly the London Plan, which encourage greater flexibility in the application of policies to promote higher densities, although they must also be appropriate for the area.
- 6.3.2 Policy 3.4 (Table 3.2) of the London Plan sets standards for appropriate density levels with regards to location, existing building form, massing, and having regard to the PTAL (Public Transport Accessibility Level) score. The site has a site specific PTAL rating of 5 and is in an urban location. The guidance in (Table 3.2) of the London Plan would suggest a density of between 200-700 hr/ha may be acceptable. The amended scheme proposes 68 units and 186 habitable rooms which would give a density of approximately 673 hr/ha. This is within, albeit at the higher end of the recommended range of the urban threshold in the same manner as the previous refused application for 58 flats.
- 6.3.3 However, it must be noted that this method of calculating density is not the sole basis of any assessment to determine if the quantum of development is acceptable on the site. Consideration must also be given to the scale of building, its relationship with the neighbouring development and the pattern and scale of development in the local area, the standard and quality of accommodation proposed and the impact on neighbouring amenity. In this instance, specific consideration also needs to be given to the impact of the development on the setting of the heritage assets – the adjacent Conservation Area and Listed Building.

## 6.4 Scale, Design, Character and Impact on the Surroundings

- 6.4.1 Good design is central to all objectives of the London Plan in particular policies 7.1 – 7.6. Policies CP4 (Housing Quality) and CP 30 Maintaining & Improving the Quality of the Built Environment are also relevant as well as Policy 37 of the Development Management Document. In addition the National Planning Policy Framework (NPPF) paragraph 56 attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.4.2 The application proposes the demolition of the current building and the redevelopment of the site through the erection of a part 2, up to part 9 storey building. This would be in an L shaped form and would create a new frontage right up to the public highway on Fore Street and continuing around the corner onto Claremont Street. The frontage on Fore Street would be 33m wide and step up from 4 storeys adjacent to No. 48 Fore Street to a recessed 9<sup>th</sup> storey element on the corner. On the Claremont Street frontage, the proposed building would extend approximately 49m and would step up in a graduated manner from 2 storeys at the end of the corner with Clive Avenue to 9 storeys on the main Fore Street corner.
- 6.4.3 The development is proposed in a relatively modern form with a mixed material palette. The predominant material would be multi- stock red brick. This would then be complemented by off white bricks that would be used in the recessed elements set back from the principle front and side elevations on both Claremont Street and Fore Street frontages. The elevations then would be interspersed and broken up with an array of glazed terraces, balconies and roof terraces.
- 6.4.4 The applicant has sought to address concerns raised at pre-application stage, when a 10 storey tower was proposed, through the stepped reduction in scale of the building to a part 2 to part 8 storey building with the recessed 9<sup>th</sup> floor. Similar to the previous application although this proposal is higher and bulkier on the Fore Street corner it is still considered that the scale and massing of the building is appropriate for this urban setting and having regard to the surrounding residential context of the site. On the Fore Street elevation it is considered that the step in height from the existing 3 storey adjacent terrace (ending at No.48) up from 4, then 8 floors is an appropriate transition within the street scene. It is acknowledged that a 9th floor is proposed, but this is in a recessed form set back from the main frontage on both Fore Street and Claremont Street. It is considered that it is sufficiently recessed back and subordinate to the frontage; essentially this 9<sup>th</sup> floor would not be immediately visible from street level especially on Fore Street.
- 6.4.5 The character of Claremont Street is more residential and suburban in nature with a lower density and lower building heights. However, it is a relatively wide carriageway with wide footpaths and as such has a reasonably spacious feel about it. It is considered the proposed development is now reduced in scale sufficiently to have an acceptable relationship to this street and whilst there is no doubt it would alter the visual character of the street, on balance it is considered to be of an acceptable scale. The building would rise from 2 storeys to 9 storeys and this transition in height is considered to be acceptable to link the development between the lower heights and residential nature of Claremont Street and Clive Avenue to the urbanised commercial frontage of the development on Fore Street.

- 6.4.6 From the perspective of design and appearance, the elevational treatments and material palette have been simplified since the pre-application submissions which were considered too busy, with too much of a contrast in materials. The design now proposes a crisper, cleaner appearance with two main materials (red and white brick and zinc cladding) complemented with the balcony screens and grey aluminium windows. Overall it is considered that the proposed materials and how they are used across the elevations provide the development with a good architectural appearance. The main red brick frontage synonymous with Fore Street is continued through at the 4 storey height on the Fore Street elevation and this step ups to 8 storeys at the corner of the development with Claremont Street. This allows for the development to have a strong urban frontage along Fore Street and this is carried around through the development along the frontage of Claremont Street where the 3 bedroom family houses will be finished with red brick to 2 storey level. The upper recessed floor levels both on Claremont Street and Fore Street would be finished with the whiter cladded elements which will help to visually reduce the overall bulk of the scheme.
- 6.4.7 An active frontage would be retained along Fore Street to fit within the character of the retail parade within the district centre and the corner entrance to the new A4 unit will provide a focal point on the street corner. There is relatively little information about the proposed signage at street level. However, this can be expected given there is no identified user for each unit at this stage. It is considered that this matter can be dealt with via condition or separate advertisement consent and having assessed the elevation it is considered the proposed height for the signage would assist with continuing an active retail frontage from No. 48 next door.

#### Heritage Assets

- 6.4.8 DMD 44 states that applications for development which fail to conserve and enhance the special interest, significance or setting of a heritage asset will be refused. In addition the design, materials and detailing of development affecting heritage assets or their setting should preserve the asset in a manner appropriate to its significance. The DMD carries on to state that development affecting listed and locally listed buildings and buildings identified as making a positive contribution to the character of the area, and buildings affecting their setting, should normally use appropriate traditional historic materials and detailing. Mass-produced modern materials, such as uPVC and concrete roof tiles, will not normally be appropriate within the Conservation Area. Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.4.9 Nos.50-56, Fore Street comprises a former 1930s department store turned public house (the Gilpin's Inn). The site is located immediately adjacent to the Fore Street Conservation Area to the north. Also adjacent, within the boundaries of the Conservation Area is The Phoenix Public House. The Character Appraisal states: "The building comprises a late 19<sup>th</sup>-century public house is of red brick with stone dressings, half-timbered gable and double height canted bay (divided lights at ground floor) with pargetting of Phoenix to front elevation. End stacks and crow stepped gables to flank elevations. On the neighbouring site, No. 60 (also locally listed) comprises a late Georgian survival which is characteristic of the Conservation Area. Stylistically it is a

late 18<sup>th</sup>-century or early 19<sup>th</sup> century three storey stock brick building with two six over six sash windows and an arched entrance door with fluted columns and decorative motifs around head. A slate roof set behind parapet over”.

- 6.4.10 The proposed scheme does represent a significant increase in height and the additional height does arguably impact upon and cause some harm to the significance of the locally listed buildings and the setting of the Conservation Area. It is felt this would represent less than substantial harm when referencing the tests set out in the NPPF (Para 136) and that if the scheme is not to be refused, this less than substantial harm must be offset by public benefits arising from the development.
- 6.4.11 In this respect and the relationship to the heritage assets, there is a degree of separation between the proposed building and the Conservation Area/locally listed building with the Claremont Street junction marking the transition to this larger and more contemporary development. The use of brick materials on the main frontage and at lower levels, together with the retention of the commercial frontage would help the proposal blend into Fore Street street scene. Due regard must also be given to the considerable benefits the scheme represents in providing more housing to the area including affordable housing (and it should be noted this revised scheme provides increased affordable housing provision over the scheme allowed at appeal) along with regenerating the site which could act as a catalyst for further regeneration in the area. Overall whilst due regard has been given to the setting of the Conservation Area and the locally listed building opposite, the Claremont Street junction does provide a clear divide between both sites and overall the additional housing and overall public benefit the scheme generates is considered to outweigh any less than substantial harm arising.
- 6.4.12 This was also the view of the planning inspector on the allowed appeal scheme, where the inspector concluded:

*In terms of the aforementioned heritage assets, the development would be significantly taller than nearby historic buildings including the two locally listed buildings and would add to the enclosure of the southernmost part of the conservation area. The heritage assets would be more hemmed in by tall modern development which would add to the sense of an isolated remnant of historic development along Fore Street. As such, there would be harm to the significance of the conservation area and the locally listed buildings.*

*However, this harm would be tempered by the separation provided by the width of Claremont Street and the variation in heights and materials within the development. Views into the conservation area along Fore Street to the south would not be greatly impeded and the prominence of the County Court and No 58 would remain. Furthermore, the extent and scale of existing modern development in the vicinity of the southernmost part of the conservation area and the two locally listed buildings means that the introduction of an additional tall building would not be particularly out of keeping. Therefore, the harm to significance would be less than substantial and no greater than moderate.*

*The development would conflict with Policy DMD44 of the DMD and Policy 7.8 of the London Plan which seek to conserve and enhance heritage assets. Paragraph 132 of the National Planning Policy Framework (NPPF) states that great weight should be given to the conservation of a designated heritage asset and any harm should require clear and convincing justification. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (‘the LBCA Act’) states that special attention shall be paid to the desirability of*

*preserving or enhancing the character or appearance of conservations area. There is a desirability to sustain and enhance the significance of heritage assets in paragraph 131 of the NPPF too.*

*Nevertheless, paragraph 134 of the NPPF requires less than substantial harm to the significance of a designated heritage asset such as a conservation area to be weighed against the public benefits of the development. Moreover, paragraph 135 of the NPPF states that in weighing applications that affect directly or indirectly non-designated heritage assets, such as locally listed buildings, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. I will consider the public benefits as part of my planning balance section later in my decision.*

6.4.13 In conclusion and having regard to the tests set out in the NPPF, the design, scale, character and impact on the character of the conservation area associated with this proposed development although higher and bulkier than the appeal scheme is considered acceptable and the public benefits, would outweigh the less than substantial harm arising to the setting of the conservation area / heritage assets. It would integrate acceptably having regard to policies DMD6, 8, 37 and 44, CP30 and CP31 of the Core Strategy and London Plan policies 7.4, 7.6 and 7.8 of the London Plan.



Proposed CGI of the scheme with Silverpoint in the background



Proposed CGI View up Claremont Street



Proposed Aerial Sketch View

## 6.5 Neighbouring Amenity

6.5.1 From the perspective of neighbouring amenity, it is considered the proposal should be assessed with relation to the following properties.

- Properties Opposite on Claremont Street (58-60 Fore Street and 1a Claremont Street)
- Properties backing onto site from Ingleton Road
- Properties adjacent on Clive Road
- Number 48 Fore Street adjacent the site.

It is considered that all other properties are sufficiently separated from the proposal to not be affected. There is only the BP Petrol station opposite on Fore Street and all other residential properties on Fore Street are sufficiently spaced away from the development to not be affected.

### 58-60 Fore Street

6.5.2 58-60 Fore Street sits to the immediate north of the site on the opposite side of the junction with Claremont Street. The LT's bar is located at ground floor with residential flats located over the upper floor levels. It is considered that the proposed development will not have an undue impact on this property. The LT bar and associated rear addition as a result of its use would not be materially affected. There are two residential flats over. However their main windows face to the rear and to the front onto Fore Street and as such would not be impacted upon by the proposed development in terms of outlook. There are two windows on the side south elevation at first floor level facing the site, but from examinations on site these windows also appear to serve the same rooms as the front and rear facing windows. It is considered that the outlook from these windows across the street would not be negatively impacted by the proposed development. The updated Daylight and Sunlight survey has been reviewed by officers and it is considered that there would no negative impact to this property as a result of the development.

### 1a Claremont Street

6.5.3 1a Claremont Street is a three storey block of flats located directly north of the site on the opposite of the street. It currently consists of three self-contained flats. At present the view from the front facing windows is out across the empty car parking area to the rear of the current public house. Obviously this is going to be significantly altered as part of the proposed development. The proposed development is located on the opposite side of the street and overall it is considered that an acceptable degree of privacy and separation would be retained. In addition the updated Daylight- Sunlight report, along with the supporting drawings, illustrates that an acceptable degree of outlook and Vertical sky component would be retained from all of the south facing windows. As such the proposed development is considered to have an acceptable impact onto Number 1a Claremont Street.

### Properties backing onto site from Ingleton Road ( Numbers 98- 112)

6.5.4 There are 7 two storey houses in both terraced and semi- detached form that back onto the site in Ingleton Road addressed as Nos 98-112. No. 110-112; the pair of semi-detached houses on the end of the street, are directly to the rear of the proposed site and are closest to the development. The proposed development would be built up to public boundary on Clive Road to part 2 part 3 stories and would be separated by a distance of 8 metres to the rear garden

boundaries and approximately 18m from the original rear elevation, although it is noted that there are number of adhoc additions at ground floor level to both of these properties.

- 6.5.5 Nevertheless, it is considered there is sufficient separation distance provided between the proposed development and these properties via the junction with Clive Road, so that the development would have an acceptable relationship to these houses. There are windows on the eastern elevation of the proposed development facing Number 110-112. However, these are provided to form an elevation of visual interest as opposed the sole point of outlook from the respective rooms within the development. The proposed plans show these are secondary windows that serve these rooms and it has been agreed with the applicant these windows can be obscured glazed. This will enhance privacy and reduce the level of direct overlooking onto the rear garden of these houses from the proposed development.
- 6.5.6 The applicant has submitted a daylight and sunlight report which addresses the impact of the proposed scheme on Nos 110 and 112. Whilst a natural 25 degree line of sight would be impacted upon, facing west from the lower most rear patio doors and windows, overall it is concluded that generally in terms of the BRE- daylight sunlight allowances that the daylight and sunlight within both properties would be acceptable. There would be no undue impact on all the windows of Number 110 and there is only 1 window to the rear of Number 112 that is marginally impacted upon. However, it has been concluded that this room would also receive sufficient light.

#### Properties adjacent on Clive Road

- 6.5.7 These two storey terraced houses are situated to the south of the development site and overlook the lower rear portion of the development. They would be separated by a distance of approximately 40m from the Claremont Street section of the development directly opposite, and obliquely by a separation distance of 28 metres to the closest point of the development on the Fore Street frontage. It is considered that these separation distances are more than adequate to ensure that these houses would not be negatively affected. In addition with regards to BRE Daylight Sunlight guidance as a result of these separation distances there is no impact in addition to the fact that the development is directly north of these house on Clive Road.

#### Impact on Number 48 Fore Street adjacent the site

- 6.5.8 With regards Number 48 at ground floor level there is currently a takeaway use and this will not be impacted upon by the proposed development. At first and second floor level there is currently a residential flat. On the boundary line the proposed development would project 2.5m deeper beyond the rear elevation of Number 48, up to 5 storeys in height. At present there is a 1<sup>st</sup> floor level obscure glazed windows that appears to serve a bathroom. Therefore outlook from this window would not be affected. Then at second floor level there is a rear facing bedroom window. It is acknowledged that at 2.5m deep the proposed rear projection of the development will have some impact. However, there is already a 600mm flue from the takeaway premises below and due to its prominent location directly adjacent the window, outlook from this window is already compromised. It is considered that the projection of the proposed development to the rear of this window is not going to make the outlook from this window any noticeably worse. Furthermore and taking into account the orientation, the proposed development is located due north

of the site and as such No48 would not be impacted upon from the perspective of daylight and sunlight.

6.5.9 In conclusion all factors considered the proposal has an acceptable impact in terms of neighbouring amenity to all adjoining occupiers.

## 6.6 Standard of Accommodation and Proposed Mix.

### *Standard of Accommodation*

6.6.1 The application proposes 30x1 bed, 26x2 bed and 12x3 bed flats, 68 residential units in total.

6.6.2 Policy 3.5 of the London Plan specifies that 1 bed flats should have a minimum floor area of 50sqm, 2 bed flats should have a minimum internal floor area of 61 square metres, with 2bed 4 persons at 70sqm, 3b4p flats at 74 sqm or 3b6p flats at 86 sqm.

6.6.3 All units have been measured and verified and are above the required London Plan standards for the respective units. From assessing the plans all units would have useable and accessible layouts and all room sizes are acceptable with specific regards to living/diners and single and double bedrooms and all units would be dual aspect, with no sole north facing flats. All flats would be readily accessible via the 2 staircores provided from Claremont Street frontage and each floor is also accessible via a lift.

6.6.4 The 5 duplex houses at street level would be set back in 1 metre from the street frontage with low level boundary walls which will provide for an acceptable level of defensible space to these houses from the street. In addition, to the rear these duplex units will be served by their own residential gardens that would be screened from the development and the rear parking area by high garden walls

6.6.5 7 of the 68 flats would be wheelchair accessible which complies with the London Plan 10% requirement of the total Number of units on the site.

6.6.6 To the rear there is a pinch point in the corner where the development returns around onto the Claremont Street frontage. At this section of the development separate flats do merge together in this corner. However from the perspective of privacy obscure glazed windows are used within these corner winter gardens and it is considered that this will acceptably address the issue of overlooking and retain privacy between the individual flats.

6.6.7 The relationship between the proposed A4 pub use and the proposed flats overhead has been discussed with the applicant. This has been assessed by officers in consultation with environmental health colleagues. It is a common occurrence in today's urban environment and commonly there are flats located over public houses. It is considered that any impact on future occupiers can be controlled by hours of operation, this will be secured by condition. In addition the building regulation requirements will control noise transfer from the ground floor public house to the first floor flats above.

### *Housing Mix*

6.6.8 DMD 3 and Policy 5 of the Core Strategy seeks new development to incorporate a mix of dwelling types and sizes to meet housing needs in the

Borough with family sized accommodation (3 bed or larger) is the greatest area of need.

6.6.9 The Council's dwelling mix ratios are as follows:

1 and 2 person flats - 20%  
2 bed flats - 15%  
3 bed houses - 45%  
4 + bed houses - 20%

6.6.10 The previous allowed appeal scheme provided the following dwelling mix for 58 flats:

17 no.1bed (29.5%)  
24 no.2beds (combined 41%)  
17no. 3beds (29.5%)

As a comparison this scheme proposes the following mix for 68 units:

30 no.1beds (44%)  
26 no.2beds (38%)  
12no. 3beds (18%)

6.6.11 Notwithstanding the fact that the original application has been allowed at planning appeal, officers have met the applicant to advise on a course of action to bring a scheme forward that is more favourable to the Council and increase the provision of affordable accommodation on the site. This has subsequently resulted in a larger scale development and a change in the affordable housing units proposed, principally resulting in a greater number of family units as social affordable accommodation.

6.11.12 This has subsequently had a knock on effect to the unit mix and the overall number of family units as part of the development from 17 down to 12. However, this re-arranged scheme does allow for a much better affordable housing package with 11 out of the total 14 units proposed as 3 bed affordable units with 3 affordable 2 beds. The approved appeal scheme has allowed for the following affordable arrangement: 12 affordable flats provided on site, 8 x rented (2 x 1 bed, 3 x 2 bed and 3 x 3 bed) and 4 x shared ownership (2 x 1 bed and 2 x 2 bed).

6.11.13 Whilst there has had to be a concession on the total number of family units overall this is a much better arrangement overall, as 14 affordable units will now be provided (20.5% in total with a habitable room ratio of 33%) and overall this is a much better and balanced housing provision on the site, especially when the busy urban environment, not specifically suitable for family accommodation is taken into consideration.

6.6.13 All factors taken into account it is considered that the proposed mix of units and overall standard of accommodation is considered acceptable.

## 6.7 Private Amenity

6.7.1 Policy DMD9 now specifies the requirements for private and communal amenity space for such developments. A 1 bedroom flat should have at least 5sqm of amenity space with an additional 1sqm of amenity for every additional person. In addition to this dwelling houses should have on average 38sqm per house but at minimum 23sqm of amenity space.

- 6.7.3 Overall it is considered the private amenity provisions proposed are acceptable. Each of the proposed flats would be served by its own self-contained amenity areas either via a terrace, balcony or self-contained garden that complies with DMD9. The 5 duplex houses would benefit from their own policy compliant rear gardens directly behind the proposed unit along with front facing terraces. In addition the remaining 63 flats would benefit from individual terraces, wintergardens or balconies all of which appear to be policy compliant having regard to DMD9.
- 6.7.4 To overcome the Committee's objections to the lack of communal space on the previous application, a communal amenity area has been introduced on the roof at 5<sup>th</sup> floor level some 150sqm in area. This is considered to be acceptable in principle and a condition will be assigned requesting details of this layout of this area and how it will be secured. Due regard must also be given to the fact that there are public parks and open space in the area within a short walking distance of the site. There is a public open space a few minutes of the site on Grove Street, Florence Hayes park is to the south and in Pymmes Park, which is the one of the larger parks in the area is approximately a 10 minute walk northbound on Fore Street.
- 6.7.5 All factors taken into account it is considered that the amenity provisions proposed is acceptable and in accordance with DMD9. Due regard must also be given to the fact that previous scheme has already been allowed without a communal amenity space.

## 6.8 Traffic and Transportation

### *Parking Provision*

- 6.8.1 The proposals will result in the redevelopment of the site to provide 68 (30 x 1 bed, 26 x 2 bed and 12 x 3 beds) residential units and 494sq.m of commercial space with 27 car parking spaces. Although the site can be accessed by public transport, traffic and transportation consider that the level of parking proposed to be too low (0.4 parking ratio) and not in line with the parking standards set in the London Plan. Parking ratios for the Enfield for all tenures, based on the 2011 Census data, indicates that the scheme may generate the need for circa 43 car parking spaces.
- 6.8.3 Traffic and Transportation officers have advised that parking surveys which were carried out as part of the Transport Assessment (TA) indicate that most surrounding streets have stress in excess of 85%. The survey area also appears to have marginally extended beyond the 200m walking distance from the site required as part of the Lambeth Parking survey methodology. Parking demand levels in excess of 85% are generally considered to be unacceptable because there is the need for passing places, stopping places to enable vehicles to pass each other and ensure the smooth operation and movement of traffic in a safe manner. Whilst the Council indicated that a lower parking provision may be acceptable during the pre-application discussions, the parking survey results had not been made available and could not be taken into account. It is acknowledged however that other schemes in the area have been approved with lower parking ratios although each scheme must be assessed on its own merits and consideration has to be given to the cumulative impacts of developments that have come forward through planning and are now built.

- 6.8.4 This advice has been taken on board from Traffic and Transportation. Due regard must also be given to the fact that the previous application was refused on parking grounds with 28 spaces for 58 flats: a 0.48 parking ratio. This however was allowed on appeal. This application however does increase the quantum and thus the Transport Assessment has been reevaluated. As a result, the area for the parking survey is now felt reasonable and within an acceptable walking distance of the site where prospective future occupiers could park, obviously acknowledging that future residents would seek to park as close as possible to the site. The parking beat survey and the actual road inventory provided does show that there was on average 63 car parking spaces available within the surveyed area on the surrounding streets. In addition to this whilst the borough average of car ownership based on transport officers advice from the 2011 Census data is 0.75 across the borough, the applicant's transport consultant has conveyed that it is 0.45 in the Upper Edmonton Ward.
- 6.8.5 These figures have been given due regard, and it is acknowledged that it would be desirable to have more parking spaces on site. This however cannot be achieved with the limited site area available unless basement parking was provided or the number of flats was reduced to provide a greater ratio of parking to flats. Such options would ultimately have a negative impact on the viability of the scheme and subsequently a knock on affect to the affordable housing provisions and other S106 contributions associated with the scheme.
- 6.8.6 Taking a holistic and pragmatic approach to the scheme and the benefits it provides towards providing additional residential accommodation, including affordable housing in a sustainable location, on balance, it is considered the scheme can be supported and this was also the view taken by the 3<sup>rd</sup> party inspector on the Planning Appeal. The concerns raised by Traffic and Transportation in relation to the cumulative impact are recognised but the parking survey and supporting transport statement does show, that whilst parking stress is high there is on street capacity in the area. Furthermore, whilst the census data is now 6 years old, it is acknowledged that car ownership in the Upper Edmonton ward is lower than the borough average. In addition the site is located in a sustainable location with a PTAL of 5 with good access to public transport including buses and rail. There would be a policy compliant provision of cycle parking on site, which will encourage sustainable travel and the applicant has agreed to sustainable travel incentives including Car club and Oyster travel credits.
- 6.8.7 In addition, it is considered weight can also be given to the fact that there is a significantly higher number of smaller 1 and 2 bed flats in the scheme which naturally have a lower car ownership ratio. In addition although there are 12 3 bed flats proposed 11 of those are proposed as social/ affordable which categorically also tend to have much lower car ownership rates. In addition to the above the Council are also looking into the consultation on a CPZ in the area. The development will be exempt from any CPZ permits in the future and this will be secured via S106 plus a financial contribution of £10,000 for the consultation and implementation of the parking controls. The applicant has agreed in principle to these contributions.
- 6.8.8 In conclusion taking all of the above factors into account and the overall planning merits of the scheme, it is not considered a refusal of the scheme on parking grounds can be substantiated.

### *Vehicular Access, Servicing & Refuse Collection*

- 6.8.9 The site will be accessed via a new crossover located on Clive Avenue. It is a cul-de-sac which is accessed via Claremont Street. The proposed crossover is over 6m wide which will still allow two-way access from Clive Avenue, but overall it is considered acceptable. The existing vehicular access on Claremont Street will be removed and the footway will be reinstated. This will be secured via a planning condition.
- 6.8.10 Details of the surfacing materials of the parking area, crossover, footpaths, landscaping designs, levels, parking areas are not yet provided but can be secured via condition.
- 6.8.11 Traffic and Transportation have advised that the proposed location of the bin store on Claremont Street will require the suspension of a couple of on-street spaces and the creation of a loading bay which will be used for refuse collections and other servicing/delivery requirements especially for the flats. This loading bay will need to be placed in a suitable location which enables adequate clearance for a truck to pass and clear the Claremont Street/Fore Street junction without causing any traffic delays when the loading bay is in use. The creation of the loading bay will require a Traffic Regulation Order, road markings and possible relocation of the existing pay-and-display machine at the back of the footway. A financial contribution of £4,000 will be required to provide the servicing arrangements required and will be secured via S106.
- 6.8.12 Policy 47 of the DMD indicates that, new access and servicing arrangements must be included in the detailed design of the scheme from the outset and must ensure that vehicles can reach the necessary loading, servicing, and parking areas. Layouts must achieve a safe, convenient and fully accessible environment for pedestrians and cyclists. New developments will only be permitted where adequate, safe and functional provision is made for refuse collection, emergency service vehicles and delivery/servicing vehicles.
- 6.8.13 According to the Manual for Streets (MfS), planning authorities should ensure that new developments make sufficient provision for waste management and promote designs and layouts that secure the integration of waste management facilities without adverse impact on the street scene. The proposed refuse and recycle storage should blend in with the proposed layout and landscaping; complementing the street scene. The standards require the design to ensure that residents are not required to carry waste more than 30m (excluding any vertical distance) to the storage point, waste collection vehicles should be able to get to within 25 m of the storage point and the bins should be located no more than 10m from kerbside for collection. Detailed designs of the refuse and recycle storage should therefore comply with these standards and the Refuse and Recycle Storage Guide Enfield (ENV 08/162).

According to this guidance the following refuse and recycle storage is required as set out in Table 2 below:

Type of Property	Refuse	Recycling
House (3 wheeled bins)	1x140litres,240litres garden /food waste per house	240 litres recycling per house
Flats (per 20 flats)	4 x 1100 litre bins	1x1280 litre bins

6.8.14 The submitted plans have been assessed in accordance with the above guidance and overall the refuse storage arrangements are considered acceptable. In addition there is space within the refuse store for 15 bins as required 15x 1100L and 3x1280L.

#### *Cycle Parking*

6.8.15 According to the cycle parking standards set out in the London Plan (March 2016), a minimum of 90 long stay spaces will be required for residents together with 2 Sheffield stands to provide visitor cycle parking. The development includes 96 spaces in the communal store and 10 spaces for the duplexes provided in the gardens with suitable access to the street and wider pedestrian footways. The proposed level of cycle parking provision is considered to be acceptable and in line with the standards. The finer details of the cycle parking can be secured by condition.

#### *Pedestrian Access*

6.8.16 Developments should have separate pedestrian footpaths from the streets to the buildings. The footpaths should be level, lit and measure at least 2m in width.

6.8.17 Consideration should be given to wheelchair and pedestrian movements around development site with respect to residents and visitors accessing the site's cycle parking, waste store(s), and nearby streets. This is to meet the requirements of London Plan Policy 6.10 (walking) and Enfield's policy DMD 47 which states that: "All developments should make provision for attractive, safe, clearly defined and convenient routes and accesses for pedestrians, including those with disabilities.

6.8.18 According to Policy 45 of the DMD; 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. The proposed development complies with these policies and is deemed acceptable.

#### *Sustainable Transport Package*

6.8.19 As part of the redevelopment of the site, each new unit shall be entitled to a sustainable transport package up to the value of £320 which shall include car club membership for 3 years and £50 driving credit, an Oyster card per bedroom and 3 years of London Cycling Campaign Membership per bedroom. The applicant will be responsible for promoting the sustainable transport package and managing delivery. Confirmation will be required that the package has been offered to all first occupiers of residential units. This should be via an independent audit undertaken at the applicant's cost. Where there is evidence that the package has not been offered, the applicant will be required to make a £320 per unit contribution to the Council to support delivery of sustainable transport measures.

The total sustainable transport contribution which will be sought via S106 is £21,760.

- 6.8.20 In conclusion subject to the conditions outlined in this section of the report and completion of the S106 agreement the application on balance of all other material planning considerations, is considered acceptable.

## 6.9 Archaeology

- 6.9.1 The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Upper Edmonton. The submitted archaeological desk-based assessment (AOC, November 2016) concludes that the main potential is for archaeological remains relating to the late post-medieval development of the site, with some potential for medieval archaeological remains. Archaeological remains will have been affected by the construction of the existing building, most likely resulting in localised survival. The full extent of the archaeological survival is however uncertain. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that English heritage consider a pre-commencement planning condition could provide an acceptable safeguard.

- 6.9.2 Subject to the conditions recommended at the end of the report, there no objections to the application from the perspective of English Heritage.

## 6.10 S106 Contributions

### *Affordable Housing*

- 6.10.1 Having regard to policies DMD1 and CP3 of the Core Strategy as the site is proposing 10 or more units (68) it should be complying with borough wide target of achieving 40% affordable housing and a mix of tenures to reflect a borough wide target of 70% social rent and affordable rent and 30% Intermediate. This would reflect 27 units on this site as affordable housing. It is considered the easiest way to assess the acceptability of the level of affordable housing proposed is chronologically since pre-application discussion begun with the development.
- 6.10.2 As part of the pre-application process the applicant has submitted a Viability Assessment that originally concluded that the scheme would only be viable to contribute 3 on-site affordable units.
- 6.10.3 This was not deemed acceptable or reasonable by officers on assessment and having taken into account the scale of the development, the Councils own independently appointed Viability Assessor has reviewed the viability assessment and provided advice. The RICS 'Financial Viability Appraisal in Planning Decisions: Theory and Practice'(2015) makes clear that "if market value is based on comparable evidence without proper adjustment to reflect policy compliant planning obligations, this introduces a circularity, which encourages developers to overpay for sites and try to recover some or all of this overpayment via reductions in planning obligations"

- 6.10.4 The Council's Viability Assessor had reviewed the original refused application and advised that the build costs and the Gross Development (End value) of the site are acceptable based on current market conditions. However it had been advised that £2.75m benchmark value of the site was high and did not represent a true benchmark valuation and that developers seeking to purchase land in London for residential development must be expected to take into account the Council's planning policy position relating to affordable housing.
- 6.10.5 Following discussion, after the standard developer's return of 17.5% on GDV has been deducted left the scheme with 12 affordable units (8 rented and 4 shared ownership).
- 6.10.6 On balance this was considered acceptable and recommended for approval to Planning Committee, but was overturned on grounds that the scheme was not giving enough back to the community with regards affordable housing. As has been referred to earlier in the report, this decision has since been overturned at appeal.
- 6.10.7 Consequently, the applicant has planning permission for a development of 58 units with 12 affordable (8 rented and 4 shared ownership).
- 6.10.8 As referred to earlier in the report, since the decision of Planning Committee, officers have met to try and address members concerns whilst the appeal was proceeding in the background. The applicant has put forward this amended proposal and while it is a larger scheme to accommodate more affordable housing, it is now proposing a total of 14 out of 68 units as affordable. This equates to 20.5%. Although this is similar to the refused scheme, the composition / affordable housing offer is significantly different from the appeal scheme: it now has a much higher level of affordable housing based on total habitable rooms at 33% and that of the 14 units proposed 11 are 3 bedroom units which includes the 5 duplex houses fronting onto Claremont Street.

As a point of comparison between this and the approved scheme:

- Approved Scheme: 58 Units – 12 Affordable (20.5% as 4x1 beds, 5x2 beds and 3x3 bed).
  - Current Scheme: 68 Units- 14 (20.5% as 3x2 bed and 11x3 bed, including the 5x3 duplex houses).
- 6.10.9 The applicant has obviously the back-fall position of the scheme approved at appeal for 58 flats with 12 affordable units. Whilst it is acknowledged that this proposal is a larger development, on balance of all considerations it is considered to have an acceptable impact on the character of the surrounding, neighbouring and highway function, but ultimately this S106 package pertaining to affordable housing inclusive of 14 flats (3x2 bed and 11 x 3 bed, including 5 houses) is a lot better than the approved scheme and will provide for affordable 3bed family homes which are lacking in N18 and the borough as a whole.
- 6.10.10 Therefore it is considered on these grounds the scheme should also be supported. This affordable housing arrangement would be secured as part of a S106 legal agreement with the application wherein a viability review mechanism will also be incorporated as part of the S106.

## *Education contributions*

6.10.11 At the time that the Viability report was assessed by the Councils independent viability consultant, it was concluded that the scheme would not be viable to pay contributions towards Education without a compensatory loss to the affordable housing contribution. As such taking into account the need for affordable housing specifically in the Edmonton Area, officers consider that the S106 monies would be better apportioned towards on-site social units. However, since the viability review was undertaken values have risen and may continue to do so before the development is completed. As such it is considered appropriate to require a viability review mechanism towards the end of the development to establish if viability has improved and an education contribution could be secured. Such a review would be secured through the S106 Agreement.

## *Other S106 Contributions/ Head of Terms*

6.10.12 The following transport and Carbon Tax contributions will be required as part of the development:

- £4,000 towards Traffic regulation order for the proposed loading bay
- Restriction from occupiers of the development obtaining car parking permits should a CPZ be implemented in the future.
- £10,000 contribution towards consultation and implementation of future CPZ
- £21,760 towards sustainable transport measures including car club vouchers and Oyster vouchers.
- £83,133 offsite Carbon Tax Contribution
- Monitoring fee @ 5%

## 6.11 Sustainable Design and Construction

### *Lifetime Homes*

6.11.1 The London Plan and Core Strategy confirm that all new housing is to be built to Lifetime Homes' standards. This is to enable a cost-effective way of providing adaptable homes that are able to be adapted to meet changing needs.

6.11.2 The scheme appears to meet as much as possible the 16 criteria for Lifetime Homes. However, confirmation of this should be secured by condition.

### *Energy / Energy efficiency*

6.11.3 The London Plan adopts a presumption that all developments will meet carbon dioxide emission reductions that will improve upon 2010 Building Regulations, leading to zero carbon residential buildings from 2016. Policy 5.2 establishes a target for 2010-2013 to be a 25% improvement over Part L of current Building Regulations. 'Zero carbon' homes are homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site (in line with policy 5.2B). The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2 E).

6.11.4 In line with the implementation date for previous increases in the London Plan carbon dioxide targets and improvements to Part L of the Building Regulations, 'zero carbon' housing was implemented from 1st October 2016. The subject scheme was submitted after this deadline and hence is subject to the provisions of this Policy.

6.11.5 The applicant has submitted an Energy Statement which confirms that a 38.5% improvement over Part L of current building regulations will be achieved. This considered acceptable and compliant. In addition the applicant has further committed to offset the remaining carbon via a s106 contribution in accordance with the S106 SPD. This is considered acceptable subject to condition and S106. The contributed figure would be £83,133 and this has been worked into the overall Viability Assessment as part of the application.

## 6.12 Mayors CIL

6.12.1 The size of the proposed development would be liable to a Community Infrastructure Levy contribution as the size exceeds 100 sq.m. The net gain of the new created floor area is 3720 sq.m, inclusive of the 68 units and the communal staircase area.

6.12.2 This would result in a Mayoral CIL contribution of 3720 sq.m x £20 = £74,400 x 322/223 (BCIS CIL Index Formula) = £94,417.93.

6.12.3 This would result in a Borough CIL contribution of 3720 sq.m x £40 = £109,440 x 322/274 (BCIS CIL Index Formula) = £153,687.59.

## 7. **Conclusion**

7.1 In conclusion it is considered that this development proposal is acceptable. Although representing an increase over the appeal scheme, it is considered to have an acceptable impact to the character and appearance of the site and surrounding area. Furthermore, it will provide for 12 additional family units and 68 additional residential units as a whole in a relatively accessible and sustainably located urban part of the borough. In addition the existing community pub use will in part be retained on the site along with an active frontage continuing the commercial parade along Fore Street.

7.2 It is considered that its scale, bulk and appearance is acceptable oth in its own right and in respect of the surround heritage assets. In this regard, the scheme is also considered to meet the tests set out in the NPPF for development where there is identified less than substantial harm to heritage assets. It is also considered residential amenity would not be unduly prejudiced.

7.3 It is considered that on balance of all considerations the proposal development would not create an unacceptable impact to highway function and safety that warrants refusal.

7.4 It is therefore recommended that planning permission be approved subject to conditions and the necessary legal agreement.

## **8. Recommendation**

8.1 That subject to the completion of a S106 legal agreement, the Head of Development Management, Planning Decisions Manager be authorised to grant planning permission subject to the following conditions:

1. C51 Time Limited Permission- 3 years.
2. C60 Approved Plans
3. C07 Details of Materials

The development excluding demolition and groundwork shall not commence until details of the external finishing materials including the brick and cladding materials and details of the, windows, balconies and winter gardens to be used have been submitted to and approved in writing by the Local Planning Authority. This should include specific details including 1:20 details (with 1:5 sections) of windows, doors and balconies. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

4. C09 Details of Hard Surfacing

The development excluding demolition and groundwork 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.

5. C10 Details of Levels

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.

6. C11 Details of Enclosure

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. C17 Details of Landscaping

The development excluding demolition and groundwork 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.

8. C19 Details of Refuse Storage & Recycling Facilities

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

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

9. C59 Cycle parking spaces

The development excluding demolition and groundwork shall not commence until details of the siting, number and design of secure/covered cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. This shall include details of cycle storage where possible within the private garden areas on the ground floor in addition to an additional cycle parking storage to the front communal area. The approved details shall thereafter be installed and permanently retained for cycle parking.

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

10. C24 Obscured Glazing

The glazing to be installed on the east elevation of Units 5, 21 and 32 shall be in obscured glass and fixed shut. 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.

11. Construction Methodology

That development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall contain:

- a. arrangements for wheel cleaning;
- b. arrangements for the storage of materials;
- c. hours of work;
- d. arrangements for the securing of the site during construction;
- e. the arrangement for the parking of contractors' vehicles clear of the highway.
- f. The siting and design of any ancillary structures.
- g. A construction management plan written in accordance with the 'London Best Practice Guidance: The control of dust and emission from construction and demolition'.

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

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

## 12. External Lighting

The development excluding groundwork and demolition shall not commence until details of any external lighting proposed have been submitted to and approved in writing by the Local Planning Authority. The approved external lighting shall be provided before the development is occupied.

Reason: To ensure that the development does not prejudice the amenities of adjoining occupiers and / or the visual amenities of the surrounding area.

## 13. Lifetime Homes Standards

All the units shall comply with Lifetime Home standards in accordance with details to be submitted to and approved in writing by the LPA. The development shall be carried out strictly in accordance with the details approved and shall be maintained thereafter.

Reason : To ensure that the development allows for future adaptability of the home to meet with the needs of future residents over their life time in accordance with Policy CP4 of the Core Strategy and Policy 3.5 of the London Plan 2011.

## 14. Energy Statement

The development shall be carried out in accordance with the Energy Statement prepared by Eight Associates dated 30<sup>th</sup> January 2017.

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 2011 and the NPPF.

## 15. EPC's

Following practical completion of works a final Energy Performance Certificates shall be submitted to an approved in writing by the Local Planning Authority prior to occupation of the development.

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 2011 and the NPPF.

16. Archaeology

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

17. Contamination

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 protect public health from contamination.

18. On site Machinery

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and

Emissions During Construction and Demolition” dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality

19. Sound Insulation

The development shall be constructed/adapted so as to provide sufficient air-borne and structure-borne sound insulation against externally generated noise and vibration. This sound insulation shall ensure that the level of noise generated from external sources shall be no higher than 35 dB(A) from 7am – 11pm in bedrooms, living rooms and dining rooms and 30 dB(A) in bedrooms from 11pm – 7am measured as a LAeq,T. The LAF Max shall not exceed 45dB in bedrooms 11pm – 7am. A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development taking place. The scheme of mitigation shall include mechanical ventilation where the internal noise levels exceed those stated in BS8233: 2014 with the windows open. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied/the use commences.

Reason: To protect future occupants from noise and disturbance.

20. Details of Extractor Flue serving A4 Public House

The development excluding groundworks and drainage shall not commence until details of the proposed extractor flue serving the A4 kitchen and passing up through the building have been submitted to an approved in writing by the local planning authority. These details should include a specification of flue extractor proposed including details of the odour emissions and sound emissions from the extractor.

Reason: In the interests of protecting residents of the proposed development.

21. A4 Public House Hours of Opening

The proposed A4 public house unit premises shall only be open for business and working between the hours of 11am to 11pm Monday to Friday and 11am to 12pm on Saturdays , Sundays and Bank Holidays.

Reason: To safeguard the amenities of the occupiers of nearby residential properties.

22. Restriction of Use A4 Public House

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any amending Order, the proposed unit highlighted A4 Use at 230sqm on amended drawings 1304\_PP\_1010 Rev A shall only be used as A4 public house and shall not be used for any other purpose.

Reason: In the interest of retaining the public house and the community use as part of the development.

23. Restriction of Use A1/2 Unit

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any amending Order, the proposed unit highlighted A1/A2 Unit at 185sqm on amended drawings 1304\_PP\_1010 Rev A shall only be used within A1 or A2 use class and shall not be used for any other purpose.

Reason: In the interest of retaining the vitality and viability of the commercial parade and retaining an active frontage along this section of Fore Street.

24. Electric Vehicle Charging Points

Prior to occupation, details of electric vehicular charging points (EVCPs) including siting shall be provided in accordance with London Plan standards (minimum 20% of spaces to be provided with electric charging points and a further 20% passive provision for electric vehicles in the future) shall be submitted to and approved in writing by the Local Planning Authority. All electric charging points shall be installed in accordance with the approved details prior to first occupation of the development and permanently retained.

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

25. Sustainable Urban Drainage Systems

Prior to commencement of the development a sustainable urban drainage strategy shall be submitted. This should include:

- A plan of the existing site
- A topographical plan of the area
- Plans and drawings of the proposed site layout identifying the footprint of the area being drained (including all buildings, access roads and car parks).
- 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.
- The proposed storage volume.
- Information 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.
- Geological information including borehole logs, depth to water table and/or infiltration test results.
- Details of overland flow routes for exceedance events.
- A management plan for future maintenance.

Reason: In the interest of Sustainable Urban Drainage measures and to reduce the potential of flooding associated with the development.

26. Communal Amenity Area

Prior to occupation of the development, details of the proposed communal amenity area shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the following:

- Details of the proposed surfacing for the area.
- Details of how the area will be secured at the sides in the interest of public safety especially children within the development
- Details of play equipment to be installed and how it will be used.
- Details of how the communal amenity will be secured at night and when it would be available for use.
- Details of a Maintenance plan for the communal area and how it would be managed.

Reason: In the interest of providing a safe and secure communal area amenity space for future occupier, public safety and neighbouring amenity.

# GROUND FLOOR PLAN

CLAREMONT STREET

Basement plan



**NOTES:**  
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- 1 bed 1 person studio (min 37m<sup>2</sup>)
- 1 bed 2 person flat (min 50m<sup>2</sup>)
- 2 bed 3 person flat (min 61m<sup>2</sup>)
- 2 bed 4 person flat (min 70m<sup>2</sup>)
- 3 bed 4 person flat/duplex (min 74m<sup>2</sup>)
- 3 bed 5 person duplex (min 86m<sup>2</sup>)
- 3 bed 6 person duplex/flat (min 95m<sup>2</sup>)



A: 24/05/17: Commercial units revised

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Client:  
 MMSO LLP

Drawing:  
 GF layout

Drawing Number: Rev:  
 1304\_RD\_003

Date: Feb 17 Scale: 1:200 @ A3



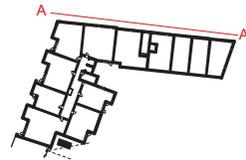
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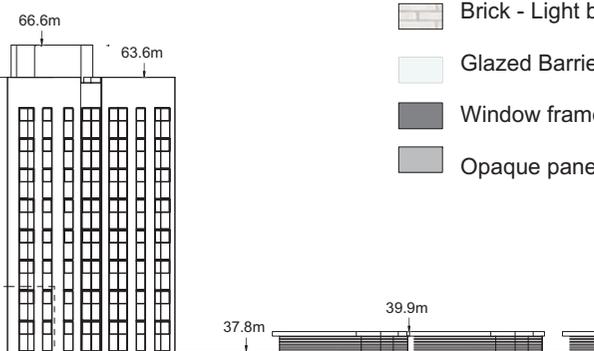
**LOCATION KEY**



**MATERIALS KEY**

-  Brick - multi red stock
-  Brick - Light brick
-  Glazed Barrier
-  Window frame - medium grey
-  Opaque panel - light grey

**North Elevation**  
 1:200@A3



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 MMSO LLP

Drawing:  
 North Elevation

Drawing Number: 1304\_RD\_30  
 Rev:

Date: Feb 2018 Scale: 1:200



**NOTES:**

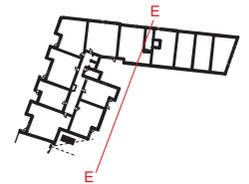
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**LOCATION KEY**



**MATERIALS KEY**

-  Brick - multi red stock
-  Brick - Light brick
-  Glazed Barrier
-  Window frame - medium grey
-  Opaque panel - light grey
-  Green Wall

**East Elevation**  
1:200@A3



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Drawing:  
East Elevation

Drawing Number: Rev:  
1304\_RD\_34

Date: Feb 2018 Scale: 1:200



**NOTES:**

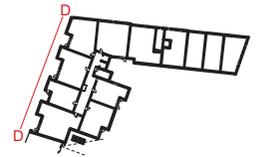
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**LOCATION KEY**



**MATERIALS KEY**

-  Brick - multi red stock
-  Brick - Light brick
-  Glazed Barrier
-  Window frame - medium grey
-  Opaque panel - light grey

**West Elevation**  
1:200@A3



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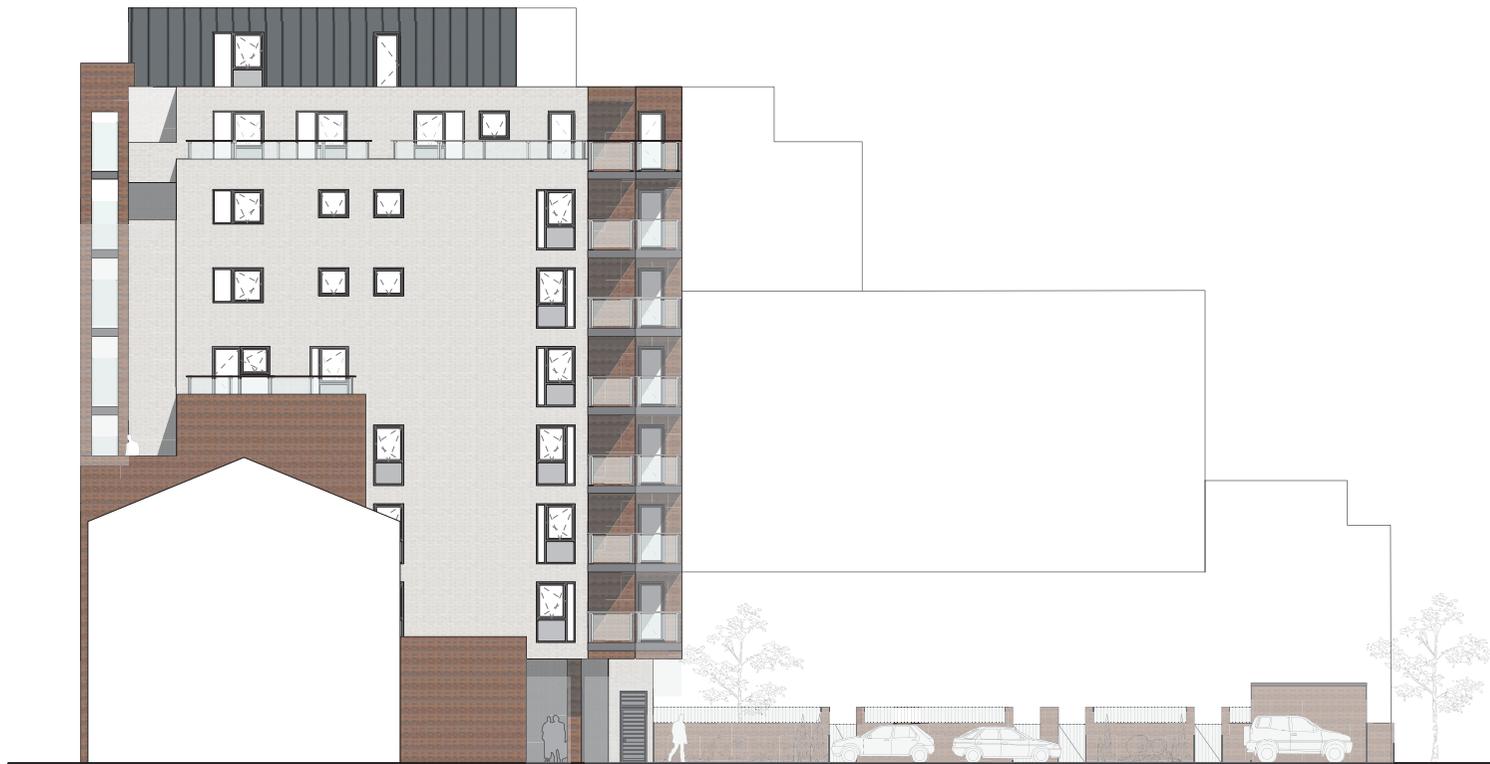
Project:  
50-56 Fore Street,  
Edmonton, N18 2SS

Client:  
MMSO LLP

Drawing:  
West Elevation

Drawing Number: 1304\_RD\_33 Rev:

Date: Feb 2018 Scale: 1:200



**NOTES:**

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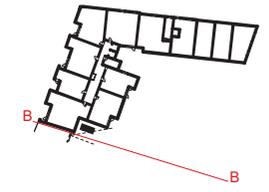
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**LOCATION KEY**



**MATERIALS KEY**

-  Brick - multi red stock
-  Brick - Light brick
-  Glazed Barrier
-  Window frame - medium grey
-  Opaque panel - light grey

**South Elevation**  
1:200@A3



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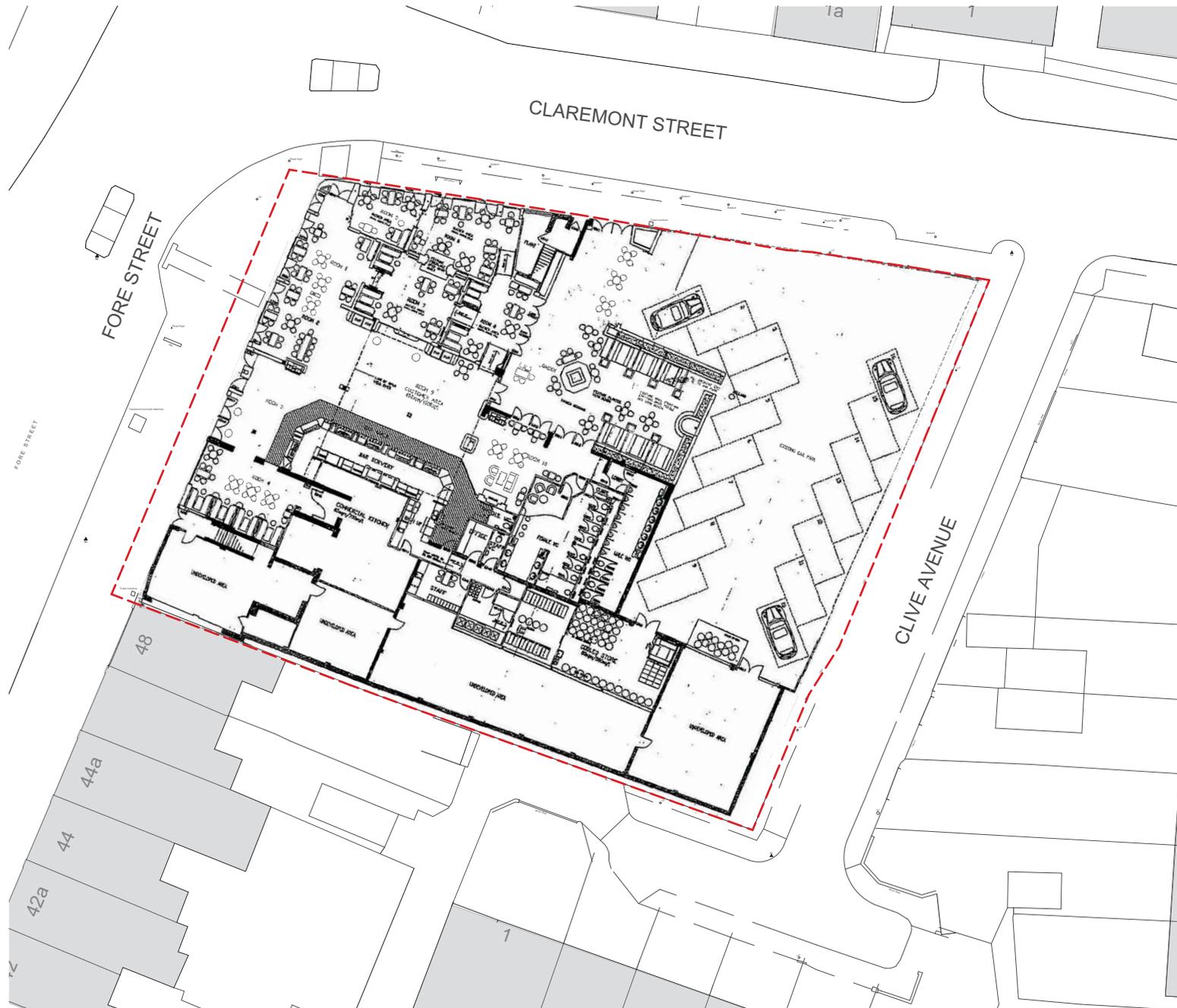
Project:  
50-56 Fore Street,  
Edmonton, N18 2SS

Client:  
MMSO LLP

Drawing:  
South Elevation

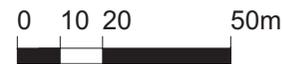
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1304\_RD\_31

Date: Feb 2018 Scale: 1:200



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1:500@A3



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Drawing:  
**EXISTING PLAN**

Drawing Number: Rev:  
**1304\_E\_01**

Date: Feb 16 Scale: 1:500 @ A3