

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 25th September 2018

Report of

Assistant Director, Regeneration & Planning

Contact Officer:

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Ward:

Southgate Green

Application Number: 18/00633/RE4

Category: LBE - Dev by LA

LOCATION: Broomfield Park, Broomfield Lane, London, N13 4HE

PROPOSAL: Creation of a wetlands area (1500sqm) involving increase in height of bund by 0.8m, restoration of water feature together with associated landscaping to the south east corner of the park.

Applicant Name & Address:

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Agent Name & Address:

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RECOMMENDATION: In accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, planning permission be deemed to be granted subject to conditions.

Note for Members: A council department is acting as the agent for this application, meaning that in the interests of transparency, the application has been referred to Committee for decision.

1. Site and Surroundings

- 1.1 The application site comprises a large registered park or garden which contains the Grade II listed Broomfield House and Broomfield Park.
- 1.2 Broomfield House stands towards the south-east of the 21ha site, with the gardens and park lying to the west. The site is on level ground and is set within a largely residential area of Enfield between Arnos Park to the west and Palmer's Green to the north-east. The park is bounded by Alderman's Hill (A1004) to the north, Powys Lane to the west (B1452), Broomfield Avenue beyond a row of houses to the east, and Broomfield Lane bordering the southern edge of the park. The south-east boundary is marked by C16 to C18 brick walls (listed grade II) and there are park railings along the south-west, west and north sides. The main approach to the House is from Broomfield Lane from where a drive leads west to the south side of the House. There are further entrances into the gardens and park from the surrounding roads on all sides.
- 1.3 Broomfield House itself is a house of several periods. Southern part appears to be of C16 and has high pitched hipped roofs in form of a square, now slated. Northern part of early C18, also with hipped roof now slated. Two old compound brick chimney stacks. Roofs largely concealed by parapets. North front of two storeys, four windows. C18 red brick, formerly painted. Cornice band and 1st floor band. 1st floor sash windows with glazing bars in wood lined reveals; ground floor long replaced sashes. All other facades covered in C20 roughcast and mock half-timbering. Western entrance has one-storey recessed porch. Some windows late C18 or early C19 sashes with glazing bars. Inside at the south end some original timber framing, including heavy chamfered beams with joiners' marks, and chamfered joists. Good C18 staircase with 3 different balusters to a tread, carved tread ends and ramped handrail. One fine panelled room with ornamental cornice and chimney piece. Other panelling and enriched doorcases. Some carving possibly imported. Staircase walls and ceiling attributed to Sir J Thornhill, but the attribution seems doubtful; the work is either by a copyist or badly painted over.
- 1.4 The early C18 rectangular stable block stands to the south of the House, currently (1999) empty. The stable court is enclosed by high, early C18 brick walls.
- 1.5 Broomfield Park is an early C18 formal garden associated with Broomfield House (Grade II*), comprising a walled enclosure focused on a series of early C18 formal, tiered water bodies developed from earlier fishponds, and set within a landscape park. The historic gardens and parkland were converted for use as a public park, from 1908-14. Broomfield Park is included in Historic England's Register of Parks and Gardens of Special Historic Interest at Grade II (as 'Broomfield House'). The Site adjoins the Lakes Conservation Area. Broomfield Park was recently added by Historic England to their register of Heritage at Risk due to the cumulative impact of incremental changes. Broomfield House and stables are long standing entries on that Risk Register.
- 1.6 The proposed site location is situated in the south-west of the park, in the western half of the park, which is known as West Field. West Field was historically the parkland associated with the house and gardens but is now an area of urban parkland. The majority of this area is grassed but the north-

eastern corner of West Field contains facilities associated with public use including tennis, netball and basketball courts, bowls club, memorial garden and community orchard. The west wall, which runs adjacent to the site, is Grade II listed in its own right.

- 1.7 The site is also identified as local open space, Metropolitan open land, registered park or garden and a site of archaeological interest.

2. Proposal

- 2.1 The applicant seeks full planning permission for the creation of a wetlands area (1500sqm) involving increase in height of bund by 0.8m, restoration of water feature together with associated landscaping to the south east corner of the park.

3. Relevant Planning Decisions

- 3.1 None relevant

4. Consultations

4.1 Statutory and non-statutory consultees

- 4.1.1 Traffic and Transportation - No objections subject to conditions
- 4.1.2 Trees - No objections
- 4.1.3 Environmental Health - No objections subject to a condition for Construction Management Plan as the development area is in close proximity to residential premises and dust emissions are potential issues during the construction phase.
- 4.1.4 SuDS - No objections - The Broomfield Park Wetlands project will help to reduce surface water flood risk in this area, providing a greater standard of protection against flooding for properties and critical infrastructure. Constructed wetlands form a crucial part of our Local Flood Risk Management Plan. Wetlands are a type of flood management which are capable of storing water during and after storm events, reducing flood risk. In Broomfield Park the inclusion of wetland features will assist in draining nearby water-logged areas of the park. The diversion of a surface water sewer to a wetland environment allows for improvements to the water quality through natural restorative treatment.
- 4.1.5 Conservation Officer - Objection as per comments made by Historic England and the London Park and Gardens Trust.
- 4.1.6 Thames Water - No objections
- 4.1.7 Historic England - Pre-application Advice

Pre-application advice was provided by Historic England during consultation, including a site meeting on 2nd November 2017, with the Structures & Watercourses Team, Highway Services; Enfield Council.

The Registered Park and Garden has been assessed as 'Vulnerable' for Heritage at Risk (HAR) partly as a result of the incremental changes that have already been made to the landscape - further interventions could potentially place this heritage asset at greater risk of loss of significance

4.1.8 Historic England - Application - Concern raised

The very bad condition of Broomfield House and Stable Block (Grade II *), the condition of a number of other features and the cumulative effect of a succession of incremental changes eroding the character and extent of surviving Parkland, seriously impacts the significance of the Registered Park and Garden. As such, Historic England recently added the Park to the Heritage at Risk Register (the House and Stable Block are long running cases on the at-Risk Register).

Historic England acknowledge that the proposed wetlands will deliver drainage and associated improvements. However, the proposed wetlands will result in the permanent physical and visual alteration of part of the surviving Parkland - a feature of the historic designed landscape in its own right.

Parkland forms the essential soft landscape of 'pasture' and planting, often serving as the foil to the more intensive experience of the formal pleasure grounds and ornamental gardens around the main house. Its more open and 'featureless' character of grass, freestanding trees and clumps often make it more fragile than the easily-recognised and better-protected gardens and built landscape features. It is easily lost and can be difficult to reinstate.

The proposed wetlands will occupy the only remaining part of the Parkland outside of the double avenue where open grassland directly adjoins the walled enclosure at the heart of the historic designed landscape. In this area, they will permanently alter the physical and visual character of the smooth sward of grass sweeping uphill from the walled enclosure and represent further loss of open Parkland to incremental features and facilities. This will result in harm to the significance of the Registered Park and Garden.

The planning application has limited information setting out clear and convincing justification for such harm, including options appraisal assessing alternative locations and extents of schemes either within the Registered Park and Garden or outside of it.

Historic England urge their comments to be considered and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice as well as any consultation responses from the Gardens Trust / London Parks and Gardens Trust.

4.1.9 London Park and Garden Trust - Objection

Not only is the Park Grade II listed but is the setting of several grade II* historic features including Broomfield House; remains of C16-18th east wall with attached early C18th pavilion/garden house & stable block.

The London Park and Garden Trust remain unconvinced with the claim in the applicant's heritage statement that "The public benefit of the flood alleviation scheme to reduce flood risk ... is considered to outweigh the minimal harm

caused to the Heritage Asset.” (*Heritage Statement 4.1.7.*). Broomfield House and its Stable Block are already on the HAR register for London, and any further erosion to their fragile setting can only have a negative impact upon their significance. The London Park and Garden Trust would prefer to see the funding from Thames 21 and the Mayor of London being put to use for a SUDs scheme in a less sensitive site, or with a scheme that involves proper consideration of the heritage sensitivities of this site. They therefore **OBJECT** to the application as it currently stands. The following reasons are given.

It is not apparent from the documentation why Broomfield Park was chosen as the site for this SUDs scheme. There is nothing to indicate whether other less sensitive sites were considered, even if they were eventually deemed unsuitable, and if so for what reason(s). The two proposed SUDs wetland cells and their decking bridge sit uneasily in relation to the historic walls (Visualisation Fig 3, *Planning Statement*, p5) and the formal lime avenue, and are alien in character and appearance to the smooth ‘parkland’ grass which currently borders these features.

The *Heritage Statement 3.6.16* stresses the “relationship between the House, formal gate and parkland form the setting of Broomfield House. The setting makes a high contribution to the importance of Broomfield House.”

Introduction of wetland cells with their associated informal bog/damp planting/landscaping would considerably alter this key historic setting, and therefore would have a correspondingly negative effect upon the significance of the RPG.

They disagree with Para 4.1.6 in the *Heritage Statement* which states that “it is considered that there will be no impact upon the setting of the surrounding heritage assets, including Broomfield House (Grade II*), walls associated with Broomfield House/Park Grade II) ...” The undoubted harm caused to the Grade II RPG (see NPPF Para 132) is not given any clear and convincing justification within the application documents. The London Park and Garden Trust remain unconvinced that “The public benefit of the flood alleviation scheme to reduce flood risk ... is considered to outweigh the minimal harm caused to the Heritage Asset.” (*Heritage Statement 4.1.7.*).

The London Park and Garden Trust are unclear as to the level of flood alleviation/water storage required. They would have liked clarification of the capacity of the existing lakes and stemming from this, a SUDs scheme designed proportionately so that the RPG and its constituent fabric/features are not harmed (NPPF Para 132 – great weight should be given to the conservation of irreplaceable heritage assets). The impression given by the available documentation is that this scheme is SUDs-driven rather than considering the overall benefits, which include public amenity value.

The London Park and Garden Trust also have concerns relating to the ongoing management of the area and the provision of funding for the future maintenance of the decking/bridge. We can see this potentially falling into disrepair in a short timescale. Since the Friends of Broomfield Park already undertake much of the maintenance of the Park and do not have capacity to take on more responsibility for core maintenance tasks we would like assurance that Enfield has sufficient budget for the increased maintenance this potential new feature will entail.

4.1.10 Conservation Advisory Group - Objection

(as per Historic England's comments)

4.2 Public response

- 4.2.1 Letters were sent to 387 adjoining and nearby residents. One response was received from the Chair of the Broomfield House Trust which raised the following planning considerations:

Concerns that the area marked for a temporary work site overlaps with an area noted in the Heritage Statement. Plan 5, where crop marks are shown based on Google earth imagery. This has not been investigated. Although Lidar imagery does not show anything, neither does it show anything on the back lawn where excavations have revealed archaeological remains. Investigation in situ in this area should ideally be carried out to settle the matter. This is on an area of level raised ground, which does not follow the general fall of the grassland area and is bounded to the south by signs of embankment. Investigations of the history of the house and park have considerable gaps in the written record or in maps before the OS began its work. Would it not be wise to look in to this (by excavation?) before covering it with a works compound?

Appendix 5 of the Environmental Statement indicates a large area (1 hectare) over the same general area would be raised by 50cm, however this doesn't appear to be explained or referred to elsewhere.

5 Relevant Policy

- 5.1 The Development Management Document (DMD) policies have been prepared under the NPPF regime to be NPPF compliant. The DMD provides detailed criteria and standard based polices by which planning applications will be determined.

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

5.3 London Plan

- 2.2 London and the wider Metropolitan area
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 7.4 Local character
- 7.5 Public realm
- 7.8 Heritage assets and archaeology
- 7.18 Protecting local open space and addressing local deficiency

5.4 Core Strategy

- CP21 Delivering sustainable water supply, drainage and sewerage infrastructure

- CP28 Managing flood risk through development
- CP29 Flood management infrastructure
- CP30 Maintaining and improving the quality of the built and open environment
- CP31 Built and landscape heritage
- CP34 Parks, playing fields and other open spaces

5.5 Development Management Document

- DMD 37 Achieving High Quality and Design-Led Development
- DMD44 Conserving and Enhancing Heritage Assets
- DMD45 Parking Standards and Layout
- DMD59 Avoiding and Reducing Flood Risk
- DMD60 Assessing Flood Risk
- DMD61 Managing Surface Water
- DMD62 Flood Control and Mitigation Measures
- DMD63 Protection and Improvement of Watercourses and Flood Defences
- DMD71 Protection and Enhancement of Open Spaces
- DMD72 Open Space Provision
- DMD78 Nature Conservation
- DMD79 Ecological Enhancements
- DMD81 Landscaping
- DMD84 Areas of Special Character

5.6 Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 9, refer to setting. Section 66(1) states: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

5.7 Registered Parks and Gardens

The addition of parks and gardens to the Register means that they are subject to a statutory designation and have the same weight in policy terms under the National Planning Policy Framework (NPPF) as scheduled monuments and listed buildings. In NPPF terms, they are 'designated heritage assets'. Registration is a 'material consideration' in the planning process, meaning that planning authorities must consider the impact of any proposed development on the landscapes' special character.

5.8 Other relevant policy/guidance

- National Planning Policy Framework
- National Planning Practice Guidance
- The Ancient Monuments and Archaeological Areas Act 1979
- Broomfield House, Conservation Management Plan - June 2016

6 Analysis

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

- Principle of the Development
- Drainage
- Impact on heritage assets

Principle of Development

- 6.2 Policy CP34 of the Core Strategy and DMD71 of the Development Management Document refer to the protection of parks, playing fields and open spaces. Policies DMD78 and DMD79 of the Development Management Document and CP36 of the Core Strategy refer to nature conservation, ecology and biodiversity. Additionally, policies CP12 of the Core Strategy and DMD31 of the Development Management Document refer to visitors and tourism. Finally, policies DMD60 and DMD61 of the Development Management Document and policy CP28 of the Core Strategy refer to flood risk and managing surface waters.
- 6.3 Enfield's waterways are a valuable asset for the borough, they provide water resources for London, opportunities for sport, recreation and leisure, access to nature, a historical reference, and an attractive setting. However, they also represent sources of fluvial flood risk in Enfield, posing a potential threat to life and property which needs to be pro-actively managed. The underlying pattern of geology and the effects of urbanisation mean that the borough is also susceptible to incidents of surface water and groundwater flooding.
- 6.4 Enfield's Strategic Flood Risk Assessment (SFRA) Level 1 (2008) and Surface Water Management Plan (SWMP) (2012) provide local evidence of all forms of flooding including fluvial, surface water, groundwater, sewers and reservoirs. Policy DMD60 states that site specific Flood Risk Assessments (FRA) must accompany all applications for:
- a. Development proposals of 1 hectare or greater in Flood Zone 1;
 - b. All proposals for new development located in Flood Zones 2 and 3; and
 - c. All proposals in groundwater flood risk areas that involve the creation of useable space below ground;
 - d. All proposals for new development identified as being at risk from surface water flooding in the SWMP; or,
 - e. Any development that may be subject to other sources of flooding identified in subsequent reviews/updates of the evidence base on flooding.
- 6.5 Policies DMD59 through to 63 of the Development Management Document expressly relates to issues of fluvial, surface water and ground water flood risk. In addressing the requirements of the NPPF and the NPPG that seek flood risk management opportunities, and to reduce the causes and impacts of flooding through the Local Plan, this suite of Policies seeks to ensure that development must avoid and reduce the risk of flooding, and not increase the risks elsewhere. Through the application of measures to assess flood risk, control and mitigate flood water and provide enhanced Sustainable Drainage Strategies to demonstrate how proposed measures manage surface water as close to its source as possible in accordance with the drainage hierarchy in the London Plan, the Policies seek to front load flooding considerations in all development proposals.

6.6 The Flood Water and Management Act 2010 (FWMA) established Unitary Authorities in England and Wales as Lead Local Flood Authorities (LLFAs) with the express mandate to improve flood risk management and ensure the security of water supplies. The FWMA imparted significant new roles and responsibilities on local authorities who now have responsibilities for managing local flood risk. The FWMA also imposed a requirement on LLFAs to develop, maintain, apply and monitor a strategy for local flood risk management in its area that:

- specifies the roles of the different authorities that have responsibilities for managing flood risk;
- describes how the LLFA is working with partners to reduce flood risk;
- provides an overall assessment of local flood risk;
- sets out the objectives for managing local flood risk; and
- outlines what actions are to be taken to meet those objectives.

6.7 The London Borough of Enfield is the LLFA for the area with responsibilities relating to local flood risk from surface water runoff, groundwater and small rivers, streams and ditches. Flooding from main rivers remains the responsibility of the Environment Agency.

The proposals seek to deliver the following benefits to the area:

- Improved surface water quality via replenishment through the creation of wetland treatment cells (the surface water drainage network for this area flows towards Pymmes Brook further downstream);
- Increased biodiversity by creating habitat for a variety of wildlife;
- New amenity feature in the park; and
- Reduce flood risk through the storage of water following extreme rainfall.

6.8 The proposed wetland project would therefore help to reduce surface water flood risk in this area, providing a greater standard of protection against flooding for properties and critical infrastructure. Constructed wetlands form a crucial part of the Local Flood Risk Management Plan. Wetlands are a type of flood management which are capable of storing water during and after storm events, thus reducing flood risk. In Broomfield Park, the inclusion of wetland features would assist in draining nearby water-logged areas of the park. The diversion of a surface water sewer to a wetland environment allows for improvements to the water quality through natural restorative treatment.

6.9 It is therefore concluded that the proposal would provide flood storage mitigation for extreme weather events and therefore has clearly defined benefits in terms of local flooding and pro-actively seeks to address the impact of flooding and climate change to the benefit of residents, environmental quality and the wider area, as well as providing a new amenity feature and increased biodiversity to Broomfield Park, having regard to policies DMD59, DMD60, DMD61, DMD62, DMD63, DMD71, DMD78 and DMD79 of the Development Management Document, CP29, CP34 and CP36 of the Core Strategy and 5.12, 5.13, 7.18 and 7.19 of the London Plan as well as the guidance contained within the NPPF.

Impact on Heritage Assets

Setting is defined as:

“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

Annex 2: Glossary, National Planning Policy Framework, Department of Communities and Local Government, 2012

Setting Caselaw

- 6.10 The recent ruling (Kedelston Hall, August 2018) relates to an application for homes on farmland approximately a mile away from a listed house / registered park and garden. This case clarified that the definition of setting is broadly based and is not just about whether development can be seen from the heritage asset. Setting includes non-visual impacts such as the relationship of the site to the asset, in this case the farmland had historically been part of the wider estate and hence part of its setting.

Significance of heritage assets

Significance is defined by the NPPF and Historic England as the following:

1) *“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.”*

Annex 2: Glossary, National Planning Policy Framework, Department of Communities and Local Government, 2012

2) *“The sum of the cultural and natural heritage values of a place, often set out in a statement of significance.”*

p72 Conservation Principles, English Heritage, 2008

- 6.11 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.”
- 6.12 The potential impact on heritage assets must also be considered in relation to the NPPF:

Para 132. State: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater*

the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

Para 133. Goes on to say: *“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”*

- 6.13 We therefore firstly consider the significance of the heritage assets that will be affected by the development proposals. The Conservation Management Plan outlines the key significance of Broomfield House and Gardens as being the relationship between the Park and Gardens to the House. It concludes that the House, Stable Buildings and Park are collectively of High Significance and that the heritage value of these assets are inextricably linked. The division of the formal garden from the parkland is a key feature of the relationship between the house, garden and parkland and contributes to the importance of the setting of Broomfield Park and Broomfield House. The vista formed by the lime avenue has been assessed as being of ‘*High Importance*’, as it represents one of the historical features of the parkland, which makes a visual link between West Field and Broomfield House and contributes to the importance of the setting of the park. Collectively the surviving parkland and historical features that form the setting of Broomfield House have great aesthetic and historic value and inform the historical context and our understanding of the site as whole.
- 6.14 Historic England reiterate this view stating that,
- “The parkland forms the essential soft landscape of ‘pasture’ and planting, often serving as the foil to the more intensive experience of the formal pleasure grounds and ornamental gardens around the main house. Its more open and ‘featureless’ character of grass, freestanding trees and clumps often make it more fragile than the easily-recognised and better-protected gardens and built landscape features. It is easily lost and can be difficult to reinstate - particularly where it survives in urban parks with the myriad pressures required as part of open space provision for local communities.”*
- 6.15 Overall, the setting, particularly the juxtaposition of the openness of the parkland set against the formal gardens is considered to make a significant contribution to the importance of Broomfield House and Park. This is also acknowledged in the submitted Heritage Statement [3.6.16], as such officers consider that the proposed site does substantially contribute to the significance of the Registered Park and Garden and Bromfield House.
- 6.16 The next element of the assessment is to determine the level of potential harm on the registered Broomfield Park and Grade II listed Broomfield House, if any. For example, an unsympathetic additional floor on top of a list building which have a significant impact on the significance of that building would be

considered to have substantial harm, a lesser additional could be considered to have less than substantial harm, but never the less, there is still harm.

- 6.17 Both Historic England and the London Parks and Gardens Trust have identified that the proposals will cause harm to the significance of the aforementioned heritage assets. Specifically, Historic England contend that the proposed wetlands (covering an area of 0.35ha, up to 2 metres depth with banks between 1:4 and 1:8 gradients) will occupy the only remaining part of the Parkland outside of the double avenue where open grassland directly adjoins the walled enclosure at the heart of the historic designed landscape. In this area, they will permanently alter the physical and visual character of the smooth sward of grass sweeping uphill from the walled enclosure and represent further loss of open Parkland to incremental features and facilities. This will result in harm to the significance of the Registered Park and Garden.
- 6.18 The London Parks and Gardens Trust have stressed that the two proposed SUDS wetland cells and their decking bridge sit uneasily in relation to the historic walls (Visualisation Fig 3, *Planning Statement*, p5) and the formal lime avenue, and are alien in character and appearance to the smooth 'parkland' grass which currently borders these features.
- 6.19 Historic England have also stated that there has not been sufficient information setting out a clear and convincing justification for the harm which the proposed wetlands would cause to the RPG and the setting of Broomfield House and Stables. They recommended provision of further information not only setting out the need and requirements for the proposed wetland system but also an options appraisal exercise demonstrating which other potential sites both outside and inside the RPG had been considered.
- 4) *there is inadequate justification for the harm in terms of a robust options appraisal that looks at flood needs, less sensitive sites elsewhere and less harmful proposals on the Broomfield site;*
- 5) *there are no adequate enhancements proposed that offset harm by restoring or enhancing other parts of the heritage significance.*
- 6.20 Historic England issued the following response in relation to the submission of a further background paper, which outlined alternative location options for the proposed wetlands.

"The options outlined on page 5 of the background paper are all within the RPG, with no evidence provided of consideration of any external sites between the Local Flood Risk Management Strategy (2016) and submission of the Broomfield Park wetlands project to the Rivers Trust funding scheme in early 2017. There is no clear description of the project's flood storage capacity and other requirements. The only alternative discussed in the Portfolio Report (Appendix 3) is 'Do Nothing', with no mention of other locations, smaller scale schemes within the registered Parks and Gardens (RPG) or even retrofitting localised source control measures, etc. outside of the RPG, which reinforces our opinion that it was taken as given that the RPG would be the location for a wetland project regardless of whether or not that project would cause harm to the historic environment. Indeed, the beneficial works to the historic lakes only came about as an add-on after public consultation. In all, the background paper does not change our comments. As

for the degree of our concern, we confirm that this application contributed to our decision to include the RPG in the 2018 HAR Register.”

- 6.21 While Historic England had requested additional information in relation to potential alternate sites for the works, the applicant considered that there are no other locations outside of Broomfield Park, as such the application in front of us is the only location this can be considered:
- *The options considered on page 5 are all within the RPG because the overland flow of surface water that the scheme seeks to attenuate runs through the RPG - this is defined by the local topography. Historically a watercourse ran through this site, it is now piped underground but during an extreme rainfall event surface water would follow the route of this watercourse causing flooding downstream - there are no other suitable open spaces or viable alternative sites to create a flood storage within this catchment area;*
 - *Reducing flood risk is just one of the aims of this project (the other primary aims are improving water quality and enhancing amenity and biodiversity) - a detailed hydraulic modelling study has therefore not been carried out. The project aims to reduce flood risk downstream by storing surface water runoff during extreme events, consequently the aim is to store as much water as is practically possible given the local topographical and hydraulic constraints (the more water stored the bigger the reduction in flood risk downstream); and*
 - *Source control SuDS measures could be used to address local flood risk issues; however, because of the small size of these features a very large number of them would be required to achieve the same result (several hundred at least) - it is estimated that this would cost at least 10 times more than the current proposal. Additionally, although source control features can reduce pollution from highway runoff they cannot address pollution related to misconnections which is considered to be the primary source of pollution in this catchment.*
- 6.22 NPPF Para 134 states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*
- 6.23 Harm can therefore outweigh the impact; however, officers should firstly try to reduce the harm itself before weighting up any potential benefits. In this case as mentioned above, the applicants given considered to the location within the park while reducing the harm was not considered, it is clear that there are substantial justification for the proposed location.
- 6.24 The proposed works would be constructed to the south west section of the park adjacent to Powys Lane and therefore are a distance away and separated by a walled enclosure, Broomfield House and the ornamental feature ponds. The proposed works would include several bunds to a maximum height of approximately 0.8 metres in height as well as landscaping and excavation works to provide a wetland habitat of approximately 1500 sq.m. While this would be raised, due to the location within the Park it is not considered to interfere with the listed elements, nor would it be raised in height to such a degree that it would compete with the listed elements.

- 6.25 It is therefore considered that the proposed works will cause harm to assets of acknowledged importance.i.e. The proposed wetlands will result in the permanent physical and visual alteration of part of the surviving Parkland - a feature of the historic designed landscape in its own right as well as the setting of the Grade II* listed Broomfield House and would add to the cumulative effect of a succession of incremental changes eroding the character and extent of surviving Parkland, which together seriously impact on the significance of the Registered Park and Garden, having regard to policies CP31 of the Core Strategy, DMD44 of the Development Management Document and 7.8 of the London Plan. Due to the location of the site at a distance from the elements of the Park with most significance, the proposal would have less than substantial harm on the heritage assets.
- 6.26 With this application, officers consider that with less than substantial harm to the heritage assets and the positive public benefits of surface water drainage mitigation of the proposed development, the harm would be outweighed by public benefits.

Impact on Neighbouring Occupiers

- 6.27 The proposed works are well embedded within the site and whilst part of the works seek to create a bund to increase ground levels by approximately 1m, it is not considered that such works would have any detrimental impacts on neighbouring amenities in regards to loss of sunlight/daylight or outlook or privacy due to the distance of the proposal to the closest residential properties, having regard to policies DMD6, DMD8 and DMD10 of the Development Management Document.
- 6.28 However, Environmental Health have requested that an appropriate condition should be attached for a Construction Management Plan to mitigate dust emissions during the construction phase, having regard to policies DMD68 of the Development Management Document, CP31 of the Core Strategy and 7.15 of the London Plan.

Traffic and Transportation

- 6.29 The proposals would have no impacts on the surrounding highway network, access, servicing or parking facilities at the site.
- 6.30 The existing open space at Broomfield Park provides a valuable community facility and route to residential areas Powys Lane, Broomfield Lane, Aldermans Hill and beyond. The proposed works would not result in the diversion or stopping up of any public rights of way and thus is considered acceptable in regard to pedestrian access.
- 6.31 With regards to construction traffic, an appropriate condition could be attached to secure a Construction Logistics/Management Plan and restricted construction hours and therefore it is not considered that the proposed works would have any adverse impacts upon residential amenities or conditions prejudicial to the safety and free flow of traffic.

Archaeology

- 6.32 Over the years, modification of the landscape has taken place. The possibility exists that it represents an area which was part of the formal gardens of the

house, or for example a kitchen garden or other enclosed space ancillary to the main house and gardens.

- 6.33 With such an area close to, but not within, a formal boundary to what was perhaps a minor Tudor and later manor house there is a possibility of ancillary activities such as rubbish pitting taking place here, but the feature identified would appear to suggest some larger area of landscape modification that might most likely be connected to horticulture or water management. The potential for a post Medieval archaeological resource existing here is suggested to be at least moderate and would probably justify an archaeological response such as a watching brief on the proposed works. This would be secured by condition.

CIL

- 6.34 As of the April 2010, new legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow 'charging authorities' in England and Wales to apportion a levy on net additional floorspace for certain types of qualifying development to enable the funding of a wide range of infrastructure that is needed as a result of development. Since April 2012 the Mayor of London has been charging CIL in Enfield at the rate of £20 per sqm. The Council is progressing its own CIL but this is not expected to be introduced until spring / summer 2014.
- 6.35 The development would not be liable to a Community Infrastructure Levy contribution.

7. Conclusion

- 7.1 The proposed works would mitigate flood risk in the area, additionally, it would provide wider benefits in regard to enhancements to the environment through appropriate landscaping and enhancement of biodiversity. The overall quality of the registered garden would therefore benefit the wider population through the improvement of local open space. In this regard, the proposed works underpin the presumption for sustainable development advocated within the NPPF and reiterated within both regional and local level policies.

8. Recommendation

- 8.1 Having regard to the above assessment, it is recommended that in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, planning permission be deemed to be granted subject to the following conditions:
1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.
Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.
 2. The development hereby permitted shall be carried out in accordance with the approved plans including plans(s), as set out in the attached schedule which forms part of this notice.

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

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

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

4. Within 3 months of commencement of works full details of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Following practical completion of work photographic verification and a brief statement from a Suitably Qualified Ecologist shall be submitted and approved in writing by the council.

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

5. That development shall not commence until a construction logistics plan has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall contain:
 - a. a photographic condition survey of the roads, footways and verges leading to the site;
 - b. details of construction access and associated traffic management to the site;
 - c. arrangements for the loading, unloading and turning of delivery, construction and service vehicles clear of the highway;
 - d. arrangements for the parking of contractors vehicles;
 - e. arrangements for wheel cleaning;
 - f. arrangements for the storage of materials;
 - g. hours of work;
 - h. A construction management plan written in accordance with the 'London Best Practice Guidance: The control of dust and emission from construction and demolition' or relevant replacement.

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.