

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 25th February 2020

Report of

Head of Planning

Contact Officer:

Kate Perry

Ward:

Cockfosters

Ref: 15/04916/FUL

Category: Full application

LOCATION: 20 And Rear Of 18 - 22, Waggon Road, Barnet, EN4 0HL

PROPOSAL: Redevelopment of site and demolition of existing house to provide 4 x 6-bed detached single family dwelling houses with attached garages and rooms in roof, new access road from Waggon Road and associated landscaping. Amended drawings received April 2017.

Applicant Name & Address:

John Wood
20 Waggon Road
Barnet
EN4 0HL

Agent Name & Address:

Drummond Robson
41 Fitzjohn Avenue
Barnet
EN5 2HN

RECOMMENDATION:

It is recommended that planning permission be **GRANTED** subject to conditions

1.0 Note for Members

- 1.1 At the meeting of Planning Committee on 26th February, Members resolved to defer determination of this planning application on grounds that the application needs to be reconsidered in the light of the material change as a result of the Council's declared Climate Change Emergency; and that any material changes in environmental policy in the Draft London Plan, be reported particularly in relation to tree canopy and biodiversity.
- 1.2 The review process has been completed and the report has been amended accordingly.
- 1.3 In terms of wider background, this application was reported to Planning Committee on 19th December 2017. At that time, Planning Committee resolved to grant planning permission subject to conditions and a S106 agreement to require a contribution towards affordable housing.
- 1.4 The development required a contribution towards affordable housing as the relevant policy at the time (DMPO (2015)) stated that an affordable housing contribution would be required for residential schemes of 10 units or more and/or those with a proposed GIA in excess of 1000sqm. As the proposed scheme has a floor area in excess of 1000sqm, a contribution towards affordable housing was therefore required.
- 1.5 As with many smaller schemes that are required to make a contribution towards affordable housing, there were extensive discussions on the issue of viability and what the development could reasonably sustain in terms of an appropriate financial contribution which extended the timescales. Although agreement was reached, complications with land ownership and finalising the agreement prevent completion.
- 1.4 However, in the interim, with revisions to the National Planning Policy Framework, it now means that affordable housing can only be sought in respect of schemes for 10 or more homes or if the site has an area of 0.5 hectares or more. Neither is applicable in this case and the requirement for an affordable housing contribution for residential scheme with a GIA in excess of 1000sqm has been removed.
- 1.6 As a result, and because of the previous resolution of Planning Committee, the application needs to be reported to Planning Committee again to seek an amendment to the resolution from 'granted subject to conditions and a S106 agreement' to 'granted subject to conditions'.
- 1.7 The planning application and proposed development, in all other respects remains as previously considered and accepted although for information, the officer report is set out below.
- 1.8 One further update the previous report is that due to changes in CIL legislation (April 2019), the scheme is now subject to increased CIL rates of the Mayor of London: £60 per sqm (previously £20).

2.0 Recommendation

- 2.1 That planning permission 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, 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. Prior to the commencement of development above ground, full details and materials of the external finishing to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

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

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

5. Prior to the commencement of development above ground, full details of existing planting to be retained and trees, shrubs and grass to be planted and the treatment of any hard surfaced amenity areas shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped in accordance with the approved details in the first planting season after completion or occupation of the development whichever is the sooner. Any trees or shrubs which die, becomes severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details.

Reason: To provide a satisfactory appearance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. A plan of the existing site;
- b. A topographical plan of the area;
- c. Plans and drawings of the proposed site layout identifying the footprint of the area being drained (including all buildings, access roads and car parks);

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

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

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

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

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

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

15. The development shall not commence until a revised 'Energy Statement' has been submitted to and approved by the Local Planning Authority. The details must demonstrate the energy efficiency of the development and shall provide for no less than a 35% improvement in total CO₂ emissions arising from the operation of the development and its services over Part L of the 2013 Building Regulations. The Energy Statement should outline how the reductions are achieved through the application of the following energy hierarchy, with each tier utilised fully before a lower tier is employed:

- a. Fabric Energy Efficiency performance (inclusive of the use of energy efficient fittings) and the benefits of passive design;

b. The potential to connect to existing or proposed decentralised energy networks; and

c. Demonstrating the feasibility and use of zero and low carbon technology.

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

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

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

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

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Classes A, B, D and E, no buildings or extensions to buildings shall be erected without the prior approval in writing of the Local Planning Authority.

Reason: To prevent the overdevelopment of the sites and in the interests of residential amenity and protection of retained trees

18. The development, including demolition of the existing dwelling, shall not commence until a construction management plan has been submitted to and approved by the Local Planning Authority. The construction management plan shall be written in accordance with London Best Practice Guidance and contain:

a. A photographic condition survey of the public roads, footways and verges leading to the site;

b. Details of construction access and associated traffic management;

c. Arrangements for the loading, unloading and turning of delivery, construction and service vehicles;

d. Arrangements for the parking of contractors' vehicles;

e. Arrangements for wheel cleaning;

f. Arrangements for the storage of materials;

g. Hours of work;

- h. The storage and removal of excavation material;
- i. Measures to reduce danger to cyclists;
- j. Dust mitigation measures; and
- k. Membership of the Considerate Contractors Scheme. The development shall be carried out in accordance with the approved construction management plan unless otherwise agreed by the Local Planning Authority.

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

Addendum – Original Report to Planning Committee

1. Site and Surroundings

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

2. Proposal

- 2.1 Permission is sought for the erection of 3 detached dwellings to the rear of numbers 18-22 Waggon Road. The dwellings would extend on from the existing dwellings located to the rear of numbers 10-16 Waggon Road (Warner Close).
- 2.2 The existing dwelling at number 20 Waggon Road will be demolished and will be replaced by a new detached 5-bed single family dwelling.

- 2.3 An access road will be provided to the side of the replacement dwelling which will provide access to the new dwellings at the rear of the site.
- 2.4 The existing access on to Waggon Road will be widened to allow for a wider access which can accommodate 2-way traffic.
- 2.5 Each of the new dwellings will have 2 on-site car parking spaces and there are 6 additional spaces allocated for visitors.
- 2.6 The application has been brought to committee at the request of a Local Councillor.

3. Relevant Planning Decisions

- 3.1 There are no planning decisions directly relevant at the subject site. However, the following planning decisions are considered relevant to the consideration of this application:

Number 6 Waggon Road - TP/01/1157

- 3.2 Redevelopment involving demolition of no 6 Waggon Road, construction of access road and erection of 3 detached 2-storey dwelling houses and two semi-detached dwelling houses with associated garages - Granted with conditions 18.12.2001
This application led to the formation of Sandridge located to the east of the subject site.

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

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

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

4. Consultations

Statutory and non-statutory consultees

Tree Officer

- 4.1 The Council's Tree Officer has inspected the revised proposal (drawings submitted April 2017) and has visited the site to assess the impact of the proposed development on existing trees. The Officer recognises that the development will lead to the loss of a mature Poplar tree however, he considers that given that it a mature specimen, with a future lifespan of 30-50 years, it does not warrant protection by way of a Tree Preservation Order (TPO). Furthermore, this existing tree is suppressing several other younger trees of various species (including excellent examples of Oak and Beech) which could grow to form large trees that could exist and provide significant amenity and ecological benefits for 250+ years. The tree Officer advises that these 'other' trees could warrant protection by TPO.

Traffic and Transportation

- 4.2 No objections subject to conditions and a directive.

Housing Development

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

SUDs Officer

- 4.4 A detailed SUDs drainage strategy will need to be submitted.

Environment Agency

- 4.5 No objections to the proposed development on flood risk safety grounds. The proposal leaves at least 8 metres of undeveloped buffer between the Monken Mead Brook and proposed dwellings. Our detailed fluvial modelling shows that the site does not lie in Flood Zone 3 or 2 and should therefore falls under our Flood Risk Standing Advice.

Public

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

- Close to adjoining properties;
- Strain on existing community facilities;
- Over development - Four houses on a single plot on Waggon Road (only modestly larger with the rear of 18 and 22), will create four cramped 5 bed houses which will over develop this particular part of Waggon Road, and reduce the amount of green space;
- Will change the spacious character of Waggon Road and will result in a cramped housing development;
- Increase in traffic and congestion: adding another road junction in this part of the road will lead to increased traffic and congestion;
- Will increase parking problems on Waggon Road;
- Will reduce privacy for all surrounding houses;
- Strain on existing community facilities & roads;
- Inadequate access;
- New access would pose greater risk to pedestrians by increasing the number of access roads off Waggon Road;
- Affect local ecology;
- Inadequate parking provision;
- Inadequate public transport provision;
- Increase in pollution;
- Loss of light;
- Noise nuisance;
- Conflict with Local Plan;
- Excess traffic which has already increased due to new flatted developments in Cockfosters Road.
- Will de-value neighbouring properties and make the area less desirable
- Loss of trees
- Increased risk of flooding

- Too close to neighbouring gardens in Kingwell Road
 - Development too high
 - More open space needed on development
 - Overbearing impact on number 4 Warner Close
 - Loss of sunlight and daylight to number 4 Warner Close
 - The removal of 19 trees will destroy the green character along Monken Mead.
 - Will result in the loss of 2 'Black Poplars' which the Forestry Commission say is one of the most endangered timber trees in Britain.
 - Density too high for area
 - The recent rejection of a similar planning application at number 21 Lancaster Avenue sets an important precedent – while that application was in a Conservation Area it is important that the overall character of Hadley Wood is preserved.
- A petition containing 66 signatories was also submitted raising the following concerns:
- *The development will involve the removal of 19 trees which will harm the unique character of the area;*
 - *The increased density of housing is inappropriate for the site and will encourage further over development in the area;*
 - *The development will increase congestion and parking problems on this part of Waggon Road;*
 - *Loss of the existing green space will have a negative impact on the climate, wildlife and flood risk;*
 - *The proposed houses will significantly reduce privacy for all surrounding properties on Waggon Road, Warner Close and Kingwell Road; and*
 - *The proposal will increase the strain on existing community facilities.*

4.7 Since the original round of consultation 2 rounds of revised drawings have been submitted. These have sought to address concerns raised by Officers and neighbouring occupiers. The dwellings to the rear of the site have been reduced in size and the spacing between the properties increased. The dwellings have also been re-positioned to move them away from Monken Mead Brook and therefore further away from properties in Kingwell Road. Further consultation took place between 27.4.2017 and 11.5.2017. 15 objections were received. The following comments were made (in summary):

- Affect local ecology;
- Close to adjoining properties;
- Conflict with local plan;
- Development too high;
- General dislike of proposal;
- Inadequate access;
- Inadequate parking provision;
- Inadequate public transport provisions;
- Increase in traffic;
- Increase of pollution;
- Loss of light;
- Loss of parking;
- Loss of privacy;
- More open space needed on development;
- No Opinion expressed on development;
- Noise nuisance;

- Out of keeping with character of area;
- Over development;
- Strain on existing community facilities;
- Owner of 22 Waggon Road has stated they have no interest in selling their land and never will do;
- Increase danger of flooding;
- Information missing from plans;
- Loss of trees will harm character of the area contrary to DMD 7;
- Proposal does not follow building line of Warner Close and dwellings are higher;
- There is no flood risk assessment; and
- The addition of dormer windows will lead to loss of privacy.

4.8 The petition previously submitted with 66 signatories has also been resubmitted following the additional round of consultation.

5. Relevant Policy

5.1 London Plan

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

5.2 The London Plan – Intend to Publish Version - December 2019

5..2.1 The Intend to Publish London Plan was published on 9 December 2019. The Secretary of State for Housing, Communities and Local Government has responded and directed that the Plan cannot be published until the Directions he has listed are addressed. He has raised concerns that there where are number of inconsistencies with national policy and missed opportunities to increase housing delivery. Directions relevant to this application include optimising density so that development is brought forward to maximise site capacity to compliment the surrounding area and to ensure that high density developments will be directed to the most appropriate sites such as in and around train stations and directing the Mayor to ensure that there is an appropriate dwelling mix across London given the significant reduction in the overall housing requirement in the draft London Plan

5.2.2 In the circumstances, it is only those policies of the Intention to Publish version of the London Plan, that remain unchallenged to which weight can be attributed.

5.2.3 Although there are a number of proposed changes from the London Plan 2016 of relevance to this application, none of these proposed changes would result in a different conclusion in relation to this application. Of relevance are:

GG6 – Increasing efficiency and resilience

D3 – Optimising site capacity through the design-led approach

D6 - Housing quality and standards.

G6 – Biodiversity and Improving Access

G7 – Trees and Woodlands

H1 – Increasing Housing Supply

SI 2 Minimising greenhouse gas emissions

SI 13 – Sustainable drainage

T6 – Car Parking

5.3 Core Strategy

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

5.4 Development Management Document

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

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

5.5 Other Material Considerations

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

6. **Analysis**

Principle

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

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

Impact on the Character of the Area

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

- 6.10 Overall, it is considered that the design of the dwelling fronting Waggon Road is acceptable, and it would relate in scale and design to the immediately neighbouring properties.
- 6.1 With regard to the proposed dwellings to the rear of the site, as stated previously, the principle of building within the rear gardens of existing dwelling houses has been established within the immediate area (see the planning history section of this report) and therefore it would be difficult to raise an in principle objection to the current scheme.
- 6.12 As well as the granting of Sandridge Close and Warner Close in the early 2000's, there are other more recent examples of back land development within Hadley Wood particularly in Camlet Way and Beech Hill. The critical issue is whether, through the development of this back land site, the overall character of Hadley Wood would be unacceptably eroded. This will largely depend on the visibility of the proposed development, particularly when viewed from Waggon Road and Kingwell Road. The overall character and appearance of the area is large single family dwellings set in substantial plots and it is this character that should seek to be retained by limiting the scale and density of development to the rear of the established residential roads.
- 6.13 In this instance, it is considered that, given the presence of Warner Close immediately to the east of the subject site it would be extremely difficult to sustain an objection to the development in principle where it will not be visually dominant when viewed from Waggon Road or Kingwell Road. The proposed dwelling would be positioned in the rear portion of the site set back from the existing dwellings in Waggon Road by in excess of 50m. In addition, whilst being a similar height to the proposed new dwelling in Waggon Road the dwellings would be positioned on a lower ground level which would reduce their prominence and will mean they will not be visible in the Waggon Road street scene. Similarly, the dwellings would not be highly visible in the Kingwell Road street scene being set back from the rear of the existing properties in Waggon road by approximately 60m.
- 6.14 Furthermore, the proposed development has been amended so that the new dwellings form a more consistent building line with the existing dwellings in Warner Close. Previously the building staggered back towards the existing properties in Kingwell Road but the amendments have resulted in the 3 properties being built in line with the nearest neighbouring property in Warner Close. This does not continue the existing stagger which would be most appropriate however, it is considered to adequately respect the character and pattern of existing development and it is considered would not warrant refusal of planning permission.
- 6.15 Ideally, the proposed development would form an extension to Warner Close, not only in the built form, but also in the access arrangement. However, the applicant advised that Warner Close is a private, gated road thus the applicant would need to negotiate for it to be extended, which is likely to be met with resistance from the current owners of the houses along Warner Close, particularly those who own garages at the end of the street. Therefore, the new, north-south route is necessary in order to gain access to the site. Having regard to this, it is accepted that the proposal must be considered as submitted with the access from Waggon Road. It is acknowledged that this creates a more piecemeal form of development which would be more visually intrusive and more erosive to the overall character of the area. However, the new access arrangement alone is not considered robust reason to warrant the refusal of planning permission especially considering other similar

developments existing in Hadley Wood and the lack of visibility of the remainder of the development to the rear of the site.

- 6.16 Having regard to the proposed dwellings themselves, they would maintain a similar footprint and design to the existing dwellings in Warner Close. The dwellings would be 2 storey with hipped crown roofs and accommodation in the roof space, each with 2 rear dormers (the same as Warner Close). There would be a separation of 3m between the properties which is greater than that of Warner Close where a distance of 2m is maintained.
- 6.17 Overall, it is considered that the dwellings present an acceptable scale of development compatible with existing dwellings in the immediate vicinity of the site in terms of size and design.

Residential Amenity

Replacement Dwelling

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

New Dwellings

- 6.23 The 3 new dwellings would be separated from the existing dwellings on Waggon Road and Kingwell Road by in excess of 50m (which exceeds the requirements of DMD 10 (Distancing)). The dwellings therefore will not result in a loss of light or outlook to the rear windows of existing residential properties.
- 6.24 Furthermore, the dwellings would not result in an unacceptable loss of privacy for neighbouring residential occupiers. The provision of windows to the front and rear of the building (including dormer windows in the rear elevation) are considered acceptable given the separation to the existing dwellings in Waggon Road and

Kingwell Road. The windows will afford overlooking of the neighbouring gardens, however, given this is a suburban residential setting the level of overlooking is not considered unacceptable. Furthermore, the tree screening to the rear of the site will be retained which will minimise the impact. This will be required by condition.

- 6.25 Each of the new dwellings would only have 1 first floor flank window. This would serve a secondary window serving a bathroom and therefore would be obscure-glazed and non-opening. This can be secured by condition.
- 6.26 In terms of appearing overly dominant, the dwellings have been moved away from the boundary with properties in Kingwell Road and have been reduced in height to match the existing dwellings in Warner Close. Therefore, whilst the buildings will be visible from the rear of the Kingwell Road gardens, the development has been reduced to limit the impact. It is considered that the development as now proposed would, on balance, not have an unacceptable impact and would not appear overly dominant so as to warrant the refusal of planning permission.
- 6.27 The nearest residential property will be number 4 Warner Close. The closest new dwelling would be separated from this property by 3m and would be located to the side of the property. It would have a consistent front building line with the existing neighbouring dwelling and at the rear it would extend beyond it by approximately 1m. The new dwelling would not breach a 45 degree or 30 degree angle from the nearest ground floor or first floor windows and would therefore would not result in an unacceptable loss of light or outlook and nor would it be overly dominant.

Quality of the Residential Environment Created

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

Amenity Space Provision

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

Car Parking, Servicing and Traffic Generation

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

Climate Change / Sustainability

- 6.36 On 8 July 2019, the Council declared a state of climate emergency and committed to making the authority carbon neutral by 2030 or sooner. In this regard, a Climate Emergency Task force made up of officers and elected members was established to see how to further cut greenhouse gas emissions in Council operations, its supply chain and reduce its Pension Fund investments in fossil fuel companies.
- 6.37 Whilst the focus of the declaration was on the Council's own operations, there is consistency with the need for all development to be as sustainable as possible and for policy to move development towards being carbon neutral.
- 6.38 Whilst decisions on planning applications must be in accordance with the adopted "development plan", the declaration of a state of climate emergency can also be a material consideration. This is expressed in terms of a range of policies that seek to promote low carbon / zero carbon in accordance with adopted policies and emerging policies, both at a local and London Plan level. Further emphasis on achieving this objective will be realised through the emerging draft local plan and the soon to be adopted London Plan. The proposal has therefore been carefully scrutinized in terms of its approach to low / zero carbon energy and other sustainability considerations that combine to assist in addressing climate change.

Energy

- 6.39 The adopted policies require that new developments achieve the highest sustainable design and construction standards having regard to technical feasibility and economic viability. A 35% CO₂ reduction is required for new residential units having regard to economic viability and technical feasibility. An energy statement has been submitted with this application which demonstrates that an 8% reduction can be achieved. This falls below the required standard and the report does not demonstrate that there are sufficient technical or economic reasons that prohibit the achievement of a higher standard. In light of this it is recommended that a revised energy statement be submitted by condition.
- 6.40 In addition, water efficiency measures will need to be provided. Submitted details will need to demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day. This will be required by condition.

Biodiversity

- 6.41 Core Policy 36 of the Core Strategy seeks to protect, enhance, restore or add to biodiversity interests within the Borough, including parks, playing fields and other sports spaces, green corridors, waterways, sites, habitats and species identified at a European, national, London or local level as being of importance for nature conservation. In addition, Policy G6 of the draft Intend to Publish London Plan “Biodiversity and Access to Nature” states:

Where harm to a SINC (Site of Importance for Nature Conservation) is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

- 1) *avoid damaging the significant ecological features of the site*
- 2) *minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site*
- 3) *deliver off-site compensation of better biodiversity value.*

Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

Proposals which reduce deficiencies in access to nature should be considered positively.

- 6.42 The site is not subject to any specific biodiversity designation and is not designated as a SINC as mentioned in Policy G6 of the Intend to Publish London Plan. To address the issue of biodiversity, the application is accompanied by an Ecological Appraisal which identifies various mitigation measures which would be adopted in order to ensure that there is no harm to protected species. These include the planting of native/wildlife friendly species, installation of 3 bat boxes to the south/ south west elevations, butterfly houses, a stag beetle loggery and 3 bird boxes. Details of these biodiversity enhancements will be required by condition should planning permission be granted.
- 6.43 It is acknowledged that this development would take place on undeveloped garden land and there is, therefore, greater biodiversity considerations. These though must be put into context and weighted against the need for housing, the impact on the character and appearance of the locality and the mitigation measures which are to be secured by condition. In the absence of any specific policy biodiversity designation, weight has to be given to these wider considerations and in this instance, it is considered, the proposals will not harm any issues of biodiversity that would be contrary to adopted and emerging policy.

Impact on trees

- 6.44 DMD 80 requires consideration to be given to the impact of a proposed development on existing trees. It also requires additional landscaping to be provided where necessary. In addition, Policy G7 of the draft London Plan – “Trees and Woodlands”, states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed. The planting of additional trees should generally be included in new developments – particularly large-canopied species

which provide a wider range of benefits because of the larger surface area of their canopy.

- 6.45 The Council's Tree Officer has inspected the proposed development and has visited the site to consider the impact on trees. It is recognised that a number of neighbours have raised concern about the loss of trees on the site and in particular a Poplar tree which they consider provides significant amenity value. It is noted that none of the trees on the site at present are subject to a Tree Preservation Order.
- 6.46 The Tree Officer has advised that whilst the Poplar tree is a large mature tree of moderately significant amenity value, the tree is a mature example and realistically only has 30-50 years before it will decline in condition and will require significant remedial action (significant pruning or removal). This is due to the characteristics of the species which does not have a long lifespan and easily succumbs to various decay causing organisms rendering the tree unsafe. However, there are several other younger trees of various species that are currently suppressed by the Poplar. These trees include excellent examples of Oak and Beech which will grow to form large trees that could exist and provide significant amenity and ecological benefits for 250+ years. In light of this the Tree Officer has recommended accepting removal of the Poplar tree but would suggest placing a Tree Preservation Order on other trees to protect the valuable specimens as well as providing important screening value to the development.
- 6.47 The Tree Officer has advised that he does not take tree removal lightly. However, in this case the long term benefits of the 'other' trees, including the oak and beech, located nearer the brook and further from the proposed development will outweigh the short term immediate benefits the poplar provides, including maintaining a screen between the development and neighbouring properties. Additional planting to improve the screen could be required by condition. This approach would be consistent with adopted and emerging planning policy and on balance is accepted.

Flood Risk

- 6.48 DMD 60 requires new developments to be assessed in relation to their potential for increasing the risk of flooding. The current proposal has been inspected by the Environment Agency and they advise that they have no objection to the development on flood risk safety grounds. The proposal does not lie within Flood Zone 2 or 3 and the proposal leaves at least 8m of undeveloped buffer between Monken Mead Brook and the proposed dwellings. Therefore, no objection is raised to the development in this regard.

Sustainable Urban Drainage SUDs

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

The sustainable urban drainage strategy should include:

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

This will be required by condition.

s106 Contributions

- 6.51 On November 28th 2014 the Minister for Housing and Planning state announced, in a written ministerial statement, S106 planning obligation measures to support small scale developers and self-builders. Paragraphs 12 to 23 of the National Planning Policy Guidance (NPPG) were amended to state that contributions for affordable housing and tariff style planning obligations should not be sought from small scale developments containing 10 units or less with a gross area of no more than 1000 sq. m.
- 6.51 In April 2015, the Government's new policy approach was challenged in the High Court by two Local Authorities (West Berkshire District Council and Reading Borough Council). The challenge in the High Court was successful and on 31st July 2015, Mr Justice Holgate quashed the Secretary of State's decision to adopt the new policy by way of written ministerial statement. As a consequence, paragraphs 12 to 23 of the Planning Obligations section of the National Planning Practice Guidance (NPPG) were removed.
- 6.52 The Government subsequently appealed the High Court decision. The Court of Appeal on the 11th May 2016 upheld the Government's position set out in the 28th November 2014 written ministerial statement; this reinstates the small sites exemption from paying S106 affordable housing and other tariff style contributions and also reinstates the vacant building credit
- 6.53 The Court of Appeal found the written ministerial statement to be lawful; however, in making the judgement the Court found that the statement should not be applied as a blanket exemption which overrides the statutory development plan and the weight given to the statutory development plan is a consideration to be made by the Local Planning Authority.
- 6.54 As a result of this The London Borough of Enfield will no longer be seeking contributions for education on schemes which are 11 units and below. However, it will be seeking Affordable Housing contributions on schemes which are 10 units or less which have a combined gross floor space of more than 1000sqm. This is in conjunction with the criteria stipulated within the Planning Practice Guidance.
- 6.55 The current proposal would have a GIA in excess of 1000 sq.m and therefore a contribution towards Affordable Housing would be required in line with the Council s106 SPD (2016).

- 6.56 The financial contribution towards affordable housing is calculated at £544,732. However, in line with the s106 SPD the applicant has submitted a Viability Statement which concludes that no contribution to Affordable Housing can be made if the proposal is to be economically viable.
- 6.57 The submitted Viability Statement has been reviewed by an independent viability assessor who has confirmed that in their view the scheme will not be economically viable if a contribution is made towards Affordable Housing.
- 6.58 The viability assessor acknowledges the significant costs associated with this proposal and most notably the cost of acquiring parts of the rear gardens of number 18 and 22 Waggon Road which he recognises would be likely to be in excess of £600,000 (negotiations are ongoing) and also the cost of the construction of a new access road.
- 6.59 Therefore, based on the figures provided, no contribution towards s106 Affordable Housing is offered. However, it is acknowledged that residual valuations are highly sensitive to changes in costs and values over time, therefore it is considered that a deferred contribution mechanism is appropriate, based on outturn costs and values, so that if improvements in viability result in a profit surplus being generated, the payment of affordable housing contributions can be triggered, compliant with the aspirations of the SPD.
- 6.60 In order to realise any greater value, to enable the LPA to “claw-back” money on any surplus achieved above what has been stated, a review mechanism will be including in the s106 agreement.

Community Infrastructure Levy

Mayoral CIL

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

$$1144.24\text{sqm} \times £20 \times 283 / 223 = £29,042.15$$

Enfield CIL

- 6.63 On 1 April 2016, the Council introduced its own CIL. The money collected from the levy (Regulation 123 Infrastructure List) will fund rail and causeway infrastructure for Meridian Water.
- 6.64 The applicable CIL rate is be £120 per square metre together with a monthly indexation figure. The contribution required is therefore:
- $$120/\text{m}^2 \times 1144.24\text{m}^2 \times 283/274 = £141,818.94$$
- 6.65 These figures are liable to change when the CIL liability notice is issued.

7. Conclusion

- 7.1 The proposed development would provide much needed family sized housing for the borough while minimising the impact on the character and appearance of the surrounding area and neighbouring amenity. It is also considered that in terms of climate change, through the use of conditions, the development would be consistent with the objectives of the climate change declaration. Having regard to the above it is recommended that planning permission be granted subject to conditions.