

**PART 1**

**LONDON BOROUGH OF ENFIELD**

**PLANNING COMMITTEE**

**Date:** 31 August 2021

**Report of**  
Head of Planning

**Contact Officer:**  
Andy Higham  
Terry Garner

**Ward:**  
Southgate Green

**Appeal Number:** 21/00084/REFUSE  
**Inspectorate reference:** APP/Q5300/W/21/3276466

**Category:** Appeal (Inquiry)

**LOCATION:**

Car Park Adjacent to Arnos Grove Station  
Bowes Road  
London  
N11 1AN

**MATTERS TO BE CONSIDERED:**

Appeal by Connected Living London (Arnos Grove) Ltd against the refusal of planning permission ref: **20/01049/FUL** by the Council.

The Appellant seeks full planning permission for the redevelopment of Car Park Adjacent to Arnos Grove Station. The description of development is:

*Erection of 4No buildings between one to seven storeys above ground level, with some elements at lower ground floor level comprising 162 residential units (Class C3) and flexible use ground floor unit (Class A1/A3/A4) together with areas of public realm, hard and soft landscaping, access and servicing arrangements, plant and associated works.*

**Appellant Name & Address:**

Connected Living London (Arnos Grove)  
Citygate  
St James' Boulevard  
Newcastle Upon Tyne  
NE1 4JE

**Agent Name & Address:**

Susie Byrne  
Quod  
7 Ingeni Building  
Broadwick Street  
London  
W1F 0DE

**RECOMMENDATIONS:**

In respect of the appeal by Connected Living London (Arnos Grove) Ltd in relation to land at car park adjacent to Arnos Grove Station, Bowes Road, London. N11 1AN (PINS Ref: APP/Q5300/W/21/3276466) that the Planning Committee resolve to:

1. Consider the report of the Head of Planning/Head of Development Management pertaining to this planning appeal as a confidential item under Part 2.

Ref: 20/01049/FUL LOCATION: Car Park Adjacent To Arnos Grove Station, Bowes Road, London, N11 1AN



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## **1.0 EXECUTIVE SUMMARY**

- 1.1 Application **20/01049/FUL** was reported to the Council's Planning Committee on 5 January 2021, in addition an Update Note was produced and circulated prior to the 5 January meeting informing Members of the additional representations received. The application was presented by officers with a recommendation to grant planning permission, subject to a number of planning conditions and a Section 106 agreement.
- 1.2 The application was subjected to extensive public objection, committee debate and discussion. Members concerns, in regard to the scheme of development, did however result in the officer's recommendation of approval being overturned and the committee resolved to refuse the application.
- 1.3 Following the Members decision to refuse the application, the Head of Development Management assisted Members to formulate three reasons for refusal, giving effect to the Committee's decision. The three reasons for refusal were recorded in the Minutes of 5 January 2021 meeting of the Planning Committee.
- 1.4 The Decision Notice refusing planning permission was issued on 19 March 2021, and is attached at **Appendix A**.
- 1.5 Subsequent, in July 2021, the Applicant submitted an appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"), against the decision of the Local Planning Authority ("LPA") to refuse planning permission for planning application Ref: 20/01049/FUL.
- 1.6 In light of the above and the pending public inquiry, it has been necessary to review the refusal reasons previously applied to the planning decision.
- 1.7 **Appendices:**
  - **Appendix A:** Decision Notice dated 19 March 2021.

## **2.0 RECOMMENDATION**

- 2.1 In respect of the appeal by Connected Living London (Arnos Grove) in relation to land at the Car Park Adjacent to Arnos Grove Station (APP/Q5300/W/21/3276466) the Planning Committee resolves to:
  1. Consider the report of the Head of Planning/Head of Development Management pertaining to this planning appeal as a confidential item under Part 2.

## **3.0 TIMEFRAME**

- 3.1 Currently, the planning appeal is underway and is to be considered by way of the Inquiries Procedure. A public inquiry is the most formal of the appeal procedures, because it usually involves larger or more complicated appeals, or where there is likely to be a significant local interest.
- 3.2 These are often cases where expert evidence is presented, and witnesses are cross-examined (questioned). An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar. The parties may be formally represented by advocates. As well as the

appellant and the LPA, some interested parties (statutory parties and Rule 6 (6) parties) are entitled to appear and give evidence.

- 3.3 The inquiry procedure allows for the presentation of detailed and technical evidence and for the cross examination of expert and other witnesses by the opposing party. The Inspector will take an inquisitorial role to ensure that evidence is thoroughly tested so that a properly considered and reasoned decision is made.
- 3.4 Approximately 5% of the Planning Inspectorate's planning-related casework is considered at a public inquiry.
- 3.5 A summary of the appeal timeframes is set out below (Table 1). It should be noted that confirmation from PINS has been sought by the Officers with regard to the deadline for submitting the LPA's Statement of Case and the Statement of Common Ground.

<b>DATE</b>	<b>DESCRIPTION</b>
13 July 2021	Appeal Start Date
7 September 2021	Submission of LPA's Statement of Case
29 September 2021 @ 10:00am	Case Management Conference
12 October 2021	Proofs of Evidence due
<b>9 November 2021 @ (10:00am)</b>	<b>INQUIRY OPENS</b>

- 3.6 The Planning Inspectorate has currently indicated the Inquiry may be held virtually opening on 9 November 2021 with a time estimate of 6 sitting days, closing on 15 November 2021.

#### **4.0 MAIN PARTIES**

- 4.1 The Secretary of State has appointed a planning inspector, G Underwood BA(Hons) PGDip (UrbCons) MRTPI IHBC ("the Inspector") to hold a public inquiry and determine the Appeal.
- 4.2 The main parties to the Appeal are:
- 4.2.1 The Appellant: Connected Living London (Arnos Grove) Ltd;
  - 4.2.2 The LPA: London Borough of Enfield Council defending the Appeal;  
and
  - 4.2.3 Rule 6 Party: Friends of Arnos Park Community Group (confirmed by the Planning Inspectorate on 12th August 2021 to have been granted Rule 6(6) status).
- 4.3 By virtue of Rule 6(6) of the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (as amended), the

Secretary of State may in writing require any other person who has notified him of an intention or a wish to appear at an inquiry to comply with the procedural requirements applicable to a main party to the appeal. As such, a Rule 6(6) party is permitted take part in the inquiry proceedings, prepare and present evidence, and cross-examine the evidence of an opposing party.

- 4.4 All main parties to an appeal, including Rule 6(6) parties, are required to behave reasonably. If a party, including a Rule 6(6) party, behaves unreasonably they may be held liable to pay the costs of an opposing party, where the decision maker finds that the party's unreasonable behaviour has caused the opposing party to incur wasted expenditure.

## **5.0 CONCLUSION**

- 5.1 Application 20/01049/FUL was reported to the Council's Planning Committee on 5<sup>th</sup> January 2021, in addition an Update Note was produced and circulated prior to the 5<sup>th</sup> January informing Members of the additional representations made to the application. The application was presented by officers with a recommendation to grant planning permission, subject to a number of planning conditions and a Section 106 agreement. Planning Committee Members resolved unanimously to refuse the application. Three reasons for refusal were recorded in the Minutes on 5 January 2021 Committee meeting – giving effect to Members' resolution.
- 5.2 This report provides updates on the planning appeal underway.

# PLANNING REFUSAL



Miss Susie Byrne  
17 Ingeni Building  
Broadwick Street  
London  
W1F 0DE

Please reply to: Allison De Marco  
Email: [planning.decisions@enfield.gov.uk](mailto:planning.decisions@enfield.gov.uk)  
My ref: 20/01049/FUL  
Date: 19 March 2021

Dear Sir/Madam

In accordance with the provisions of the Town and Country Planning Act, 1990 and the Orders made thereunder, and with regard to your application at:

**LOCATION:** Car Park Adjacent To Arnos Grove Station Bowes Road London N11 1AN  
**REFERENCE:** 20/01049/FUL  
**PROPOSAL:** Erection of 4 No buildings between one to seven storeys above ground level, with some elements at lower ground floor level comprising 162 residential units (Class C3) and flexible use ground floor unit (Class A1/A3/A4) together with areas of public realm, hard and soft landscaping, access and servicing arrangements, plant and associated works.

**ENFIELD COUNCIL**, as the Local Planning Authority, give you notice that the application, as described above, is **REFUSED** for the following reason(s):-

01. The proposed development would not adequately mitigate the loss of existing parking for the station leading to increased pressure in the surrounding area and circumstances detrimental to safety, security and the use of the station by local residents contrary to Policy 26 of the Enfield Core Strategy and Policy 45 of the Enfield Development Management Document.
02. The proposed development, due to the siting and scale of building B01 relative to the road frontage, would fail to preserve or enhance the setting of the Grade II\* listed Arnos Grove Underground Station and associated structures. This would be contrary to Policy DMD 44 of the Enfield Development Management Document, Policy CP31 of the Enfield Core Strategy and Policy 7.8 of the adopted London Plan.

**IMPORTANT** – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to [www.enfield.gov.uk/connected](http://www.enfield.gov.uk/connected)

Sarah Cary  
Executive Director Place  
Enfield Council  
Civic Centre, Silver Street  
Enfield EN1 3XY  
[www.enfield.gov.uk](http://www.enfield.gov.uk)

If you need this document in another language or format contact the service using the details above.

03. The proposed development fails to provide an appropriate composition of housing (mix / tenure / rent levels) to meet local housing needs, including the need for genuinely affordable and family housing in the Borough. It would fail to provide a range of housing choice, fail to assist in achieving a mixed and balanced community and constitute unsustainable development contrary to the National Planning Policy Framework (2019), Policies CP3 and CP5 of the of the Enfield Core Strategy, Policies DMD 1 and DMD3 of the Enfield Development Management Document, Policies 3.8, 3.9, 3.11 and 3.12 of the adopted London Plan and Policies GG4, H6, H11 and H10 of the Intend to Publish London Plan and the Mayor of London Affordable Housing and Viability SPG.

**Dated: 19 March 2021**

Authorised on behalf of:

Mr A Higham  
 Head of Development Management  
 Development Management,  
 London Borough Enfield,  
 PO Box 53, Civic Centre,  
 Silver Street, Enfield,  
 Middlesex, EN1 3XE

If you have any questions about this decision, please contact the planning officer  
[allison.demarco@enfield.gov.uk](mailto:allison.demarco@enfield.gov.uk).

**List of plans and documents referred to in this Notice:**

Title/Number	TYPE
Air Quality Assessment March 2020	Supporting Information
Noise and Vibration Assessment Report March 2020	Supporting Information
Sustainability Statement March 2020	Supporting Information
Construction Resource Management Plan March 2020	Supporting Information
Energy Statement March 2020	Supporting Information
Ecological Technical Note March 2020	Supporting Information
Biodiversity Net Gain Assessment March 2020	Supporting Information
Arboricultural Impact Assessment March 2020	Supporting Information
Fire Statement March 2020	Supporting Information
MLUK-721-A-P-XX-1010 Proposed Site Plan rev 01: revised September 2020	Revised plans
MLUK-721-A-P-XX-1030 Proposed Site Elevations & Sections	Drawing
MLUK-721-A-P-XX-1031 Proposed Site Elevations & Sections rev 01: revised Sept 2020	Revised plans
MLUK-721-A-P-XX-1032 Proposed Site Elevations & Sections	Drawing



MLUK-721-A-P-A0-1200 Public Square - Level 00 Proposed GA Plan	Drawing
MLUK-721-A-P-A1-1210 Bldg A01 - Level 00 Proposed GA Plan	Drawing
MLUK-721-A-P-A1-1211 Bldg A01 - Level 01 Proposed GA Plan rev 01: revised Sept 2020	Revised plans
MLUK-721-A-P-A1-1212 Bldg A01 - Level 02 Proposed GA Plan	Drawing
MLUK-721-A-P-A1-1213 Bldg A01 - Level 03 Proposed GA Plan	Drawing
MLUK-721-A-P-A1-1214 Bldg A01 - Level 04 Proposed GA Plan	Drawing
MLUK-721-A-P-A1-1215 Bldg A01 - Level 05 Proposed GA Plan	Drawing
MLUK-721-A-P-A2-1219 Bldg A02 - Level B1 Proposed GA Plan	Drawing
MLUK-721-A-P-A2-1220 Bldg A02 - Level 00 Proposed GA Plan	Drawing
MLUK-721-A-P-A2-1221 Bldg A02 - Level 01 Proposed GA Plan	Drawing
MLUK-721-A-P-A2-1222 Bldg A02 - Level 02 Proposed GA Plan	Drawing
MLUK-721-A-P-A2-1223 Bldg A02 - Level 03 Proposed GA Plan	Drawing
MLUK-721-A-P-A2-1224 Bldg A02 - Level 04 Proposed GA Plan	Drawing
MLUK-721-A-P-A2-1225 Bldg A02 - Level 05 Proposed GA Plan	Drawing
MLUK-721-A-P-A2-1226 Bldg A02 - Level 06 Proposed GA Plan rev 01: revised Sept 2020	Revised plans
MLUK-721-A-P-A2-1227 Bldg A02 - Level 07 Proposed GA Plan rev 01: revised Sept 2020	Revised plans
MLUK-721-A-P-B1-1230 Bldg B01 - Level 00 Proposed GA Plan rev 01: revised Sept 2020	Revised plans
MLUK-721-A-P-B1-1231 Bldg B01 - Level 01 Proposed GA Plan	Drawing
MLUK-721-A-P-B1-1232 Bldg B01 - Level 02 Proposed GA Plan	Drawing
MLUK-721-A-P-B1-1233 Bldg B01 - Level 03 Proposed GA Plan	Drawing
MLUK-721-A-P-B2-1239 Bldg B02 - Level B1 Proposed GA Plan	Drawing
MLUK-721-A-P-B2-1240 Bldg B02 - Level 00 Proposed GA Plan	Drawing
MLUK-721-A-P-B2-1241 Bldg B02 - Level 01 Proposed GA Plan	Drawing
MLUK-721-A-P-B2-1242 Bldg B02 - Level 02 Proposed GA Plan	Drawing
MLUK-721-A-P-B2-1243 Bldg B02 - Level 03 Proposed GA Plan	Drawing
MLUK-721-A-P-B2-1244 Bldg B02 - Level 04 Proposed GA Plan	Drawing
MLUK-721-A-P-A2-1245 Bldg B02 - Level 05 Proposed GA Plan	Drawing
MLUK-721-A-P-A2-1246 Bldg B02 - Level 06 Proposed GA Plan	Drawing
MLUK-721-A-P-XX-2100 Bldg A01 & A02 Sections	Drawing
MLUK-721-A-P-XX-2101 Bldg B01 Sections	Drawing
MLUK-721-A-P-XX-2102 Bldg B02 Sections	Drawing
MLUK-721-A-P-A0-3100 Public Square Elevation - South	Drawing
MLUK-721-A-P-A0-3101 Public Square Elevation - East	Drawing
MLUK-721-A-P-A1-3110 Bldg A01 Elevation - South	Drawing
MLUK-721-A-P-A1-3111 Bldg A01 Elevation - West	Drawing
MLUK-721-A-P-A1-3112 Bldg A01 Elevation - North	Drawing
MLUK-721-A-P-A1-3113 Bldg A01 Elevation - East rev 01: revised September 2020	Revised plans
MLUK-721-A-P-A2-3120 Bldg A02 Elevation - South	Drawing
MLUK-721-A-P-A2-3121 Bldg A02 Elevation - West	Drawing
MLUK-721-A-P-A2-3122 Bldg A02 Elevation - North	Drawing
MLUK-721-A-P-A2-3123 Bldg A02 Elevation - East rev 01: revised September 2020	Revised plans
MLUK-721-A-P-B1-3130 Bldg B01 Elevation - South	Drawing
MLUK-721-A-P-B1-3131 Bldg B01 Elevation - West	Drawing
MLUK-721-A-P-B1-3132 Bldg B01 Elevation - North	Drawing
MLUK-721-A-P-B1-3133 Bldg B01 Elevation - East rev 01: revised September 2020	Revised plans



MLUK-721-A-P-B2-3140 Bldg B02 Elevation - South	Drawing
MLUK-721-A-P-B2-3141 Bldg B02 Elevation - West	Drawing
MLUK-721-A-P-B2-3142 Bldg B02 Elevation - North	Drawing
MLUK-721-A-P-B2-3143 Bldg B02 Elevation - East	Drawing
MLUK-721-A-P-XX-3200 Bay Study - Typical Projecting Balcony	Drawing
MLUK-721-A-P-XX-3201 Bay Study - Typical Inset Balcony	Drawing
MLUK-721-A-P-XX-3202 Bay Study - Deck Access Balcony	Drawing
MLUK-721-A-P-XX-3203 Bay Study - Bldg A01 Cafe	Drawing
MLUK-721-A-P-XX-3250 Bay Detail - Typical Window	Drawing
MLUK-721-A-P-XX-3251 Bay Detail - Typical Balcony	Drawing
MLUK-721-A-P-XX-3252 Bay Detail - Bldg B01	Drawing
MLUK-721-A-P-XX-3253 Bay Detail - Bldg B01	Drawing
MLUK-721-A-P-XX-3254 Bay Detail - Bldg B02	Drawing
MLUK-721-A-P-XX-3255 Bay Detail - Bldg A01 Café	Drawing
537-CTF-XX-00-DR-L-1000 Landscape General Arrangement Plan rev 01: revised	Drawing
537-CTF-XX-00-DR-L-1002 Landscape General Arrangement Plan - Bus Interchange	Drawing
537-CTF-XX-07-DR-L-1001 Green Roofs Plan	Drawing
537-CTF-01-ZZ-DR-L-2000 Plot A Landscape Sections	Drawing
537-CTF-01-ZZ-DR-L-2001 Plot A Landscape Sections	Drawing
537-CTF-02-ZZ-DR-L-2002 Plot B Landscape Sections	Drawing
537-CTF-XX-ZZ-DR-L-5000 Planting Plan	Drawing
537-CTF-XX-XX-DR-L-7000 Tree Removal Plan	Drawing

## Additional Information

### Rights of Applicants Aggrieved by Decision of Local Planning Authority

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- For a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- For any other application, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000 . **Note that a copy of the appeal also needs to be sent to the Local Planning Authority at [planning.appeals@enfield.gov.uk](mailto:planning.appeals@enfield.gov.uk).**

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at **least 10 days before submitting the appeal**. Further details are on GOV.UK.

If an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the County Borough, London Borough or County District in which the land is situated, as the case may be, a purchaser notice requiring that Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act, 1990.

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.