

## PLANNING COMMITTEE

18 January 2022

### REPORT OF:

Head of Planning - Vincent Lacovara

### Subject:

**Planning Committee 18<sup>th</sup> January 2022**

**Update for Members**

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### Update to Planning Committee

Ahead of Tuesday's Planning Committee meeting, please note the following updates to the Committee report will be of assistance to Members in your assessment of the proposals.

#### Agenda Item: 5

#### 19/01988/FUL - St Monicas Hall, 521 Green Lanes, London, N13 4DH

##### 1. Updates to body of report

Paragraph	Stated in report	Amendment (in bold)
4.6	The building is not located in a Conservation Area, nor it a Listed building.	The building is not located in a Conservation Area, nor it a Listed building. <b>The adjacent Saint Monica's Church was built to the designs of Edward Goldie in 1914 and is a non-designated heritage asset of architectural, communal and historic value, albeit it has not been included in the published Enfield's Local Heritage List.</b>
9.3	<ul style="list-style-type: none"><li>Design</li></ul>	<ul style="list-style-type: none"><li>Design <b>(impact upon adjacent NDHA)</b></li></ul>
9.4	Paragraph 192 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise (i.e. statutory & non statutory consultees). That	Paragraph <b>195</b> of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise (i.e. statutory & non statutory consultees). <b>Paragraph 189 of the NPPF states that Heritage assets</b>

	assessment should then be taken into account when considering the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.	<b>are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.</b> That assessment should then be taken into account when considering the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
9.5	Paragraphs 194 to 197 of the NPPF provide...	<b>Paragraph 197</b> of the NPPF provides...
9.7	Unlike paragraphs 195-197 and 201-202, paragraph 203 does not seek to prescribe how that balance should be undertaken, or what weight should be given to any particular matter. It requires a balanced judgement to be made by the decision maker, as set by Nathalie Lieven QC in the Dorothy Bohm v SSCLG ([2017] EWHC 3217 (Admin)) high court judgement.	Unlike paragraphs <b>200-202</b> , paragraph 203 does not seek to prescribe how that balance should be undertaken, or what weight should be given to any particular matter. It requires a balanced judgement to be made by the decision maker, as set by Nathalie Lieven QC in the Dorothy Bohm v SSCLG ([2017] EWHC 3217 (Admin)) high court judgement.
9.21	In making this assessment, as previously mentioned, paragraph 203 of the NPPF calls for the consideration of the application as a whole. In this case it includes not merely the proposed demolition of the existing building but also the construction of the Proposed Development. It is reiterated that locally listed buildings (non-designated heritage assets) do not attract the same great weight attributed to designated heritage assets (e.g. listed buildings).	In making this assessment, as previously mentioned, paragraph 203 of the NPPF calls for the consideration of the application as a whole ( <b>with regard to the scale of any harm or loss and the significance of the heritage asset</b> ). In this case it includes not merely the proposed demolition of the existing building but also the construction of the Proposed Development. It is reiterated that locally listed buildings (non-designated heritage assets) do not attract the same great weight attributed to designated heritage assets (e.g. listed buildings).
9.28	Nonetheless the loss of the existing locally listed building would result in harm. That harm is considered to relate to the loss of notable internal features of the building that reflect the historic use of the building as a theatre, the communal value associated with the historic theatre use and the original and existing use of the building as a parish community centre.	Nonetheless the <b>total and irrevocable</b> loss of the existing locally listed building would result in harm, <b>as per paragraph 9.18 of this report</b> . That harm is considered to <b>particularly</b> relate to the loss of notable internal features of the building that reflect the historic use of the building as a theatre, the communal value associated with the historic theatre use and the original and existing use of the building as a parish community centre

9.92	Adjacent buildings in Stonard Road are two storeys, purpose built, Edwardian maisonettes in the form of a long terrace. The scale of the proposed building is considerably reduced when compared with the existing Hall, in keeping with the context of Stonard Road; the building sits on the same line as the adjacent terrace, whilst slightly deeper into the site than the Church allowing the eye to follow the straight line of the Stonard Road without any jarring elements.	Adjacent buildings in Stonard Road are two storeys, purpose built, Edwardian maisonettes in the form of a long terrace. The scale of the proposed building is considerably reduced when compared with the existing Hall, in keeping with the context of Stonard Road; the building sits on the same line as the adjacent terrace, whilst slightly deeper into the site than the Church allowing the eye to follow the straight line of the Stonard Road without any jarring elements. <b>The proposed building would continue to sit below and behind the Church from the majority of views. As result of its form and detailed design, no significantly greater massing nor height would be introduced to the development site that would harm the degree of heritage significance meriting consideration of the adjacent Church.</b>
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**Item: 6**

**20/01742/FUL - 50-56 FORE STREET, LONDON, N18 2SS (Pages 67 - 134)**

There are a number of updates to body of report which will be referred to in the introductory presentation and these are outlined here to assist Members understanding.

Para 2.4

As identified, designated heritage assets are listed as areas or assets of particular importance ~~and thus need~~ **which require in the assessment of any proposal, great weight to be given to the effect on the asset supported by clear and convincing justification. Careful consideration is therefore required.** In this connection and the assessment in this report, it is concluded the development would cause 'less than substantial harm' to identified heritage assets. Where there is 'less than substantial harm' to the significance of a designated heritage easset, this should be weighed against the public benefits of the proposal. In this case, the public benefits of the development include:

Para 4.5

The application site is not in a conservation area but is adjacent to **and within the immediate setting of** the Fore Street Conservation Area. To the north on the opposite side of Claremont Street lies the LT Bar while diagonally opposite the site across Fore Street (on the corner of Grove Road), lies the former County Court building. Both of these are locally listed. The public house is identified as having a negative impact on the setting of the Conservation Area in the adopted Fore Street Conservation Area Character Appraisal.

#### Para 9.82

In respect of conservation area, the Planning (Listed Buildings and Conservation Areas) Act (The Act) 1990 require that all planning decisions 'should have special regard to the desirability of preserving or enhancing the character or appearance of that area. If harm is identified, it should be given considerable importance and weight **as against other considerations** in any planning balance in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Chapter 16 of the NPPF (Para 194) states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

#### Para 9.89

The application site is not situated in a Conservation Area nor is locally listed. However, it constitutes a non designated heritage asset **with a negative contribution to the Conservation Area** which lies adjacent to the southern boundary of the Fore Street Conservation Area.

#### Para 9.95

When assessing which may affect the setting of a heritage asset, the cumulative impacts of development may also need to be considered **in accordance with Policy HC1**.

#### Para 9.98

Notwithstanding the above points, it must be noted that the DRP are of the opinion that **although the Panel did not identify a degree of harm**, the level of harm is assessed as most likely to be 'less than substantial' harm opening up an ability to weigh the harm against the public benefit of the scheme

#### Para 9.99

The Heritage officer's assessment of this development has also identified concerns. ~~While the level of harm to the Fore Street Conservation Area as a designated heritage asset is concluded to be 'less than substantial', the harm is considered to be at the higher end of less than substantial and would result in harm to the setting and character of the Conservation Area~~ **"less than substantial harm to the Fore Street Conservation Area and considers it to be of a Moderate degree. Nevertheless, this should be weighed against any public benefits identified. As identified in the NPPF** it is possible for this harm to be weighed against any public benefits of the proposal including, where appropriate, securing its optimum viable use (Para.202). In so doing, it is important to reiterate that whilst the scale of harm may be 'less than substantial', the harm is considered to be moderate. **However**, in accordance with national planning advice, great weight must be given to the heritage asset's conservation as part of the weighed balancing exercise (Para.199) and clear and convincing justification provided for any level of harm (Para.200). Consideration must be given to past harm caused by previous poor quality interventions which has resulted in the Conservation Area being 'at risk' and the cumulative impact of this proposal alongside others such as Silvermere. Mindful of this, the Heritage Officer considers this development would be contrary to the Conservation Area Management Plan which are not consistent with local design guidance:

#### Para 9:100

From a heritage perspective, it is considered the scheme fails to make a positive contribution to local character and distinctiveness (Para.197c). Instead the proposal would significantly erode local character and cause a **moderate** degree of harm albeit within the less substantial level. The design is also felt to be inconsistent with aims of the Framework (Para.130) regarding decisions on new development. In particular, a number of elements are of concern

Para 9:104

Table to help understand the level of harm to designated and non designated assets referred to in this paragraph

<b>Asset</b>	<b>Assessment of Harm</b>
<b>Designated Heritage Assets</b>	
Fore Street Conservation Area	More than Substantial – Moderate
Tottenham High Road Conservation Area	More than Substantial (as assessed by Haringey).
<b>Non Designated Heritage Assets</b>	
Phoenix Pub (former, now LTs)	
Hendon County Court	

Para 13.3

The matter to be considered therefore is whether the improved family housing officer as a public benefit, is sufficient to outweigh the harm to **the previously identified designated and non designated heritage assets including the Fore Street Conservation Area.**