

**LONDON BOROUGH OF ENFIELD**

**PLANNING COMMITTEE**

**Date: 23 May 2023**

**Report of**

Director of Planning &  
Growth - Brett Leahy

**Contact Officers:**

Amma Busia  
Sharon Davidson

**Category**

Minor

**Ward**

Whitewebbs

**Councillor Request**

Councillor Dyson

**LOCATION:** 69 Lancaster Avenue, Enfield EN2 0DW

**APPLICATION NUMBER:** 23/00271/FUL

**PROPOSAL:** Single storey side extension to provide enclosed seating area

**Applicant Name & Address:**

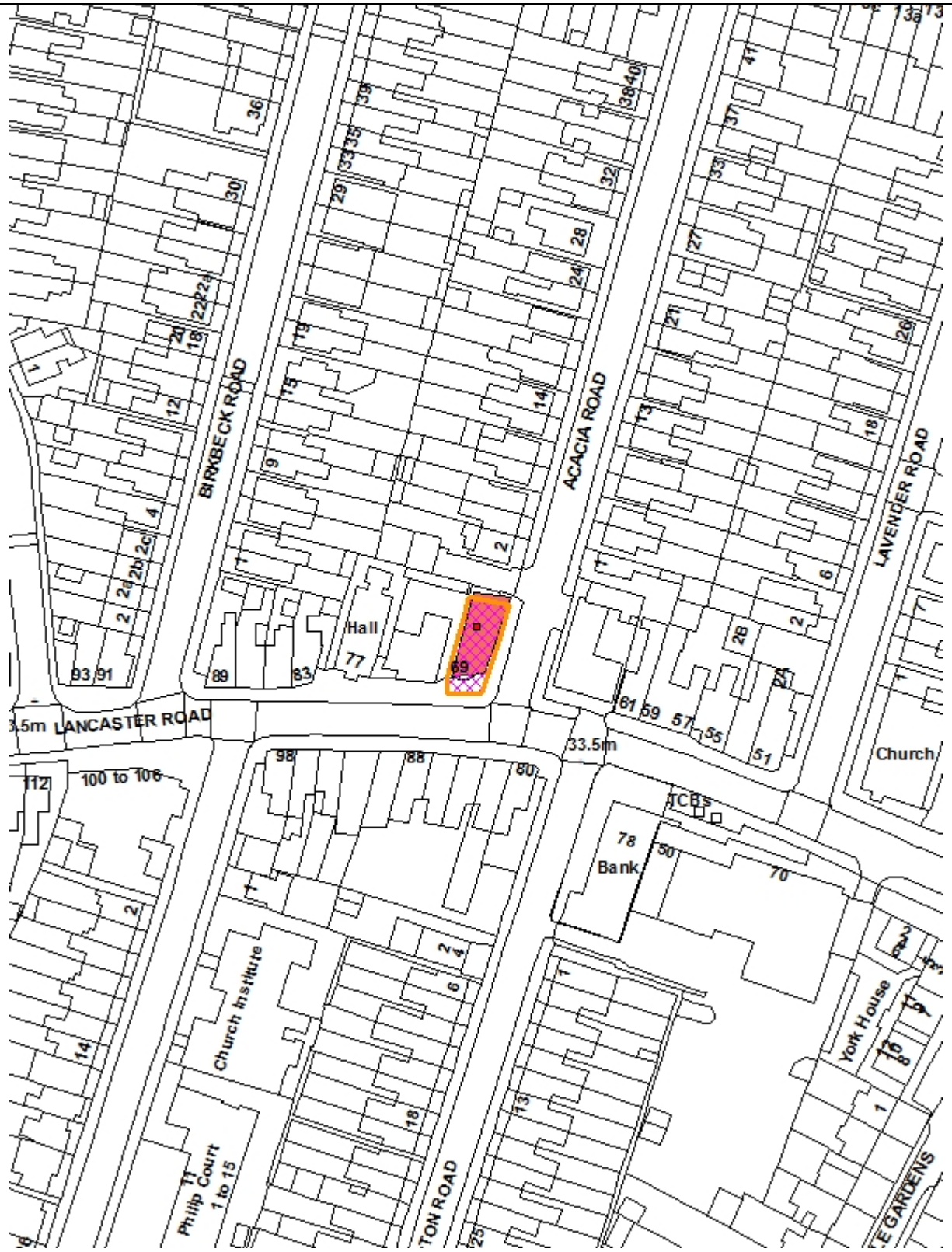
Mr Da Silva  
69 Lancaster Avenue  
Enfield

**Agent Name & Address:**

Mr F Da Costa  
Costa Builders Group  
5 Tenby Road  
Enfield

**RECOMMENDATION:**

1. That the Head of Development Management be authorised to GRANT planning permission subject to conditions



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Scale 1:1250

North



## **1. Note for Members**

- 1.1. Although an application of this scale and nature would normally be determined under delegated authority, the application has been reported to committee for determination at the request of Councillor Dyson, given the level of public interest in the proposed development.

## **2. Recommendation**

- 2.1. That the Head of Development Management be authorised to GRANT planning permission 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 and 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. That development shall not commence until details of all external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before occupation.

Reason: To ensure a satisfactory appearance.

4. The premises shall only be used between the hours of 09:00AM and 19:00PM on Mondays to Saturdays and 10:00AM and 17:00pm on Sundays and not outside of these hours.

Reason: To protect the amenities of surrounding residential occupiers.

5. Prior to commencement of development, details of proposed source control SUDs measures (e.g. green roof, rain gardens, permeable paving) shall be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details before the development is first occupied.

Reason: To ensure the sustainable management of water, minimise flood risk, minimise discharge of surface water outside of the curtilage of the property in accordance with Policy CP28 of the Enfield Core Strategy (2010), Policy DMD61 of the Enfield Development Management Document (2014), Policy SI 13 of the London Plan (2021) and National Planning Policy Framework (2021) to maximise opportunities for sustainable development, improve water quality, biodiversity, local amenity and recreation value.

6. The development shall not commence until details of the siting and design of a minimum of 1 short stay cycle parking space has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in

accordance with the approved details before it is occupied, and the facility retained for the life of the building.

Reason: To ensure the provision of cycle parking in accordance with Policy T5 of the London Plan (2021) and the Council's adopted standards.

### **3. Executive Summary**

- 3.1. The application seeks permission for a single storey side extension to provide a seating area to support the existing use as butchers and associated small café. The property is located within the Lancaster Road Local Centre, formed of commercial ground floor uses, with residential over, and where this use is considered appropriate. The proposal supports local business and having regard to the conditions recommended, including a control over the hours of operation of the premises, the development proposed through this application would have no undue impact on the amenities of the occupiers of adjoining properties and is compliant with relevant policies of the development plan.

### **4. Site and Surroundings**

- 4.1. The subject site is located on the northern side of Lancaster Road and comprises a butchers shop and associated small café which falls under Use (Class E).
- 4.2. The site is located within the Lancaster Road Local Centre which is formed of a mix of commercial uses on the ground floor and residential above. Directly opposite the site is a petrol station, towards the rear of the site there is a motor garage shop that separates the application site and the run of terrace houses along Acacia Road.
- 4.3. The site is not within a Conservation Area nor is it Listed or in the setting of a Listed Building or Locally Listed Building.
- 4.4. The subject site has a PTAL score of 2 (poor).

### **5. Proposal**

- 5.1. The application seeks planning permission for a single storey side extension to provide an enclosed indoor seating area.
- 5.2. The development description has been amended as part of the assessment of this application due to concerns raised during the consultation period and the previous development description not accurately reflecting the proposed works.

### **6. Relevant Planning History**

#### Application site

- 6.1. P13-01138PLA Construction of first floor to provide a 3-bed self-contained flat with rooms in roof and side dormer window. **Permission Granted with Conditions.** 19/03/2015.

- 6.2. TP/03/2409 Construction of first floor to provide 2 No. 2-bed self-contained flats with rooms in roof incorporating two front dormer windows and new entrance lobby at ground floor level to side of existing car showroom. **Refused** 06/02/2004.
- 6.3. TP/03/1811 Construction of first floor to provide No.2. 2-bed self-contained flats with rooms in roof incorporating two front dormer windows and new entrance lobby at ground floor level to side of existing car showroom. **Refused** 07/11/2003.
- 6.4. TP/01/1218 Construction of first floor to provide residential unit with rooms in roof, above existing car showroom (originally granted permission under ref: GDO 5489 dated 18/08/53 and GDO 5489A dated 13/09/54). **Permission Granted with Conditions** 18/10/2001.
- 6.5. LDC/99/0299 Completion of the development granted by permissions dated 15/08/53 (GDO 5489) and 13/09/54 (GDO 5489A) is lawful. **Granted** 25/02/2000.

#### Enforcement

- 6.6. ENF/22/0870 Alleged large structure been built in front of shop no planning permission. The structure concerned is the timber open sided structure to the Acacia Road frontage, which would be removed if this application is approved. Enforcement action is therefore currently pending the outcome of this application.
- 6.7. ENF/20/0802 Alleged untidy roof. **Case Closed** 15/02/2021.
- 6.8. ENF/17/0233 Alleged tyres on top of wooden structure. **Case Closed** 19/11/2019.

## 7. Consultation

### Statutory and Non-Statutory Consultees

#### Transportation

- 7.1. Transportation raises no objection.

#### Environmental Health

- 7.2. Environmental Health raises no objection to the application subject to conditions, as there is unlikely to be any negative environmental impact. In particular, no concerns are raised regarding air quality or contaminated land.

#### SuDS

- 7.3. SuDS requires source control SuDS measures (e.g., green roof, rain gardens and permeable paving) to be utilized for this development.
- 7.4. Comments from Environmental Health, Transportation and SuDS to be captured as part of the assessment in the Analysis section.

### Public Consultation

- 7.5. Consultation letters were sent to (23) neighbouring and nearby properties dated 09.02.2023 to 05.03.2023. In response (8) objections were received which in summary, raises the following points:

#### Summary of responses

- Close to adjoining properties
- Inadequate parking provision
- Noise nuisance
- Anti-social behaviour
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Traffic related issues
- Information missing from plans
- Loss of light
- Inadequate access
- Increase of pollution

#### Officers' response

The development description and existing plans have been amended due to concerns raised during public consultation. The matters raised are assessed in the 'Principle of Development', 'Character and Design', 'Neighbouring Residential Amenity' and 'Access, Traffic, and Parking' sections of this report.

## 8. Relevant Planning Policies

- 8.1. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Enfield Core Strategy (2010); the Enfield Development Management Document (2014); and The London Plan (2021).

### The London Plan (2021)

- 8.3. The London Plan together with Enfield's Local plan forms the Development Plan for this application. It is the overall strategic plan for London setting out an integrated economic, environmental, transport and social Framework for the development of London for the next 20-25 years. The following policies of the London Plan are considered particularly relevant:

Policy SD6	–Town centres and high streets
Policy SD7	–Town centres: development principles and development plan documents
Policy D3	– Optimising Site Capacity through the Design-Led Approach
Policy D4	– Delivering Good Design
Policy D14	– Noise
Policy S12	– Flood risk management
Policy T2	– Healthy Streets
Policy T3	– Transport capacity, connectivity and safeguarding
Policy T4	– Assessing and mitigating transport impacts
Policy T5	– Cycling
Policy T6	– Car parking

### Enfield Core Strategy (2010)

- 8.4. The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable. The following policies of the Core Strategy is considered particularly relevant:

- Policy CP13 – Promoting economic prosperity
- Policy CP16 – Economic success and Skills
- Policy CP24 – The Road Network
- Policy CP25 – Pedestrians and Cyclists
- Policy CP30 – Maintaining and Improving the Quality of the Built Environment and Open Environment
- Policy CP32 – Pollution

#### Enfield Development Management Document (2014)

- 8.5. The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy. The following local plan Development Management Document policies are considered particularly relevant:

- Policy DMD6 – Residential character
- Policy DMD25 – New Retail, Leisure and Office Development
- Policy DMD28 – Large Local Centres, Small Local Centres and Local Parades
- Policy DMD37 – Achieving High Quality and Design-Led Development
- Policy DMD39 – The design of business premises
- Policy DMD45 – Parking standards and layout
- Policy DMD47 – Access, new roads, and servicing (peds, cyclists, vehicular access, refuse, operations for nurseries)
- Policy DMD61 – Managing surface water
- Policy DMD68 – Noise

#### Use Classes

From 1 September 2020, the Town and Country Planning (Use Classes) Order 1987 was amended. Former Use Class, A1/2/3 (retail, financial and professional services, cafes and restaurant) and B1 (offices) are to be treated as Class E.



## **9. Analysis**

### **Principle of Development**

- 9.1. The principle of an extension to the side of the existing building to provide seating to support the existing lawful use is acceptable in this location. However, this acceptability in principle must be balanced against the impact on the character of the area, neighbouring amenity, the local highway and sustainable design.
  
- 9.2. A number of objections have been raised regarding the lawful use of the site operating as a butcher and a café and serving food on the premises. There has also been concerns that if permission is granted the shop would be converted into a restaurant. The Business and Planning Act 2020 introduced a significant change to the Use Classes Order 1987. Essentially, the new regulations (effective from 1 September 2020) introduce a broad category of 'commercial, business and service' uses, known as Class E. The new Class E effectively amalgamates the former Class A1 (retail), Class A2 (financial and professional services), A3 (restaurants/cafes), B1 (offices) along with health/medical uses, creches, nurseries (all formerly D1 uses) and indoor sports/recreation (formerly D2 use). The premises has historically been used for retail purposes. The amalgamation of the use classes allowed the introduction of a café without the need for planning permission. The use of the site as a butchers and café is therefore lawful and this application does not propose changing that use.

### **Design, Appearance & Impact on the character**

- 9.3. Policy CP 30 of the Core Strategy requires new development to be of high-quality design and in keeping with the character of the surrounding area. Policy DMD 37 sets out criteria for achieving high quality and design led development and seeks to resist development that is inappropriate to its context or fails to have appropriate regard to its surroundings. Policy DMD 39 requires that an active frontage is retained, and the design of the frontage is compatible with the use of the premises and the surrounding area.
- 9.4. The subject site is located on the corner, on the northern side of Lancaster Road between the junction with Acacia Road. Immediately to the east of the site is a petrol station. To the rear of the site on Acacia Road is a motorcycle service garage which separates the shops from the run of residential terraces along Acacia Road. In the surrounding context along Lancaster Road is a local parade with a mix of both commercial properties on the ground floor and residential above.
- 9.5. The plans show that the proposed extension would be finished in materials consistent with the existing building, by enclosing the side extension with transparent glass on both the front, rear, and side elevations. The proposed extension would be set back from the front elevation by approximately 1 metre, with a width of approximately 3 metres and a height of approximately 4 metres with a flat roof to match the height of the existing shop. The proposed extension would extend the full depth of the existing shop along Acacia Road. The proposed extension would retain an active frontage along Lancaster Road, and the height, scale and siting of the development would visually relate to the host building. It would not result in a visually intrusive or discordant form of development in this location.

### **Neighbouring Residential Amenity**

- 9.6. Policy D3 of the London Plan (2021) states that developments should have appropriate regard to their surroundings, and that they improve the environment in terms of residential amenity. Policy DMD68 states that development that generate or would be exposed to an unacceptable level of noise will not be permitted.
- 9.7. Environmental Health do not object to the proposal and comment that there is unlikely to be a negative environmental impact or an impact on residential amenity. In particular there are no concerns regarding air quality or odour.
- 9.8. A number of objections have been raised regarding noise and disturbances experienced from the existing use of the site (Use Class E) and patrons congregating outside the shop. Whilst the comments are noted, the use of the site is lawful. This application is not considering the use of the site but whether the proposed single storey side extension to the existing building is acceptable. It is considered that the proposed extension in itself would not have an adverse impact on the amenities of nearby residents in terms of light, outlook or privacy
- 9.9. It is acknowledged that an extension as proposed and its use for seating increases the capacity of the premises to accommodate customers and that this increase in activity needs to be considered in the context of its impact on residential amenity. The outdoor space around the shop is presently used by customers of the premises. The proposed extension would internalise this use by enclosing the space, so customers are seated within the building rather than outside. This in itself could have a positive impact. The entrance to the premises will be focused to the Lancaster Road frontage, away from the more noise sensitive predominantly residential properties in Acacia Road. In this context, the extension of a commercial premises used for a purpose appropriate to its location within a commercial centre is considered acceptable and will not in itself impact the amenities of the occupiers of nearby properties. A condition is recommended to control the hours of use, given the expansion of the premises to accommodate additional seating and having regard to the inter-relationship with the residential properties nearby

### **Access, Traffic, and Parking**

- 9.10. The Transport officer noted that the existing private forecourt area around the building is often being used for unauthorised parking of cars and motorbikes with drivers evidently driving over the unreinforced kerb to access the land. The proposed extension would remove the unauthorised parking as the current situation provides no benefit to the highway.
- 9.11. The proposed extension would not extend past the existing building line on Lancaster Road, therefore visibility at the junction of Lancaster Road and Acacia Road would not be affected by the proposal.
- 9.12. The existing premises has a gross internal floorspace of approximately 89 square metres. The proposed single storey side extension would add an additional 41 square metres. In accordance with Policy T5 of the London Plan a minimum of 1 short cycle parking space must be provided. A condition is recommended to secure the provision of the cycle parking space.

### **Flood/ Surface water risk**

- 9.13. The site is located in Flood Zone 1 and is in an area with high surface water flood risk and therefore in accordance with DMD policy, source control SuDS measures (e.g. green roof, rain gardens and permeable paving) should be utilised. A condition is recommended to address this.

### **Other Matters**

- 9.14. Objections have been received from local residents advising that should this planning application be granted and the extension constructed, the applicant has plans to operate the premises as a restaurant. The current use is a butcher and café which falls within Class E. A restaurant would also fall within Use Class E and would not therefore require planning permission. Nevertheless, this application is not proposing the change of use of the site. The application currently under consideration is for a single storey side extension to provide an enclosed seating area. If at any time in the future a planning application is submitted proposing to change the use of the premises from Class E or for further extensions to the property, they would be assessed on their merits at that time.

### Community Infrastructure Levy (CIL)

- 9.15. The site is located within the intermediate rate charging zone of £60 per sqm as per the Council's adopted CIL charging schedule as of April 2016. Given the proposed extension be below 100 per sqm it would not be CIL liable.

## **10. Public Sector Equality Duty**

- 10.1 In accordance with the Public Sector Equalities Duty, it is considered the proposal would not disadvantage people who share one of the different nine protected characteristics as defined by the Equality Act 2010 compared to those who do not have those characteristics.

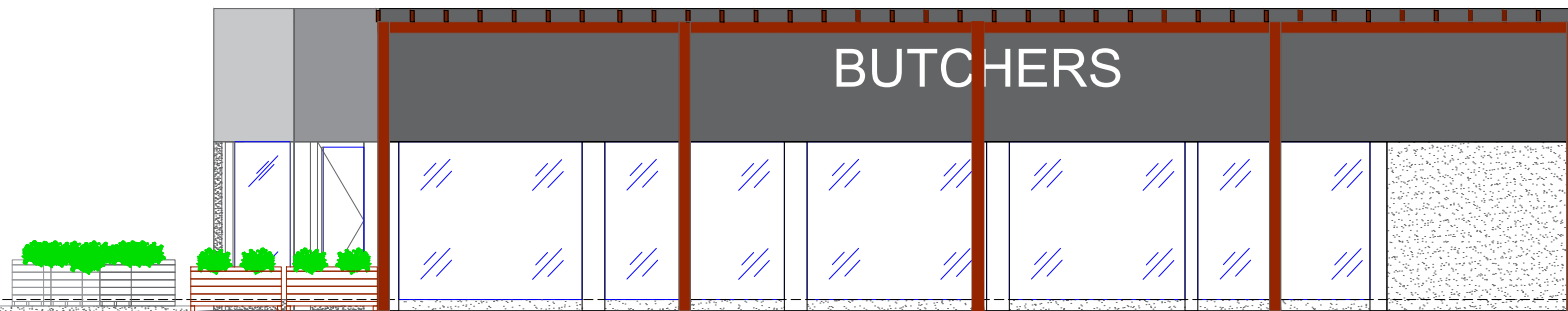
## **Conclusion**

- 10.1. The proposed single storey side extension would not detract from the vitality, function or character of the surrounding area.
- 10.2. In addition, it is considered the proposed enclosed extension would not cause any undue harm to the amenities of neighboring residential properties. The proposal would not harm the safety and free flow of traffic on the adjoining highway and subject to condition would not increase surface water flood risk.
- 10.3. The proposal is considered acceptable in relation to Policies D4, D14, T4, T5 of the London Plan (2021), Policies CP 13 and CP 30 of the Council's Core Strategy (2010) and Policies DMD 25, DMD 37, DMD 39, DMD 45, DMD 68 of the Council's Development Management Document (2014).

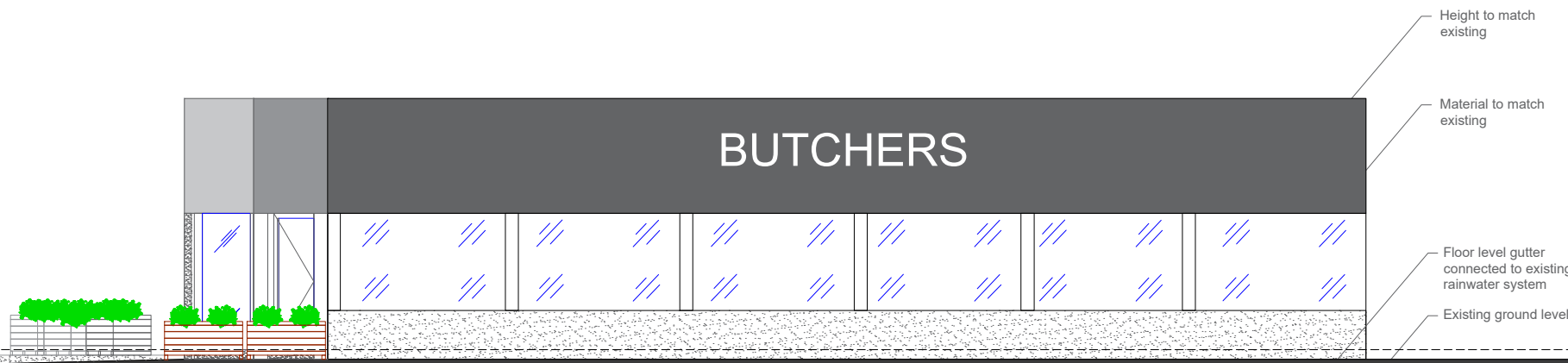


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**GENERAL NOTES.**  
1. All dimensions are in mms. uno.  
2. The contractor shall check all dimensions on site prior to any construction and report any discrepancy to the client.  
3. The materials for new construction shall be generally similar to the existing so that the new work shall blend into the existing, unless noted otherwise.  
4. The detailed specifications where given are generally for similar typical buildings and give some of the requirements for compliance to the current Building Regulations and good building practice. Some items may need modifications to suit site conditions. Not with standing this, the contractor shall be responsible to ensure that the works comply to the latest Building Regulations and will be responsible to obtain all the required Completion Certificates. The contractor, before commencement of any works, shall collect all the information on details of any Planning Permission and any conditions specified therein, details of any Building Regulations Approval, any outstanding information and conditions, etc. The contractor shall propose all the planned variations from any details given here and get them approved before the building work commences. All work to be approved by the Local Authority Building Surveyor or similar appointed.  
5. Any Structural details provided in the drawings (eg: removal of wall sections, provision of new beams, columns, foundations, etc.) are based on limited site survey and certain assumptions. Before commencing site work and in particular any demolition, the contractor shall ensure validity of all assumptions and adequacy of structural designs provided. The contractor shall be responsible for all temporary works and supports provided during construction. Other details of steel beams, supports, connections, etc. may be in a separate Structural Design Report.  
6. Existing & Proposed drainage layout is only based on limited site inspection. The contractor shall investigate this further during construction and provide adequate system to cater for foul water and surface water from all facilities & appliances. Final details will be determined and confirmed on site.  
7. The client is responsible in serving all the appropriate Party Wall Notices under the Party Wall Acts and obtains consents as required by the act.  
8. No works shall commence until all approvals and agreements have been obtained. These include Planning, Building Regulations, Thames Water and Party Wall.  
These drawings are only for local authority or statutory approvals (such as Planning Permission, etc.) and may not give complete or correct scope of building work and therefore should not be used as basis of any building contract unless specifically agreed otherwise.  
9. For minor building works no site investigation (trial pit, soil analysis, etc) has been carried out, unless noted otherwise, and any information on foundation type, depth, etc should be regarded as preliminary only. Any foundation depth indicated is from original virgin ground and any backfill or made-up ground is normally ignored. Exact details of Foundations be verified and confirmed on site, based on exact location and type of trees, type of soil, presence of roots, existing and new drains, other services, etc. and consultation with the Building Control Surveyor.  
10. The Design may be limited to basic structural and layout requirements, with very limited considerations on risk assessment and health and safety issues. The client and or contractor shall be responsible to ensure that all measures are taken to avoid risks to health and safety or reduce risks at source if they cannot be avoided altogether. Where The Construction (Design and Management) Regulations 2007 (CDM) are applicable the client, in conjunction with CDM co-ordinator must ensure that the principal contractor plans, manages and co-ordinates health and safety while construction work is being undertaken  
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EXISTING EAST ELEVATION PLAN  
(Acacia Road Facade)



PROPOSED EAST ELEVATION PLAN  
(Acacia Road Facade)

**CLIENT:**  
Mr Jean Da Silva

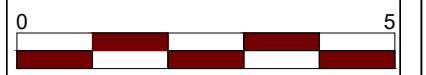
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Shop side extension

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69 Lancaster Road  
London  
EN2 0DW

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Existing and Proposal

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**DATE:**  
11/04/2023  
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**SHEET:**  
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**CLIENT:**

Mr Jean Da Silva

**PROJECT NAME:**

Shop side extension

**ADDRESS:**

69 Lancaster Road  
London  
EN2 0DW

**PAGE TITLE:**

Floor Plan - Existing and Proposal

**PROJECT NUMBER:**

05012023-1

**DATE:**

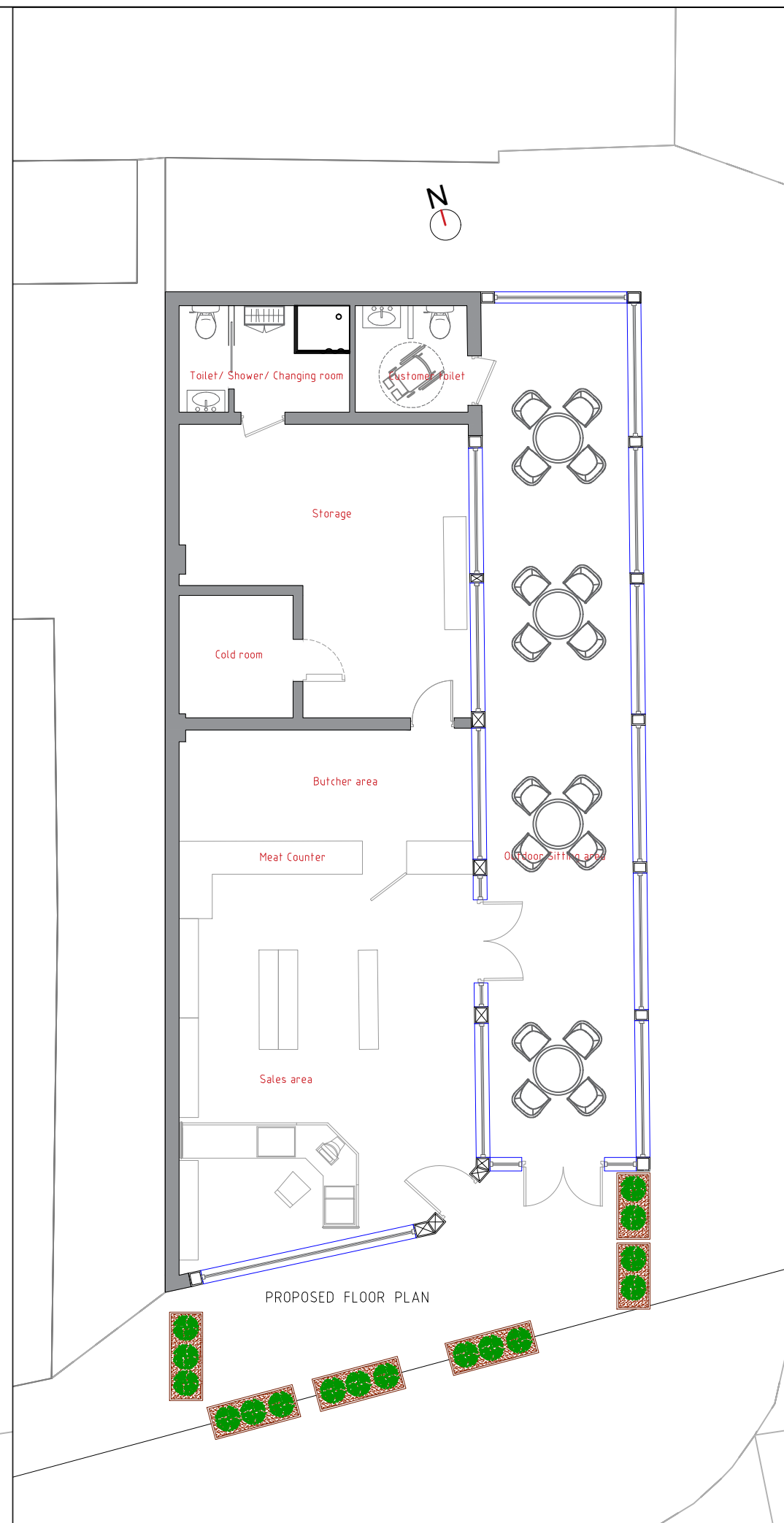
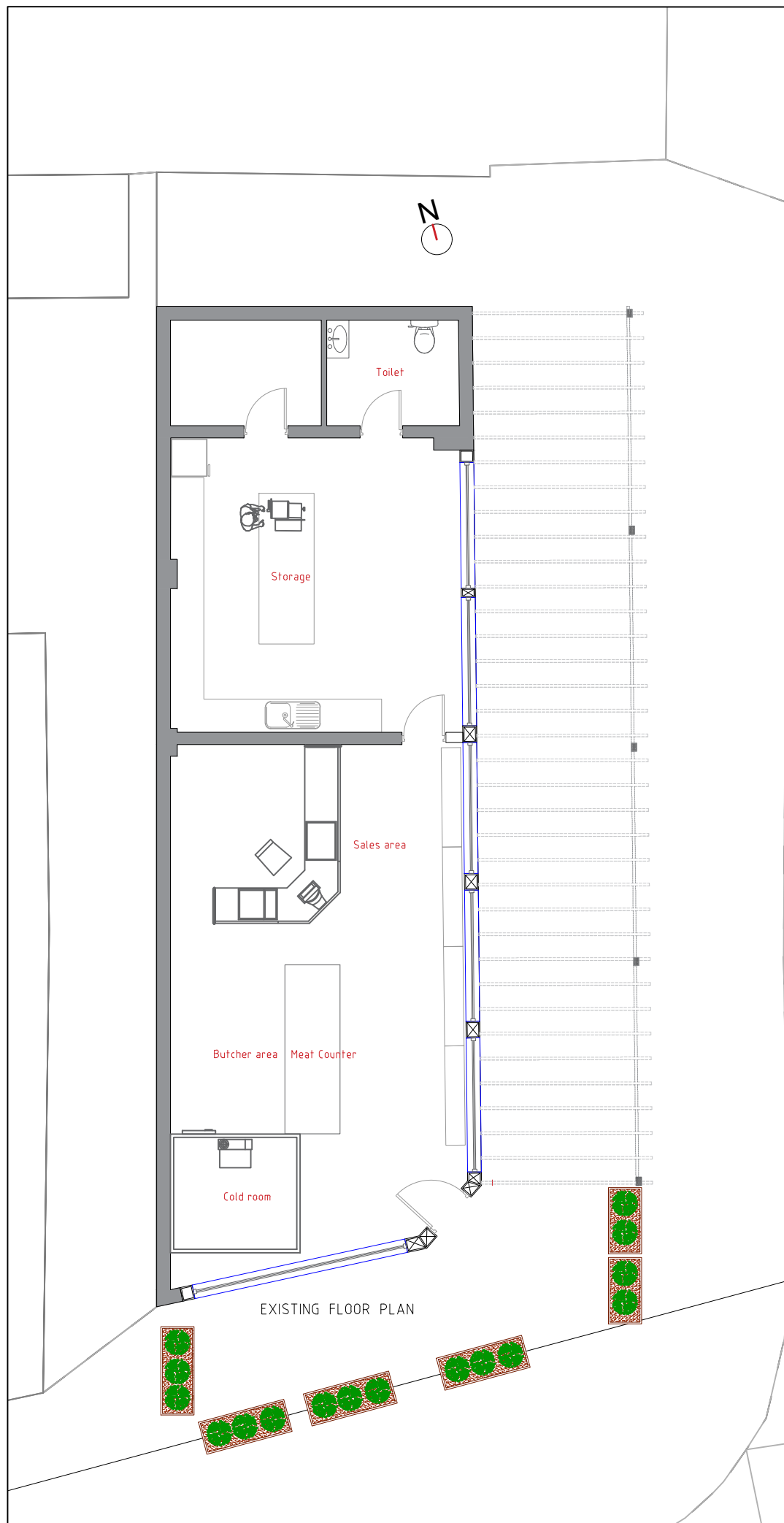
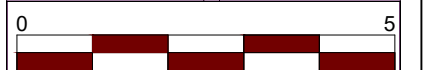
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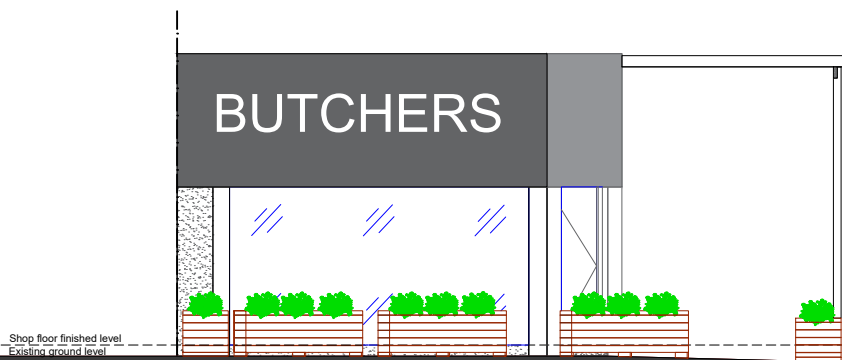




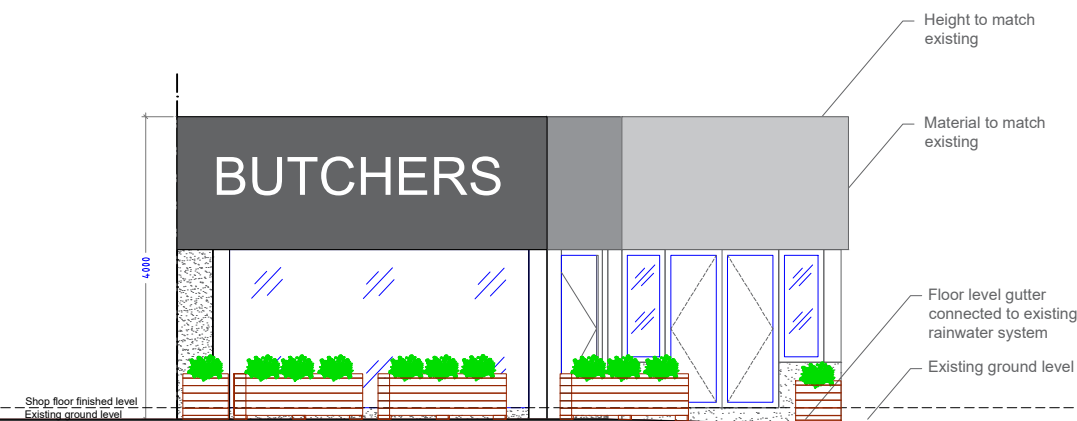
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9. For minor building works no site investigation (trial pit, soil analysis, etc) has been carried out, unless noted otherwise, and any information on foundation type, depth, etc should be regarded as preliminary only. Any foundation depth indicated is from original virgin ground and any backfill or made-up ground is normally ignored. Exact details of Foundations be verified and confirmed on site, based on exact location and type of trees, type of soil, presence of roots, existing and new drains, other services, etc. and consultation with the Building Control Surveyor.
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EXISTING FRONT ELEVATION PLAN  
(Lancaster Road Facade)



PROPOSED FRONT ELEVATION PLAN  
(Lancaster Road Facade)

CLIENT:

Mr Jean Da Silva

PROJECT NAME:

Shop side extension

ADDRESS:

69 Lancaster Road  
London  
EN2 0DW

PAGE TITLE:

Shop Elevations Plan - Front facade  
Existing and Proposal

PROJECT NUMBER:

05012023-1

DATE:

11/04/2023

SCALE:

1:100 @ A3

SHEET:

ARR - 03







**COSTA BUILDERS GROUP**

020 8935 5987 - 073 9207 9890

**GENERAL NOTES.**

1. All dimensions are in mms. uno.
2. The contractor shall check all dimensions on site prior to any construction and report any discrepancy to the client.
3. The materials for new construction shall be generally similar to the existing so that the new work shall blend into the existing, unless noted otherwise.
4. The detailed specifications where given are generally for similar typical buildings and give some of the requirements for compliance to the current Building Regulations and good building practice. Some items may need modifications to suit site conditions. Not with standing this, the contractor shall be responsible to ensure that the works comply to the latest Building Regulations and will be responsible to obtain all the required Completion Certificates. The contractor, before commencement of any works, shall collect all the information on details of any Planning Permission and any conditions specified therein, details of any Building Regulations Approval, any outstanding information and conditions, etc. The contractor shall propose all the planned variations from any details given here and get them approved before the building work commences. All work to be approved by the Local Authority Building Surveyor or similar appointed.
5. Any Structural details provided in the drawings (eg: removal of wall sections, provision of new beams, columns, foundations, etc.) are based on limited site survey and certain assumptions. Before commencing site work and in particular any demolition, the contractor shall ensure validity of all assumptions and adequacy of structural designs provided. The contractor shall be responsible for all temporary works and supports provided during construction. Other details of steel beams, supports, connections, etc. may be in a separate Structural Design Report.
6. Existing & Proposed drainage layout is only based on limited site inspection. The contractor shall investigate this further during construction and provide adequate system to cater for foul water and surface water from all facilities & appliances. Final details will be determined and confirmed on site.
7. The client is responsible in serving all the appropriate Party Wall Notices under the Party Wall Acts and obtains consents as required by the act.
8. No works shall commence until all approvals and agreements have been obtained. These include Planning, Building Regulations, Thames Water and Party Wall.
9. For minor building works no site investigation (trial pit, soil analysis, etc) has been carried out, unless noted otherwise, and any information on foundation type, depth, etc should be regarded as preliminary only. Any foundation depth indicated is from original virgin ground and any backfill or made-up ground is normally ignored. Exact details of Foundations be verified and confirmed on site, based on exact location and type of trees, type of soil, presence of roots, existing and new drains, other services, etc. and consultation with the Building Control Surveyor.
10. The Design may be limited to basic structural and layout requirements, with very limited considerations on risk assessment and health and safety issues. The client and or contractor shall be responsible to ensure that all measures are taken to avoid risks to health and safety or reduce risks at source if they cannot be avoided altogether. Where The Construction (Design and Management) Regulations 2007 (CDM) are applicable the client, in conjunction with CDM co-ordinator must ensure that the principal contractor plans, manages and co-ordinates health and safety while construction work is being undertaken.
11. The Copyright of this drawing belongs to Costa Builders Group.

**CLIENT:**

Mr Jean Da Silva

**PROJECT NAME:**

Shop side extension

**ADDRESS:**

69 Lancaster Road  
London  
EN2 0DW

**PAGE TITLE:**

Roof Plan - Existing and Proposal

**PROJECT NUMBER:**

05012023-1

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11/04/2023

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