
Appeal Decision

Hearing Held on 12 August 2021

Site visit made on 13 August 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/Q5300/W/20/3263151 79 Windmill Hill, Enfield, EN2 7AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by 79 Windmill Hill Properties Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/01044/FUL, dated 15 March 2019, was refused by notice dated 9 June 2020.
 - The development proposed is described as redevelopment of the site, including the demolition of the existing buildings and the construction of 49 residential units across three buildings, (including a shared basement level between B and C) with associated parking, landscaping, access road, and other site infrastructure.
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Decision

1. The appeal is allowed, and planning permission granted for '*redevelopment of site involving demolition of existing buildings and erection of 49 Self-contained flats within 3 Blocks (part 3, part 4 storey's) comprising 12x1, 19x2 and 18x3 bed involving shared basement level between Block B and C, installation of lifts, solar panels and balconies together with erection of a substation, play area and associated access and landscaping.*' in accordance with the details submitted with planning application Ref: 19/01044/FUL subject to the schedule of conditions set out below.

Preliminary Matters

2. The description of development was changed during the course of the planning application. It was confirmed at the hearing that the description of development on the Council's notice refusing planning permission has been agreed by the parties. I have therefore used the description of development set out at 1. above.
3. Prior to the hearing a completed planning agreement in the form of a planning obligation under S106 of the Town and Country Planning Act 1990 was submitted. I will return to its compliance with the requirements of the Community Infrastructure Levy Regulations 2010 (the Regulations) and the tests set out at paragraph 57 of the National Planning Policy Framework (the Framework) later in this decision.
4. Since the proposal was determined by the Council the London Plan 2021 (LP21) has been adopted. At the hearing the relevant policies of the LP21 were

explored in relation to the appeal proposal and I have had regard to these policies in this decision.

5. In addition to the changes to the London Plan the Framework was revised in July 2021. The relevant policies of the revised Framework were also referred to at the hearing and I will have regard to these in this decision.

Background and Main Issues

6. The Council refused the planning application for 7 reasons. These included lack of a contribution towards the Build Enfield Programme, absence of a contribution towards the reinstatement of the public highway following construction, lack of a construction and demolition management plan, lack of a contribution towards the Healthy Streets Programme and lack of a contribution towards carbon off-setting. It was agreed at the hearing that the completed S106 agreement would address these issues.
7. The remaining reasons for refusal relate to the provision of affordable housing on the site and the suitability of the housing mix on the site to meet the requirements of the District. However, at the hearing it became clear that the Council also considered that the appeal proposal would not optimise the use of the site.
8. Consequently, the main issues in this appeal are:
 - whether the proposed development would deliver the required amount of affordable housing, having regard to the viability of the proposal;
 - whether the proposal would deliver the appropriate mix of dwellings on the site; and
 - whether the proposal would optimise the use of the site and therefore make efficient use of land.

Reasons

Provision of affordable housing

9. The site lies close to Enfield Town Centre and has been used for a variety of commercial uses in the past, including car sales. It contains brick built commercial buildings, open areas that were used for car parking and numerous mature trees around its periphery.
10. The appeal proposal would lead to the whole site being redeveloped for 49 flats in 3 blocks (A, B and C) with a basement containing car parking and services. It is proposed through the planning obligation that the appellant would provide 10 shared ownership units in Block A. The units would be comprised of 4x1 bed, 2x2 bed and 4x3 bed flats. This represents just over 20% of the units proposed on the site.
11. The Council is seeking, in accordance with Policy CP3 of the London Borough of Enfield Local Development Framework Core Strategy 2010 (CS) and Policy DMD 1 the London Borough of Enfield Development Management Document 2014 (DMD), 40% affordable housing to be provided.
12. The appellant has produced a Financial Viability Assessment (FVA) that shows the development would not be viable at 40%. The FVA found that the

- maximum level of affordable housing the appeal proposal could provide and still be viable was 12% (6 shared ownership units).
13. The Council has produced its own FVA which shows that the site would be viable at around 22% (11 units). As a result of the Council's FVA the appellant offered to provide 11 shared ownership units. That has subsequently been reduced to 10 as a result of an updated FVA, which takes account of recent changes in the local housing market and the Covid 19 pandemic. Neither of the FVAs nor the revised FVA demonstrate that the appeal proposal would be viable at the 40% level which the development plan requires.
 14. The Policies of the CS and DMD recognise that viability issues might affect developments in certain parts of the Borough. They allow for negotiations to take place in order to establish viability levels and therefore the amount of affordable housing a site can provide. These policy provisions allow for flexibility in the provision for affordable housing where viability issues do not allow for full, policy compliant provision. In particular Policy CP3 allows the Council to agree an appropriate figure for affordable housing taking into account, amongst other things, land values, viability assessments and market conditions. Policy DMD 1 refers to negotiations taking into account development viability.
 15. The London Plan 2021 (LP21) also recognises, at Policy H4, that viability might be an issue in certain circumstances. Where a proposal does not meet the affordable housing requirements it is necessary for it to follow the viability tested route. This means the appellant should supply viability evidence to ascertain the maximum level of affordable housing using the methodology and assumptions set out in the plan and in the Affordable Housing and Viability Supplementary Planning Guidance. There was no suggestion at the hearing or in the documents I have seen that the FVAs produced by the appellant and the Council do not comply with the guidance set out in the Planning Policy Guidance (PPG) and the development plan. I am therefore satisfied that the FVAs produced by the appellant and the Council comply with the policies and guidance in relation to the production of viability assessments.
 16. The two FVAs have both indicated that the quantum of affordable housing required by the policies would make the appeal proposal unviable. The latest revised FVA supplied by the appellant purports to take into account the changes in the housing market in the locality which have been brought about by the Covid 19 pandemic. It seems likely that the pandemic has affected housing markets differently across the country. The evidence suggests that the London market has not experienced the up lift in values which have taken place elsewhere in the country. I therefore have no reason to doubt the latest viability evidence supplied.
 17. Consequently, and in view of the evidence supplied in the FVAs and the flexibility allowed within the policies of the development plan for the quantum of affordable housing to be the subject of negotiations where there is evidence of viability issues affecting a proposal, I find that the appeal proposal would deliver the required amount of affordable housing, having regard to the viability of the proposal.
 18. I therefore find that the provision of affordable housing in the appeal proposal is consistent with Policies H4 of LP21, CP3 of the CS and DMD 1 of the DMD.

Housing mix

19. The development proposes a housing mix of 12x1 bed, 19x2 bed and 18x3 bed units. The Council has stated that this would equate to around 63% 1 and 2 bed units and 36% 3-bedroom units. The Council's Policy set out in CP5 of the CS requires that there should be around 35% 1 and 2 bed units and 65% 3+ bed units in a development of this nature. However, this target is '*over the lifetime of the Core Strategy*'. This Policy is reinforced by DMD3 which states, amongst other things, that this target should be applied in particular to developments capable of accommodating 10 or more dwellings. It is clear that the appeal proposal would not be consistent with the housing mix required by either the CS or the DMD. However, the CS and DMD date from 2010 and 2014 respectively and more recent development plan policy is set out in the adopted LP21 at Policy H10.
20. Policy H10 of LP21 is more flexible in that it takes account of locational factors, the benefits of 1 and 2 bed dwellings in taking pressure off conversions of larger family homes to smaller dwellings and the opportunity additional 1 and 2 bed units provide for people in larger homes to downsize, thereby releasing family homes. The appeal proposal would provide a mix of dwellings, a range of tenure types and a range of sizes from 1 to 3 bedrooms and incorporating larger 2-bedroom units.
21. It would fulfil the aims of Policy H10 to provide opportunities for those in the Borough currently occupying larger dwellings to downsize. Moreover, it would provide smaller accommodation which might reduce the need for larger properties to be subdivided in order to meet the need for smaller dwellings, thereby retaining larger properties elsewhere in the Borough.
22. S38(5) of the Planning and Compulsory Purchase Act 2004 sets out that where policies of the development plan conflict with each other, the conflict must be resolved in favour of the policy that is contained in the last document to become part of the development plan. In this case, whilst the proposal is in conflict with Policy CP5 of the CS and Policy DMD3 of the DMD, it complies with Policy H10 of LP21 which was the later policy to be adopted. Policy H10 therefore takes precedence in the determination of this appeal in accordance with S38(5).
23. I therefore find that the appeal proposal is consistent with the development plan in terms of its delivery of the appropriate mix of dwellings on the site.

Optimising the development of the site

24. The Council argued the appeal proposal does not 'optimise' the development of the site. They contend that by increasing the amount of development on the site by additional floors more flats could be accommodated on the site and thereby more affordable housing could be provided in line with the requirements of Policies CP3 and DMD1. Moreover, with an increase in density a greater range of unit sizes could be provided which would help meet the requirements of Policies CP5 and DMD3.
25. In order to support their position, the Council carried out an '*Optioneering Exercise*' (OE) in order to demonstrate that the site was being developed at a suboptimal level. The OE resulted in the applicant submitting a further

application to the Council for a proposal for 59 units on the site. I understand from the evidence that this application is yet to be determined.

26. However, whilst the results of the OE have been presented as part of the Council's case, a proposal based on them is not before me. I therefore have to decide this appeal on the basis of the scheme determined by the Council. Nonetheless the OE carried out by the Council is capable of being a material consideration in this case.
27. However, there are a number of flaws in the approach the Council has taken to the OE, for example it has not been subject to a viability assessment to show that a greater proportion of affordable units could be provided in a larger development than in the appeal scheme. Furthermore, whilst the appeal proposal is supported by detailed evidence to show how it would affect important trees on the site and how the living conditions of the occupiers of neighbouring properties would be affected by the development there is no such evidence provided with the OE. Part of optimising the development of the site would ensure that interests of importance to the development of the site, such as the living conditions of the neighbours or the protection of important trees were included in such an exercise.
28. Moreover, it became clear at the hearing that the Council considered that the viability of the proposal could be improved by the removal of the basement car parking. It is likely that the absence of an appropriate level of dedicated and secure parking for the residents of the development would reduce the attractiveness of the scheme to potential purchasers and thereby adversely affect the value of the flats. This would in turn be likely to affect the viability of the proposal, something which has not been assessed in the OE.
29. To conclude, for the reasons set out above I give the OE limited weight in this decision. There is no certainty that any scheme that resulted from the OE would comply with the policies of the development plan with regard to the requirements for affordable housing, housing mix or other requirements related to the scheme's impact on its surroundings.
30. The policies of the development plan relevant to this matter relate primarily to density. Policy DMD6 seeks, amongst other things, densities that comply with the density matrix at Policy 3.4 of the London Plan 2016 (LP16) at table 3.2. Whilst the LP16 has been replaced by the LP21, it is the position of DMD6 that it still uses the density matrix set out in LP16 as no equivalent table appears in LP21. It was agreed at the hearing that the appeal proposal lies within the range for acceptable densities given in this policy, albeit at the lower end of the range. I have compared the density of the proposal against this requirement and have no reason to doubt the assessment of those at the hearing.
31. Consequently, I find that the proposal is consistent with Policy DMD6 in that it provides a density of development that is in line with the requirements of the Policy. Moreover, it has not been demonstrated that the proposal is suboptimal, having regard to the other constraints of the site such as the presence of mature trees and the proximity of homes and their gardens to the rear of the site. I therefore conclude that the proposal would optimise the use of the site and make efficient use of land.

Other Matters

Effect on the living conditions of the neighbouring residential occupiers

32. The scheme would introduce domestic activity and multi-storey blocks into an area to the rear of houses on Bycullah Road and Chase Court Gardens. It would also result in the loss of some trees which are currently on the boundary of the site. I also note that the site is significantly higher than the gardens of the properties on Chase Court Gardens. However due to the distances between the proposed blocks and the boundaries of the site, introduction of obscured glazed screens to the proposed balconies and the orientation of the proposed blocks and their windows which limit direct overlooking, I do not consider that this would significantly harm the living conditions the occupiers of the neighbouring dwellings would experience.
33. I therefore consider that the proposal is acceptable in terms of its effect on the living conditions of the occupants of neighbouring residential properties.

Traffic, Transport and Parking

34. The development would access on to Windmill Hill a major route in the area. Given the land under the control of the applicant I am satisfied that safe vehicular access can be made between the site and the public highway. Whilst there have been comments concerning the capacity of the local road network, I have seen no evidence that would lead me to conclude that the traffic generated by the development could not be adequately accommodated on the local roads. With regard to parking, whilst the proposed scheme does not provide each of the proposed dwellings with a parking space, given the accessibility of the site to public transport provision, the dedicated on-site parking is adequate.

Effect on the character and appearance of the area

35. The proposal would create a built frontage on Windmill Hill that would respect the height, scale, and massing of the adjacent buildings. Within the site itself Blocks B and C would be less prominent in the street scene. However, their design whilst being contemporary would be assimilated into the local area provided the materials they are finished with harmonises with the surroundings. They also reflect the presence of multi-storied flatted development present adjacent to the site, accessed off Chase Court Gardens. I therefore consider that the proposal would not harm the character and appearance of the area.

Effect of the demolition and construction

36. The demolition of the existing buildings and the construction of the three Blocks could harm the living conditions of the adjacent residents and the environment of the area as a whole. However, I am satisfied that any significant impacts from demolition and construction could be adequately mitigated by appropriate conditions attached to any grant of planning permission or through a demolition and construction management plan secured through a planning obligation.

Relocation of the Bycullah Athenaeum Mosaic to the appeal site

37. At the hearing there was some debate during the discussions on conditions about the relocation of the above Mosaic to the appeal site, which currently appears to be sited at a local railway station. The reason given by the Council as to why this condition is necessary is to ensure that the development achieves a high-quality landscaping that contributes to the visual amenity and character of the area. There was no certainty that the relocation could be achieved, nor has any reason been advanced as to why this would be relevant to the development should it be permitted. Therefore, I do not consider that this proposed condition would meet the tests for conditions set out in the Framework.

The Planning Agreement

38. A planning obligation seeking to address matters raised in the Council's Committee report has been provided. These matters relate to the provision of affordable housing, employment, and skills strategy (*'Build Enfield Programme'*), the provision of a construction and demolition management plan, a contribution to repair any damage caused to the public highway, a contribution towards 'Healthy Streets' and a contribution towards carbon off-setting.
39. I requested prior to the hearing a compliance statement to confirm that the proposed contributions met the test set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and those outlined at paragraph 57 of the Framework (CIL compliance statement). These tests require that planning obligations are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development. An unsigned CIL compliance statement was received the day before the hearing.

Contribution to Employment and skills strategy

40. The appeal proposal would result in the loss of an employment site. Policies CP13 and CP16 of the CS seek to protect and promote employment opportunities within the Borough. This approach is supported by the Enfield Planning Obligations Supplementary Planning Document (SPD) which seeks contributions from all development that would result in a net loss of employment land.
41. The amount of contribution is calculated according to a formula set out in the SPD. It is therefore fairly and reasonably related in scale and kind to the development. This part of the obligation therefore meets the tests of the Regulations and the Framework.

Contribution to Highway maintenance

42. To construct the proposal the access from the public highway would have to be altered. This could cause damage to the public highway and the footpath. Therefore, a contribution to reinstate the highway and footpath following construction would be required to make the development acceptable in planning terms and would be fairly and reasonably related to the development in scale and kind. This part of the obligation therefore meets the tests of the Regulations and the Framework.

Provision of a demolition and construction management plan

43. There was discussion at the hearing whether this matter could be dealt with by a planning condition. In view of the likelihood for offsite works being necessary as part of the construction the proposal, I find that this requirement is necessary, and the requirement is also fairly and reasonably related to the development in scale and kind. This part of the obligation therefore meets the tests of the Regulations and the Framework.

Contribution to Healthy Streets

44. The proposal would increase the pressure on cycling and pedestrian routes around the appeal site by introducing more residents to the area. It is therefore necessary that this increased pressure is accommodated through a contribution towards the provision of improved cycling and walking facilities. It is calculated according to a formula. It therefore meets the tests set out in the Regulations and the Framework.

Contribution to Carbon off-setting

45. The proposal would not meet the emission targets set out in Policy DMD51. In these cases, the Council requires a contribution towards an off-site provision to off-set the carbon generated by the proposal. The Council calculate the amount required through a formula. The contribution towards carbon off-setting therefore meets the requirements of the Regulations and the Framework.

Provision of Affordable housing

46. The provision of affordable housing on development sites is required by the Policies of the CS and the DMD. It is clear that due to alleged viability issues the proposal would not be able to provide the amount of affordable housing required by the Policies. However, following FVAs by both the appellant and the Council it is clear that an affordable housing provision of 10 units is viable. Therefore, the affordable housing indicated in the obligation is necessary in order to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind.

Conditions

47. In addition to the standard time limits and referencing the approved plans, in the interests of clarity, I consider that further conditions are necessary.
48. Given the location of the development and its relationship to Windmill Hill a condition is necessary in order to control the materials from which it is constructed in order to safeguard the character and appearance of the area.
49. The landscaping of the site, including hard and soft landscaping and the retention and protection of certain existing trees within the site, is important in order to help protect the existing character and appearance of the area and the living conditions of adjacent residential occupiers. Therefore, conditions are necessary to cover these matters.
50. Given the positioning of a proposed electricity substation to serve the development a condition is necessary in order to ensure that the occupants of the proposed dwellings are not subject to unacceptable noise disturbance within the proposed flats.

51. A condition is necessary to ensure that the details of the green roofs are acceptable to the character and appearance of the area.
52. In accordance with the requirements of paragraph 174 of the Framework a condition is necessary in order to ensure that appropriate enhancements to biodiversity are included in the completed scheme.
53. Given the previous uses of the site conditions are necessary to ensure that any contamination found on the site is dealt with in order to protect the health and safety of the occupiers of the proposed flats.
54. In order to ensure that the site is adequately drained and in the interests of health and the environment conditions are necessary to cover drainage, including the installation of a sustainable urban drainage scheme (SUDs).
55. To ensure that the site does not use excessive amounts of water a condition is necessary to monitor and control water consumption on the site.
56. Conditions are necessary to ensure that parking for vehicles and bicycles shown on the approved plans are implemented and retained for that use during the lifetime of the development in order to encourage the use of cycles and to ensure that parking pressure in the surrounding streets is controlled.
57. A condition is necessary to ensure that there is adequate provision for the storage and collection of refuse from the site to prevent refuse damaging the environment of the approved scheme.
58. A condition is necessary to ensure that the photovoltaic cells are designed and positioned so that they minimise their impact on the character and appearance of the area.
59. A condition is necessary to ensure that the energy usage of the building is monitored in order to control carbon emissions from the development to assist with the mitigation of climate change and in accordance with Policy CP20 of the CS and Policies DMD50, DMD51 and DMD 53 of the DMD.
60. A condition is necessary to control any piling which might take place on the site so that below ground infrastructure is not damaged during the construction phase of the development.
61. A condition is necessary in order to ensure that the completed development achieves a 'Secured by Design' or equivalent certification in order to protect the residents from crime.
62. Finally, a condition is necessary in order to control the emissions from larger Non-Road Mobile Machinery in order to protect local air quality.

Conclusion

63. The appeal proposal accords with the development plan so in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 it should be allowed unless material considerations indicate otherwise. I have had regard to all the matters raised in the appeal and find that none of the material considerations are sufficient to indicate that the appeal should be decided other than in accordance with the development plan.

64. For the reasons given above, I conclude that the appeal should be allowed.

Peter Mark Sturgess

INSPECTOR

Appearances

Appellant

Owain Nedin	Planning Consultant, Lichfield's
Giles Sutcliffe	Cluttons, Viability Consultant
Sebastian Charles	Solicitor (S106)
Colin Mulhern	Architect

Council

Gideon Whittingham	Principal Planner, London Borough of Enfield
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Interested Parties

Linda Linnet	Local Resident
Jackie Phillips	Local Resident.
Leon Moss	Local Resident

Documents submitted at the hearing

1. "79 Windmill Hill, Alternative 12% Affordable Housing, 6 SO & 43 Private", Development Appraisal, BPS Surveyors, 12 August 2019.
2. "79 Windmill Hill Independent Viability Review", Prepared on behalf of London Borough of Enfield, BPS Chartered Surveyors, 12 June 2019.
3. London Plan 2021 Policies H1, H4, H5, H10, E11, T9, S12, T2 and T7
4. Enfield Town Centre Framework Masterplan, Adopted March 2018.

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans: site location plan; 1705.3/A101 A3/A1 Existing Block Plan; 1705.3/3/A102 A3/A1 Existing Site Ground Floor Plan; 1705.3/A103 A3/A1 Existing Site Roof Plan; 1705.3/A104 A3/A1 Existing Tree Removal Plan; 1705.3/A105 A3/A1 Existing Street Elevations; 1705.3/A201 A3/A1 Proposed Block Plan Rev E; 1705.3/202 A3/A1 Proposed Site Basement Plan Rev E; 1705.3/A203 A3/A1 Proposed Site Ground Floor Plan Rev E; 1705.3/A204 A3/A1 Proposed Site First Floor Plan Rev E; 1705.3/A205 A3/A1 Proposed Second Floor Plan Rev E; 1705.3/A206 A3/A1 Proposed Site Third Floor Plan Rev E; 1705.3/A207 A3/A1 Proposed Site Roof (Fourth Floor) Plan Rev E; 1705.3/A208 A3/A1 Proposed Build A Ground Floor Plan Rev E; 1705.3/A209 A3/A1 Proposed Build A First Floor Rev E; 1705.3/A210 A3/A1 Proposed Build A Second Floor Plan Rev E; 1705.3/A211 A3/A1 Proposed Build A Third Floor Plan Rev E; 1705.3/A212 A3/A1 Proposed Build A Roof Plan Rev E; 1705.3/A213 A3/A1 Proposed Build B Basement Plan Rev

E; 1705.3/A214 A3/A1 Proposed Build B Ground Floor Plan Rev E; 1705.3/A215 A3/A1 Proposed Build B First Floor Plan Rev E; 1705.3/A216 A3/A1 Proposed Build B Second Floor Plan Rev E; 1705.3/A217 A3/A1 Proposed Build B Third Floor Plan Rev E; 1705.3/A218 A3/A1 Proposed Build B Roof (Fourth Floor) Plan Rev E; 1705.3/A219 A3/A1 Proposed Build C Basement Plan Rev E; 1705.3/A220 A3/A1 Proposed Build C Ground Floor Plan Rev E; 1705.3/A221 A3/A1 Proposed Build C First Floor Plan Rev E; 1705.3/A222 A3/A1 Proposed Build C Second Floor Plan Rev E; 1705.3/A223 A3/A1 Proposed Build C Third Floor Plan Rev E; 1705.3/A224 A3 A1 Proposed Build C Roof (Fourth Floor) Floor Plan Rev E; 1705.3/A501 A3/A1 Proposed Build A Elevations Rev E; 1705.3/A502 A3/A1 Proposed Build A-B Elevations Rev E; 1705.3/A503 A3/A1 Proposed Build B-C Rev E; 1705.3/A504 A3/A1 Proposed Build C Elevations Rev E; 1705.3/A505 A3/A1 Proposed Sub-Station Elevations Rev E; 1705.3/A601 A3/A1 Proposed Section AA Rev E; 1705.3/A602 A3/A1 Proposed Section AA Rev E; 1705.3/A603 A3/A1 Proposed Section BB-CC Rev E; 1705.3/A604 A3/A1 Proposed Section DD Rev E; 1705.3/A605 A3/A1 Proposed Section EE Rev E; 1705.3/A606 A3/A1 Proposed Section FF Rev E; SuDS Calculations and Strategy dated 9 September 2019; Financial Viability Assessment dated 12 March 2019; Energy and Sustainability Assessment dated 13 March 2019; Roosting Statement dated 13 March 2019; Geo-environmental Assessment dated December 2017; Transport Assessment dated March 2019; Planting Schedule Rev C dated 4 November 2019; Landscaping Materials; Shrub Perennials; Trees Shrubs; Detailed Landscape (Hard) dated 5 March 2019; Detailed landscape (soft) dated 4 November 2019; Site Waste Management Plan dated 11 March 2019; Daylight and Sunlight Assessment dated 20 May 2020; Consultant Advice Note (Daylight/Sunlight) dated 31 May 2019; Arboricultural Impact Assessment Rev A; Secured by design Statement 16 May 2019.

3. Prior to the commencement of the development (excluding any demolition of the existing buildings) a sustainable drainage strategy shall be submitted to and approved in writing by the local planning authority. The details shall be based on the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the Technical Guidance to the National Planning Policy Framework and should be in line with the London Borough of Enfield's Development Management Document SuDS requirements:
 - a. Shall be designed to achieve greenfield runoff rates for 1 in 1 and 1 in 100 years storm event with the allowance for climate change, Qbar.
 - b. Following the London Plan Drainage Hierarchy and therefore maximise infiltration and above ground features before below ground features are considered.
 - c. Follow the SuDs management train by providing a number of treatment phases corresponding to their pollution potential including green roofs, rain gardens, swales, and permeable paving.
 - d. Should maximise opportunities for sustainable development, improve water quality, biodiversity, local amenity, and recreation value and therefore be integrated in landscaping plans and play space.

- e. The system must be designed to allow for flows that exceed the design capacity to be stored on site or conveyed off site with minimum impact.
- f. Clear ownership, management and maintenance arrangements must be established.
- g. The details submitted shall include levels, sizing, cross sections, and specifications for all drainage features.

The approved drainage scheme shall be implemented prior to the occupation of the development and thereafter retained for the lifetime of the development.

- 4. Prior to the first occupation of the development a verification report demonstrating that the approved drainage/SuDs measures specified in the Strategy required by condition 3 have been fully implemented shall be submitted to and approved in writing by the local planning authority. The report shall include;
 - a. As built plans of the sustainable drainage systems including levels information.
 - b. Photographs of the completed sustainable drainage systems
 - c. Any relevant certificates from the manufacturers/suppliers of any drainage features.
- 5. No above ground development shall take place before manufacturer's specification details of all the facing materials to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the local planning authority, including samples. The development shall be completed in accordance with the approved materials and all samples shall be retained on site during the construction period.
- 6. Notwithstanding the details shown on the plans referenced at 2 above, no above ground development shall take place until the full details of the hard and soft landscaping and means of enclosure of all unbuilt open areas have been submitted to and approved in writing by the local planning authority. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The hard and soft landscaping, including additional tree planting, and the means of enclosures shall be completed in accordance with the approved details prior to the occupation of the development.
- 7. Notwithstanding the details shown on the plans referenced at 2 above no site clearance, preparatory work or development shall take place until a scheme for the protection of retained trees (tree protection plan) and appropriate working methods (the arboricultural method statement) have been submitted to and approved in writing by the local planning authority. Such details shall follow guidelines and standards set out in BS5837:2012 "*Trees in Relation to Construction*". The development, including site clearance and preparatory work shall be carried out in accordance with the approved details.

8. Prior to the completion of the superstructure of the three blocks, full details of the green roof areas indicated on the approved roof plan shall be submitted to and approved in writing by the local planning authority. Such details shall include species to be used, planting densities, specification of the substrate and a section at a scale of 1:20 showing adequate depth is available in terms of construction and long-term viability of the green roof, together with a scheme of maintenance. The buildings shall not be occupied until the green roofs have been completed in accordance with the approved details.
9. The development shall be constructed so as to provide sufficient air-borne, and structure borne sound insulation against externally generated noise and vibration. The sound insulation shall ensure that the level of noise generated from external sources shall be no higher than 35dB(A) from 7pm to 11am in bedrooms, living rooms and dining rooms and 30 dB(A) in bedrooms from 11pm to 7am measured as a LAeq, T. The LAF Max shall not exceed 45dB in bedrooms 11pm to 7am. A scheme for mitigation measures shall be submitted to and approved in writing by the local planning authority prior to any above ground development taking place. The scheme of mitigation shall include mechanical ventilation where internal noise levels exceed those stated in BS8233:2014 with the windows open. The approved mitigation scheme shall be fully implemented prior to the first occupation of the development.
10. Prior to the first occupation of the development the parking for 101 cycles and the car parking shown on the approved plans shall be implemented and be available for use by the occupiers of the development. Thereafter the cycle and car parking provision shall be retained for the parking of cycles and cars for the occupiers of, and visitors to the development.
11. Prior to the first occupation of the development the refuse and recycling storage facilities shown on the approved plans shall be installed on the site in accordance with the approved details and shall be retained for the life of the development.
12. Prior to the commencement of above ground works full details of bird and bat box locations, with an indication of the species to be accommodated in them, shall be submitted to, and approved in writing by the local planning authority. The bat and bird boxes specified shall be fully installed in and around the development in accordance with approved scheme before the development is first occupied and thereafter retained for the life of the development.
13. Prior to the first occupation of the development detailed plans showing the location and extent of the photovoltaic cells to be installed on the building/s shall be submitted to and approved in writing by the local planning authority. The details shall include the installation of a meter to monitor the energy output from the system. The buildings shall not be fully occupied until the approved details have been implemented and these works shall be retained for the life of the development.
14. Prior to the first occupation of the development full details of the internal consumption of potable water shall be submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate water consumption which is equivalent to or less than 105 litres per person

per day. This will be achieved through the installation of, amongst other things, water efficient fittings, appliances, and recycling/reuse systems. The buildings shall not be fully occupied until the approved details have been implemented and these measures shall be retained for the lifetime of the development.

15. Details shown in the approved energy statement shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained. The details of the energy statement demonstrate the energy efficiency of the development and shall provide for no less than a 32.92% improvement in total CO2 emissions arising from the operation of a development and its services over Part L of the Building Regulations 2013.
16. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent or minimise the potential for damage to the subsurface sewerage infrastructure and the programme of works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
17. Prior to the first occupation of the development a scheme to deal with the contamination of the site, including an investigation and assessment of the extent of contamination and the measures to be taken to avoid risk to health and the environment shall be submitted to and approved in writing by the local planning authority. Any remediation shall be carried out in accordance with the approved scheme and the local planning authority shall be provided with a written warranty by the appointed specialist to confirm implementation prior to the occupation of the development.
18. Should additional significant contamination be found on the site at any time during the implementation of this permission it must be immediately reported in writing to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11), and where mitigation is necessary a scheme for remediation must be designed and implemented to the satisfaction of the local planning authority before any part of the development hereby permitted is occupied.
19. Prior to the occupation of the development, it shall achieve a Certificate of Compliance to the relevant Secured By Design Guides or alternatively achieve a Crime Prevention Standards submitted to and approved in writing by the local planning authority. The measures required to comply with the appropriate standard/s shall be fully incorporated into the finished development and thereafter retained and maintained for the lifetime of the development.
20. Prior to commencement of the construction of the electricity substation on the site an acoustic report detailing the sound level generated from the substation and indicating the noise control measures necessary to ensure that the noise generated does not exceed a level of 5dB below the typical background noise levels during operational hours at the façade of the nearest or most noise affected residential building shall be submitted to and

approved in writing by the local planning authority. The measures set out in the report shall be implemented prior to the first occupation of the development and thereafter retained for the lifetime of the development.

21. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in the GLA's supplementary planning guidance "Control of Dust and Emission During Construction and Demolition" dated July 2014 (SPG) or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be used on the site at any time. The developer shall keep an up-to-date list of all NRMM used on the site on the online register at <http://nrmm.london/>.

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