



Appeal Decision

Inquiry Opened on 21 September 2021

Site visit made on 7 October 2021

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th December 2021

Appeal Ref: APP/Q5300/W/21/3270885

Southgate Office Village, 286 Chase Road, Southgate N14 6HT

- 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 Viewpoint Estates against the decision of the Council of the London Borough of Enfield.
 - The application Ref.19/01941/FUL, dated 20 May 2019, was refused by notice dated 15 September 2020.
 - The development proposed was described as 'an application for full planning permission for demolition of office (B1) buildings and erection of mixed-use (C3) scheme ranging from 2 to 17 storeys with a dual use café (B1/A3), with associated access, basement car and cycle parking, landscaping, and ancillary works'.
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Preliminary Matters

1. Owing to the continuing pandemic, the Inquiry was conducted on a 'virtual' basis, using the Council's Teams platform. It opened on 21 September and closed on 11 October 2021, after 10 sitting days. I am grateful to all parties for the positive way in which they approached the 'virtual' event, and the patience shown in the face of a number of issues. Chief amongst these was the situation in relation to closing statements. These were originally intended for 1 October, but that attempt had to be abandoned owing to IT issues. Another attempt was made on 6 October but again, there were problems. The resumption on 11 October was not without difficulties either; the delivery of the closing statement on behalf of the Council could not be completed. It was helpfully agreed that the Inquiry could proceed on the basis of the already submitted, written version of the Council's closing statement which meant that the appellant's closing statement could be delivered without further delay.
2. As well as the main parties, the Inquiry was assisted by a Rule 6(6) Party: Southgate District Civic Voice¹ who relied on the Council's evidence to an extent, but made their own submissions in relation to consultation, and the impact of the proposal on its surroundings. A number of interested parties made submissions to the Inquiry too.
3. To familiarise myself, I carried out an unaccompanied site visit in advance of the Inquiry² but in addition, I carried out an accompanied site visit on 7 October 2021, following an itinerary helpfully agreed between the parties³.

¹ Referred to hereafter as SDCV

² On the morning of 16 September 2021

³ ID33

4. As set out in the Statement of Common Ground⁴ the scheme was revised after the initial submission. These revisions included an increase in the affordable housing offer to 35%, an additional 16 residential units (taking the total to 216), a reduction in the commercial floor-space, a reduction in the size of the basement car park, and a reduction in the building height by 4 metres in response to comments from Historic England about the potential impact on views from Grovelands Park. I have dealt with the appeal on the basis of the scheme as revised but note that the description of development on the original planning application form, reproduced in the header above, remains correct.
5. In the lead up to the Inquiry, some minor changes were made to the internal layout of some of the residential units to bring them into line with National Space Standards. These minor changes were reflected in revised plans. Given the nature of the changes proposed, which have no external manifestation, I am content that they can be taken into account without prejudice to the cases of any of the various parties to the Inquiry. I have proceeded on that basis.

Decision

6. The appeal is allowed, and planning permission is granted for demolition of office (B1) buildings and erection of mixed-use (C3) scheme ranging from 2 to 17 storeys with a dual use café (B1/A3), with associated access, basement car and cycle parking, landscaping, and ancillary works at Southgate Office Village, 286 Chase Road, Southgate N14 6HT in accordance with the terms of the application Ref.19/01941/FUL, dated 20 May 2019, subject to the conditions in Annex A to this decision.

Main Issues

7. In its decision notice of 15 September 2020, the Council cited four reasons for refusal. In advance of the Inquiry, their second reason for refusal, relating to the amount and mix of affordable housing, was withdrawn.
8. Against that background, the main issues to be considered are the effect of the proposal on (1) the character and appearance of the area (encompassing the issue of design) and linked to that the setting and thereby the significance of a range of designated heritage assets; and (2) the living conditions of existing residents of the area.
9. There are a number of other issues that require attention too, notably consultation. Finally, it is necessary to address the various routes to a decision given the position of the Council in relation to whether it can demonstrate a five-year supply of deliverable housing sites.

Reasons

Character and Appearance and Heritage Assets

10. Southgate Office Village (the appeal site) sits around 200m to the north of the town centre⁵. It is occupied by a group of office buildings that date from the 1980s. The arrangement of the existing buildings on the site is inward looking and somewhat defensive; the site is impermeable.

⁴ Referred to hereafter as SoCG

⁵ For reasons I elaborate upon below, that centre is very clearly Southgate (London Underground) Station

11. The office buildings themselves are uninspiring and very much of their time. In my view, they offer nothing positive in townscape terms. It is relevant to note too that prior approval has been granted for their conversion to residential use. There is a 'fallback' position to consider, therefore.
12. Against that background, an analysis of the impact of the proposal on the character and appearance of the area is inextricably linked to its design, and potential impact on the setting and thereby the significance of heritage assets.
13. Reference was made in evidence⁶ to Le Corbusier's maxim that 'the plan is the generator'. That 'plan' seems to me to be a good place to start. The essential idea behind the scheme is to arrange a series of five blocks⁷ around a public route through the site connecting Park Road with Chase Road which allows for connection to the site of the Marks & Spencer store on Winchmore Hill Road, using the footbridge across the railway. Making the site permeable in that way seems to me a firm basis for the proposal. I note that the Council's alternative approach, proffered in evidence⁸, adopts a similar approach.
14. It is fair to say that it is the height of the various blocks, and in particular the taller ones, rather than their layout, that causes the Council, and local residents, most consternation. However, leaving aside for a moment the impact of height, the arrangement of the various blocks on the site is logical. The lowest block at 3 storeys (B2) sits in the north-east corner (roughly) of the site adjacent to the terraced housing on Park Road. Block B1 (5/6 storeys) in the north-east corner fronts Chase Road and sits adjacent to Lonsto House, a building of relatively significant scale. Block A1 in the south-west corner of the site, fronting Chase Road, adjacent to the White Hart Public House (a specific relationship I deal with below) would house 8 storeys of accommodation. Adjacent, in the depth of the site, Block A2 would be 13 storeys, while the tallest element, Block A3 (17 storeys) would be located in the south-east corner of the site, adjacent to the railway.
15. I say that arrangement has logic because there would be a sense of transition in the relationship of the lower buildings in the northern part of the site (Blocks B1 and B2) with their neighbours, and Block A1 sitting opposite the buildings on the opposite side of Chase Road (Chase House and Bramwood Court) with Blocks A2 and A3 rising from Block A1 into the depth of the site. I appreciate that there may be other potential approaches, but it seems to me that if you are going to design a scheme for tall buildings on the appeal site, then this particular approach is a sound one.
16. Turning then to the height of the various blocks, it is instructive to start an analysis of this matter with reference to the positions adopted by the Council and SDCV. Mindful, I'm sure, of the need to optimise an urban site such as that at issue (a matter I return to below), the Council is prepared to accept 11 storey buildings on the site⁹, and SDCV has set out that interaction with the public demonstrated that that 6-8 storeys might be tolerated by a majority of local residents. The main question then is whether the extent to which the scheme before me would rise above that, renders it somehow unacceptable.

⁶ By Dr Miele

⁷ Identified as B1, B2, A1, A2 and A3 on the plans

⁸ By Ms Firth

⁹ Through Ms Firth's alternative proposal

17. The Council and SDCV have focused their concerns in this regard on the harmful impact they say the proposal would have on the setting and thereby the significance of heritage assets. Chief amongst those referred to are the Southgate Underground Station complex, and the Southgate Circus Conservation Area. The former is at the heart of the latter.
18. The Southgate Station complex is the work of Charles Holden and is made up of the station itself, a Grade II* listed building, its associated pylons, also listed at Grade II*, and 1-8 Station Parade, which wraps around the station, with its associated lamp-posts, a Grade II listed building. The special interest of these buildings and structures, and their significance, have been well covered in the evidence and I do not need to rehearse it at length.
19. However, it is right to underline that the group made up of the cylindrical modernist booking hall of the station, Station Parade, and the pylons within the concourse is very striking. The Council's Conservation Area Appraisal says that *'in a contemporary photograph (Fig.4) the new station resembles a recently-landed spacecraft whose downdraught has cleared the space around it'*.
20. Notwithstanding the development that has taken place in the area since that contemporary photograph, and others submitted in the appellant's evidence, the architectural form of the complex retains this power to surprise (in a very pleasing way). It is a testament to the skill of the architect and the vision of his Client¹⁰ and the individual buildings and the group are of profound significance.
21. The complex, and the transport interchange it facilitates, is very clearly the central focus of the conservation area, and further, in my view, it firmly marks the town centre. It does that in two ways. First, it is located (as an intentional design decision) at the junction of a number of major roads, Chase Side, Chase Road, Winchmore Hill Road, The Bourne, Bourne Hill, and High Street. It occupies a nodal point therefore.
22. Second, the modernist architectural treatment of the complex with its smooth curves and very careful detailing, distinguishes it in a very marked way from surrounding buildings – hence the reference to a spacecraft as set out above. It is that power to surprise, alongside its strategic location, that give the complex its landmark quality. That too encapsulates the manner in which the setting of the group contributes to its significance, and to the significance of the individual buildings within it.
23. What then is the impact of the proposal, and in particular the taller elements of it, on the setting and thereby the significance of the complex? It might be argued that by being much higher, the proposal will usurp the complex as the town centre, and the central focus of the conservation area. In my view it would not, and I reach that conclusion because first of all, the complex will retain its nodal location. Situated as it is, fronting Chase Side, the appeal site cannot compete with that.
24. Secondly, the architect of the proposal at issue has taken a conscious decision not to slavishly mimic the distinctive architectural treatment, and in particular the horizontal emphasis, of the station complex. The elevational treatment of the proposal is very carefully detailed, but sculpted rather than smooth, largely orthogonal, and vertically emphasised.

¹⁰ Frank Pick of the London Passenger Transport Board

25. Further, the height of the taller elements of the proposal is not so extreme that it would harmfully compete with the station complex. It is the form of that complex that sets it apart, not its scale.
26. All that can be demonstrated by considering the serial views in a northward direction from High Street where the station complex (or at least parts of it) would be seen in juxtaposition with the proposal. These views have been modelled in the submitted visual material¹¹ and take in the relationship between South Point House and the station complex. South Point House, widely recognised as a detractor, sits relatively close to, and rises above, the station.
27. However, what makes South Point House so harmful to the setting and significance of the station complex, is not its scale, but a combination of its proximity, and the rather presumptuous way it nods towards the station building (in particular), with its window design, and horizontal emphasis.
28. By contrast, the proposal at issue while much taller than the station complex, would not seek to align itself architecturally with it, but would sit apart, as a well-designed complex in its own right. As a consequence, I find that there would be no harmful visual tension between the station complex and the appeal scheme.
29. I reach the same conclusion about views of the proposal that would be available from within the station complex and other places where the station complex and the proposal would be seen alongside one another¹².
30. Overall, it is my firm conclusion that while the setting of the station complex, and the individual listed buildings that make it up, would change as a result of the proposal, that change would not be harmful to the setting of the complex or the individual buildings within it, or their significance as a group, or as individual buildings.
31. Given that the station complex is the principal element of the significance of the Southgate Circus Conservation Area, there would be no harm to the setting or the significance of this conservation area as a result of the proposal, in this respect, either.
32. That said, the appellant has highlighted the juxtaposition between the White Hart Public House, which lies within the conservation area, and the proposal (which lies without) as one that would be harmful, albeit in a limited way, to the setting and thereby the significance of the conservation area. There would be a significant difference in height and scale between the White Hart and Block A1 that it would be viewed against. There is however already a disparity in scale between the public house and the adjacent, existing office building on the appeal site.
33. To my mind, the increase in height in Block A1 does not make the relationship more incongruous because what is lost by reason of the increased height of Block A1 is more than compensated for by its far more considered design, and sympathetic use of materials. In my view, the new relationship between the White Hart and the appeal proposal would not be harmful to the setting or the significance of the conservation area.

¹¹ View 6 and Views S1 and S2

¹² As demonstrated by the submitted visual material

34. In its evidence, the Council also raised concern about the impact of the proposals on the setting and thereby the significance of other heritage assets in the vicinity¹³. I looked at these in the course of my various site visits. There would be places where these assets would be seen in conjunction with the proposal. However, I see no good reason to consider that the consequent change in the setting of the assets concerned would detract from their significance. Change in this regard would not be necessarily harmful.
35. More distant views of the complex were the source of some adverse comment too. The suggestion is made that the town centre does not need to be 'marked' from distance to make it legible. I agree with that, but neither would there be anything harmful, to my mind, in being able to see the upper parts of the complex from more distant viewpoints, like those in Oakwood Park for example¹⁴, marking the position of the town centre.
36. To sum up on this issue, it is my view that the proposal is a very well-conceived response to the appeal site in terms of its layout. The various blocks have been composed in a way that responds appropriately to the prevailing context and the height of the taller blocks would not be excessive. The individual residential units would provide a high standard of accommodation. As a result, the scheme would make very efficient use of the site, and certainly much better use than the fallback¹⁵. On top of that, the public realm would be expanded, and the site would become permeable, with the added benefits of a playspace, and a pocket park.
37. Bearing in mind what occupies the appeal site at present, what I regard as the excellence of the design would uplift the character and the appearance of the area. Moreover, it would cause no harm to the setting or the significance of heritage assets nearby, or further afield.

Living Conditions

38. There are two main aspects to this issue. In terms of visual impact, the proposal would be prominent in views from the rear of houses on Chase Road, Hillside Grove, and Park Road. However, notwithstanding the height of the tallest blocks, the separation distance would be such that they would not appear overbearing or oppressive in what is an urban context. The separation distances involved means that there would be no harmful overlooking or loss of privacy. The technical evidence demonstrates that any loss of sunlight and/or daylight resulting from the proposal would be within what I regard as reasonable bounds. The presence of the proposal might be an unwelcome one to residents close to the appeal site, in particular, but objectively assessed, it would have no harmful impact on their living conditions, in these terms.
39. Concern was raised too about traffic, parking and servicing. The scheme is intended to be car free with limitations on the ability of residents to apply for parking permits, and it provides a relatively limited amount of car parking in the basement storey.

¹³ The Lodge to Grovelands Park (Grade II), The Wall at 44-50 The Bourne (Grade II), the Church of St Andrew on Chase Side (Grade II), the Bourne Methodist Church (locally listed) and the road sign finger post on Southgate Circus (locally listed)

¹⁴ View C

¹⁵ Which would of course not have to provide affordable housing, or make contributions through the Community Infrastructure Levy

40. As such, I do not consider that the comings and goings of traffic along Hillside Grove and Park Road would lead to any harmful impact on the living conditions of residents and neither should there be any additional parking pressure as a result of the scheme. Servicing and deliveries can be dealt with by condition.

Other Matters

41. SDCV addressed the Inquiry of the subject of consultation and as a group, they have clearly done a lot of valuable work in raising community awareness of the proposal. That said, I do not believe the appellant was shy in this regard and genuine attempts have evidently been made to engage with the public. The difficulty is that consultation or engagement is not the same thing as giving control over the design, or the height, or the scale, of the scheme to the local community. The appellant is policy bound, and I deal with this below, to make best use of the site. Moreover, any scheme for the site must be a viable one or that best use will not manifest itself. There is obvious scope for tension thereby, between the wishes of the community and those of the developer.
42. I can offer no ready solution to that; the planning process does not function by means of plebiscite. I must make my decision based on an objective assessment of what is proposed in the light of the development plan and other material considerations. That said, there are aspects of the development plan that bear on this point and I return to this matter below.

Conclusion

43. Reference has been made to a raft of policies in the development plan. It is fair to say that the Enfield Core Strategy¹⁶ which was adopted in November 2010 is of some vintage, pre-dating the initial version of the National Planning Policy Framework¹⁷. The associated Development Management Document¹⁸, adopted in November 2014, is dated in some ways too.
44. That said, in the light of my conclusions above, there would be no divergence from CS Core Policies 4 (Housing Quality), 5 (Housing Types) or 30 (Maintaining and Improving the Quality of the Built and Open Environment) or indeed the CS read as a whole. For similar reasons, there would be no telling departure from DMD Policies DMD 6 (Residential Character), DMD 8 (General Standards for New Residential Development), DMD 10 (Distancing), DMD 37 (Achieving High Quality and Design-Led Development), DMD 38 (Design Process) or DMD 43 (Tall Buildings).
45. The most important policies for determining this appeal are obviously those in the very recently adopted London Plan 2021¹⁹. Reflective of Chapter 11 of the Framework, and paragraph 119 in particular, LP Policy GG2 says that to create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must, in summary, enable the development of brownfield land particularly on sites within and on the edge of town centres, as well as utilising small sites; prioritise sites which are well-connected by existing or planned public transport; promote higher density development in locations that are well-connected to jobs, services,

¹⁶ Referred to hereafter as CS

¹⁷ The current version is referred to hereafter as the Framework

¹⁸ Referred to hereafter as DMD

¹⁹ Referred to hereafter as LP

infrastructure and amenities by public transport, walking, and cycling; apply a design-led approach to determining the optimum development capacity of sites; and understand what is valued about particular places and use that as a catalyst for growth, renewal, and place-making.

46. Alongside that, LP Policy D3 seeks the optimisation of site capacity through the design-led approach. It says, put very simply, that all development must be designed to make the best use of land in a way that is contextually appropriate. Put very simply, LP Policy D4 is geared to deliver high-quality design and place-making.
47. All that is taken forward in LP Policy D9: Tall Buildings. First of all, the policy deals with the principle of 'Locations'. We are told that Boroughs should determine if there are locations where tall buildings may be an appropriate form of development and that any such locations and appropriate tall building heights should be identified on maps in Development Plans. Tall buildings, we are told, should only be developed in locations that are identified as suitable in Development Plans.
48. The policy then goes on to deal with 'Impacts' and says that schemes should address firstly visual impacts notably the views of buildings from different distances. In long-range views, attention needs to be paid to the top of the building – it should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views. In mid-range views, attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions, and materiality. In immediate views, attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to (of relevance in this case) buildings of significantly lower height, there should be an appropriate transition in scale between the tall building and its surrounding context.
49. LP Policy D9 then sets out that whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding. Architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan. Proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. The buildings should positively contribute to the character of the area. In many ways, this approach follows the path of the Framework, and Chapter 12 (Achieving Well-Designed Places) in particular.
50. Bearing in mind the conclusions I have formed in dealing with the main issues above, the proposals are in easy compliance with LP Policies GG2, D3 and D4. There is compliance too with the 'Impacts' element of Policy D9.
51. That brings me to the 'Locations' part of LP Policy D9. While the appeal site has been identified as potentially suitable in the Council's Character of Growth Study²⁰, and the Council seems willing to accept a tall building or buildings on it, the site has not been identified as one suitable for a tall building or tall buildings in a development plan. The proposal cannot meet that requirement, therefore.

²⁰ A background document to the emerging Local Plan

52. The way in which LP Policy D9 should be interpreted is ultimately a matter for the Courts and on my reading, it is not entirely clear whether the policy limits tall buildings to locations that have been identified through a development plan or allows for tall buildings to come forward wherever their impacts can be shown to be acceptable. In the context of what is widely accepted to be a housing crisis in London, and the length of time it might take for sites suitable for tall buildings to work their way through the various local planning processes across the capital, the latter would appear to me to make more sense.
53. Being prudent, I find that the inability of the proposal to meet the requirements of the locations element of LP Policy D9 renders it contrary to that policy. Bringing the scheme forward in defiance of that would take away the opportunity for the Council, residents, and other interested parties, to consider the matter through the emerging Local Plan process. Notwithstanding that, however, it is my view that the scheme's ready accord with other policies in the LP, notably GG2, D3, D4, and the impacts element of D9, alongside policies in the CS and DMD, means that, in my view, the proposal is still in accord with the development plan, read as a whole.
54. It is instructive to consider the alternative. If I were to conclude that the inability of the proposal to accord with the locations element of LP Policy D9 meant that it failed to accord with the development plan read as a whole, then other material considerations would come into play. Chief amongst those would be the operation of Government policy in paragraph 11 of the Framework. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites with the appropriate buffer. The evidence shows that at present, they can demonstrate a supply of just over two years. In the light of footnote 8, that would make LP Policy D9 (amongst others) out-of-date. Based on my findings above, the proposal would have no harmful impact on the significance of designated heritage asset so paragraph 11d)i presents no barrier.
55. That leads us on to paragraph 11d)ii. This sets out that in the situation under consideration, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The only harmful aspect of the scheme is that its timing relative to the emerging Local Plan means that the Council, residents, and others with an interest, would lose the opportunity to consider the suitability of the site for a tall building, or buildings, through the examination process, whenever it might take place. To my mind, bearing in mind the parlous state of the Council's housing land supply, the harm that flows from that pales against the enormous benefits of the open-market and affordable housing the scheme would bring forward in a well-designed, contextually appropriate scheme.
56. It seems to me therefore that whichever way one approaches the matter, the answer is the same; planning permission should be granted for the proposal.

Conditions and the Obligation

57. Discussions between the appellant and the Council around the conditions the Council would favour in the event that the appeal was allowed, and planning permission was granted, took place before and during the Inquiry and a draft list of suggested conditions was produced²¹.

²¹ ID12

58. This facilitated a 'round table' discussion involving all parties. I have considered the various conditions in the light of that discussion, and advice in paragraph 56 of the Framework. This explains that planning conditions should be kept to a minimum and only imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. It continues to the effect that, of relevance, conditions that are required to be discharged before development commences should be avoided, unless there is clear justification. Footnote 25 sets out that sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's²² written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply. In that regard, I have treated the inclusion of pre-commencement conditions in a list agreed by the appellant as conferring that written agreement.
59. In the first instance, the standard conditions relating to commencement, and the approved plans are required. In relation to the latter, the suggested condition includes a list of drawings of the site as it stands, and of the various supporting documents. Given that the purpose of the condition is to facilitate subsequent applications for minor material amendments, the list only needs to include drawings of the scheme as proposed.
60. In order to ensure that the quality of the design is carried through into its construction, it is reasonable to apply conditions that require external materials of the buildings themselves, and of the hard surfaces around them, to be subject to the approval of the Council.
61. The boundaries between the development site and adjoining properties need to be properly dealt with so the Council does need to be able to exert control over their design. It seems to me imperative too that these boundary treatments are completed before the development is occupied or brought into use and retained in their approved form afterwards. I saw during my site visit that the existing arrangement of buildings on site has a relatively complex series of levels. I note too that the scheme as proposed relies on a careful approach to levels so as to accommodate parking, amongst other things, in the basement. Obviously, where levels at the bases are set will have an influence on the eventual height of the buildings. On that basis, a condition is necessary to allow the Council control over levels relating to the buildings, and the various hard surfaces.
62. It is clearly necessary to apply a condition that gives the Council some control over soft landscaping, including trees, and the design of the play-space. I have expanded the suggested condition to cover the proposed pocket park too and to require the play-space and pocket-park to be completed before occupation of the development.
63. A condition is needed to ensure the development achieves the designed BREEAM rating, and another to ensure that the measures identified in the 'Sustainable Design and Construction Statement' are carried out. Another condition is necessary to deal with living/green roofs.
64. It seems to me necessary to address issues around air quality thorough a condition. The potential for contamination in the ground needs to be dealt with in this way too.

²² And I take that to include the appellant's written agreement

65. Given the nature of the existing boundary, and the levels, at the northern extremity of the site, a condition is required protective fencing and/or ground protection for the duration of construction, and in advance of the final boundary design (which I have addressed above).
66. In the absence of any existing trees of value on the site, the condition suggested to deal with tree protection is not necessary.
67. Conditions are however required to deal with drainage of the site securing first of all a sustainable drainage strategy and second, verification of full implementation of that strategy. Linked to that, a condition is needed to deal with groundwater monitoring to assess the potential impact of the basement on flood risk, and to prohibit the use of surface water infiltration.
68. Given the nature, scale, and complexity of the development proposed, there exists the potential for implementation to cause difficulties for neighbouring occupiers. In that context, it is necessary to apply conditions to address piling, and to secure a plan to ensure the construction process is properly managed.
69. Conditions are needed to cover cycle parking and, so as to avoid any highways related issues, secure a delivery/servicing plan. In order to address matters around the living conditions of occupiers of the development in relation to lighting, noise, security and means of escape in case of fire, appropriately worded conditions are required. For similar reasons, a condition is needed to address the potential for noise from plant at rooftop level.
70. A draft Unilateral Undertaking was submitted in the course of the Inquiry²³ and was the subject of discussion, informed by a CIL Compliance Schedule very helpfully prepared by the Council²⁴. As a result of those discussions, the appellant and the Council reached a position where the various obligations could be dealt with through an Agreement under s106. A completed Agreement was submitted after the Inquiry closed²⁵.
71. Mirroring the requirements of Regulation 122(2) of the CIL Regulations 2010, paragraph 57 of the Framework says that planning obligations must only be sought where they are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. I have considered the various obligations against that background.
72. On my analysis, the various obligations relating to Contributions (relating to the Car Club, Healthy Streets, Public Realm, Travel Plan, and Carbon Offset); Monitoring; Transport (including the Travel Plan, Sustainable Transport Package, Parking Restrictions, and Highway Improvements); the Employment and Skills Strategy; Construction and Design (including the Considerate Constructor's Scheme and the retention of the architect); Affordable Housing (including its exact quantum and tenure, and the approval of affordable housing proposals); the Viability Review; Energy; and the District Energy Network Strategy have a clear policy and/or calculator basis. As such, all the obligations meet the tests set out in Regulation 122(2) of the CIL Regulations 2010, and paragraph 57 of the Framework.

²³ ID14

²⁴ ID13

²⁵ ID19

Final Conclusion

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

Paul Griffiths

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Mark Beard of Counsel

Instructed by the Head of Legal
Services, London Borough of Enfield

He called²⁶

Kevin Murphy BArch MUBC RIBA IHBC
KM Heritage

Kathryn Firth MA(UD)
Partner, FP Design

Mike Ibbott MA MPhil MBA MRTPI
PIEMA Director, TP Bennett

FOR SOUTHGATE DISTRICT CIVIC VOICE (SDCV)

Chris Binns of SDCV and
Graham Davis, Chair of SDCV

They called

Ian Harvey SFIPM
Executive Director, Civic Voice

FOR THE APPELLANT

Christopher Young QC and
Sioned Davies of Counsel

Instructed by Simply Planning

They called²⁷

Ignus Froneman BArch.Stud ACIfA
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Chris Bath BA(Hons) DipArch MA(UD)
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Dr Chris Miele MRTPI IHBC
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Director, Emery Planning

James Stacey BA(Hons) DipTP MRTPI
Tetlow King Planning

Holly Mitchell BA(Hons) DipTP MRTPI
Director, Simply Planning

²⁶ Michael Cassidy (an Officer of the Council) took part in the discussions about conditions

²⁷ Peter Sofoluke of BPTW took part in the discussion about conditions

INTERESTED PERSONS

Kevin Long	Local Resident
Geraldine Hearne	Local Resident
Jonny Neill	Local Resident
Bambos Charalambous MP	Member of Parliament for Enfield Southgate

INQUIRY DOCUMENTS

- ID1 Opening Statement for the appellant
- ID2 Opening Statement for SDCV
- ID3 Opening Statement for the Council
- ID4 English Heritage letter of 09/07/19
- ID5 Errata Sheet (Dr Miele)
- ID6 Mr Bath's Presentation to the Inquiry
- ID7 Bundle of Third Party representations (put in by SDCV and the Council)
- ID8 Pre-Application Material
- ID9 Draft Proposals Map and extracts from the Emerging Local Plan
- ID10 Errata Sheet (Ms Mitchell)
- ID11 Statement of Common Ground
- ID12 Draft Conditions
- ID13 CIL Compliance Schedule
- ID14 Draft Unilateral Undertaking
- ID15 Site Visit Itinerary
- ID16 Closing Statement for SDCV
- ID17 Closing Statement for the Council
- ID18 Closing Statement for the appellant
- ID19 Completed Agreement under s106

Annex A: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 16-173 – Southgate - D-32 - Park Road - East Elevation - Rev A; 16-173 – Southgate - D-31 - Chase Road Elevation - Rev A; 16-173 - Southgate - D-30- South Block - South Elevation - Rev A; 16-173 - Southgate - D-29 - South Block- North Elevation (Internal Street) - Rev A; 16-173 - Southgate - D-28- North Block- South Elevation (Internal Street); 16-173 - Southgate - D-27 - North Block - North Elevation - Rev A; 16-173 - Southgate - D-26 - Section DD - Rev A; 16-173 - Southgate - D-25- Section CC - Rev A; 16-173 - Southgate - D-24 - Section BB - Rev A; 16-173 - Southgate - D-23 - Section AA - Rev A; 16-173 - Southgate - D-22 - Roof Plan; 16-173 - Southgate - D-21 - Seventeenth Floor Plan; 16-173 - Southgate - D-20 - Sixteenth Floor Plan; 16-173 - Southgate - D-19 - Fifteenth Floor Plan; 2 - 16-173 - Southgate - D-18 - Fourteenth Floor Plan; 16-173 - Southgate - D-17 - Thirteenth Floor Plan; 16-173 - Southgate - D-16 - Twelfth Floor Plan; 16-173 - Southgate - D-15 - Eleventh Floor Plan; 16-173 - Southgate - D-14 - Tenth Floor Plan; 16-173 - Southgate - D-13 - Ninth Floor Plan; 16-173 - Southgate - D-12 - Eighth Floor Plan; 16-173 - Southgate - D-11 - Seventh Floor Plan Rev A; 16-173 - Southgate - D-10 - Sixth Floor Plan Rev A; 16-173 - Southgate - D-09 - Fifth Floor Plan Rev A; 16-173 - Southgate - D-08 - Fourth Floor Plan Rev A; 16-173 - Southgate - D-07 - Third Floor Plan Rev A; 16-173 - Southgate - D-06 - Second Floor Plan - Rev B; 16-173 - Southgate - D-05 - First Floor Plan - Rev B; 16-173 - Southgate - D-04 - Ground Floor Plan - Rev A; 16-173 - Southgate - D-03 - Basement Plan - Rev A; 16-173 - Southgate - Fire Brigade Access Strategy - Residential-LR; and 16-173 - Southgate - Fire Brigade Access Strategy - Commercial-LR.
- 3) Prior to the commencement of building works above ground, a sample panel and a schedule of materials to be used in all external elevations including walls, doors, windows and front entrances within the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the completion of the external building works, details and design of the surfacing materials to be used within the development including footpaths, shared surfaces, access roads, parking areas, road markings and all other hard surfacing shall be submitted to and approved in writing by the local planning authority. The surfacing shall be completed in accordance with the approved details before the development is first occupied or the use commences.
- 5) Prior to the commencement of building works above ground, full details, including a schedule of materials to be used, of all boundary treatments shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with the approved details before the development is first occupied or the use commences and retained as such thereafter.

- 6) Prior to commencement of development, details of the existing and proposed ground levels, including the levels of any proposed buildings, roads and/or hard surfaced areas, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Prior to the completion of the external building works, details of trees, shrubs, grass and all other soft landscaped areas forming part of internal and external amenity spaces, and the design of the play-space, and the pocket park, shall be submitted to and approved in writing by the local planning authority. Where feasible, biodiversity enhancement interventions shall be incorporated within the design. The planting scheme shall be carried out in accordance with the approved details in the first planting season after completion or occupation of the development whichever is the sooner and any planting which dies, becomes severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details. The play-space and the pocket park shall be completed in accordance with the approved details before the development is first occupied or the use commences.
- 8) Before the development is first occupied, evidence confirming that it achieves a BREEAM New Construction rating of no less than 'Very Good' shall be submitted to and approved in writing by the local planning authority. The evidence required shall be provided in the following formats and at the following times: (a) a design stage assessment, conducted by an accredited Assessor and supported by relevant BRE interim certificate, shall be submitted at pre-construction stage prior to the commencement of superstructure works on site; and (b) a post construction assessment, conducted by an accredited Assessor and supported by relevant BRE accreditation certificate, shall be submitted following the practical completion of the development and prior to first occupation. The development shall be carried out in accordance with the details so approved and retained as such thereafter.
- 9) The development shall be carried out in accordance with the measures identified in the submitted document entitled 'Sustainable Design and Construction Statement' dated May 2019 (and any subsequent revisions). Before the development is first occupied, the developer shall submit to the local planning authority a statement confirming that the development has been carried out in accordance with the measures therein.
- 10) Above ground works shall not commence until the feasibility of and details pertaining to the installation of biodiversity (green/brown) roof(s) have been submitted to and approved in writing by the local planning authority. If identified as feasible, the biodiversity (green/brown) roof(s) shall be: (a) biodiversity based with extensive substrate base (depth 80-150mm); and (b) planted/seeded with an agreed mix of species within the first planting season following practical completion of the building works. The biodiversity (green/brown) roof shall not be used for any recreational purpose and access shall only be for the purposes of maintenance, repair or means of escape. Details shall include a full ongoing management plan and maintenance strategy/schedule for the green/brown roof. Development shall be carried out in accordance with the approved details and retained as such thereafter.

- 11) The development shall be built in accordance with submitted document entitled 'Air Quality Assessment: Southgate Office Village' dated May 2019 and all of the measures proposed to control dust must be fully implemented during on-site works. 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 chapter 7 of the GLA's SPG 'Control of Dust and Emissions During Construction and Demolition' dated July 2014, or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.
- 12) The development shall not be occupied until a scheme to deal with any 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 has been 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 its completion prior to the occupation of the development.
- 13) Prior to the commencement of the development hereby approved (including all preparatory work), details of protective fencing/ground protection shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 14) Notwithstanding the details provided in the Drainage Impact Assessment (September 2019), development shall not commence until a final detailed Sustainable Drainage Strategy has been 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 as set out in the Technical Guidance to the National Planning Policy Framework and should be in line with DMD Policy SuDS Requirements and: (a) shall be designed to a 1 in 1 and 1 in 100 year storm event with the allowance for climate change; (b) follow the SuDS management train and London Plan Drainage Hierarchy by providing a number of treatment phases corresponding to their pollution potential; (c) provide source control SuDS measures across the site; (d) maximise opportunities for sustainable development, improve water quality, biodiversity, local amenity and recreation value; (e) 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) establish clear ownership, management and maintenance arrangements; and (g) details submitted shall include levels, sizing (calculations where necessary), cross sections and specifications for all drainage features.
- 15) Prior to occupation of the development, a Verification Report demonstrating that the approved drainage / SuDS measures have been fully implemented shall be submitted to and approved in writing by the

local planning authority. This report must include: (a) as built drawings of the sustainable drainage systems including level information (if appropriate); (b) photographs of the completed sustainable drainage systems; (c) any relevant certificates from manufacturers/ suppliers of any drainage features; and (d) a confirmation statement of the above signed by a chartered engineer.

- 16) The development shall not commence until groundwater monitoring is undertaken to assess the potential impact of the basement on groundwater flood risk. The groundwater monitoring should be undertaken over a period of at least 2 months between the winter period (between October and the end of March) with a minimum of 3 site visits at bio-weekly intervals. The results of the monitoring should be submitted in writing to the local planning authority. Following the results of the groundwater investigation, if significant groundwater is present on site, detailed groundwater flow modelling which will include an assessment of the impact of the proposed basement on groundwater should be submitted to and approved by the local planning authority. This shall include appropriate mitigation measures including avoidance, changes to floor levels, appropriate drainage measures, and appropriate basement construction. For clarity, 'significant' groundwater is defined as a standing water level 0.5m or more above the surface of the London Clay or as identified (by the local planning authority) to have the potential to cause groundwater flooding.
- 17) No infiltration of surface water drainage into the ground at this site is permitted unless agreed in writing by the local planning authority.
- 18) No piling, other deep foundations, and/or investigation boreholes using penetrative methods shall be carried out until details have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 19) That development shall not commence until a construction methodology for the relevant phase has been submitted to and approved in writing by the local planning authority. The construction methodology shall contain: (a) arrangements for wheel cleaning; (b) arrangements for the storage of materials; (c) hours of work; (d) arrangements for the securing of the site during construction; (e) arrangements for the parking of contractors' vehicles clear of the highway; (f) details of how delivery vehicles will be managed to ensure there is no occurrences of vehicle idling in close proximity to the site; (g) details of how vehicle deliveries will be managed to ensure there is no undue noise and disturbance to neighbouring occupiers as a result of the deliveries; (h) the siting and design of any ancillary structures; (i) arrangements for the loading and unloading of plant and materials; (j) a scheme for recycling/disposing of waste resulting from demolition and construction works; (k) enclosure and/or hoarding details; (l) measures to control dust, noise and other environmental impacts of the development in accordance with 'London Best Practice Guidance: The control of dust and emission from construction and demolition'; and (m) the procedure for dealing with noise complaints arising from neighbouring occupiers. The development shall be carried out in accordance with the approved construction methodology.

- 20) The development shall not be occupied until details of the secure covered cycle parking facilities have been submitted to and approved in writing by the local planning authority. The cycle parking facilities shall be provided in accordance with the approved details prior to occupation of any part of the development and retained for their intended purpose thereafter.
- 21) Prior to the facility being operational, an Operational/Service Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to the following: (a) details of how delivery vehicles will be managed to ensure there is no occurrences of vehicle(s) idling in close proximity to the site; (b) details of how vehicle deliveries will be managed to ensure there is no undue noise and disturbance to neighbouring occupiers as a result of the deliveries; (c) confirmation that loading doors will be closed shut prior to any vehicle being unloaded in the site; and (d) the procedure for dealing with noise complaints arising from neighbouring occupiers. The development shall be operated in accordance with the approved details.
- 22) The development shall be completed in accordance with the approved document entitled 'Noise & Vibration Assessment' reference RP01-18348 dated 10 August 2018 before it is first occupied.
- 23) Prior to occupation, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards which shall be submitted to and approved in writing by the local planning authority. Measures necessary to achieve such compliance shall be retained thereafter.
- 24) Before the development is first occupied, or brought into use, details of any external lighting and any internal lighting within communal areas shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details before it is first occupied or brought into use.
- 25) Prior to the commencement of above ground works, a Fire Statement shall be submitted to and approved in writing by the local planning authority. The Fire Statement shall be produced by a suitably competent and qualified person which shall detail the building's construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring; and how provision will be made within the site to enable fire appliances to gain access to the building. The development shall be carried out in accordance with the approved details and the various measures and means shall be retained thereafter.
- 26) Before any above ground works commence, details of any rooftop plant, extract ducts, fans and so forth, including an acoustic report, shall be submitted to and approved in writing by the local planning authority. The report must set out the sound level generated from the combined plant to be installed and detail noise control measures to be employed to ensure the noise from the combined plant does not exceed a level of 10dBA below the typical measured background noise level measured as L(A)90 15 minutes during operational hours, at the façade of the nearest residential property.