



Appeal Decision

Inquiry opened on 1 March 2022

Site visit made on 4 March 2022

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2022

Appeal Ref: APP/Q5300/W/21/3276466

Car park adjacent to Arnos Grove Station, Bowes Road, Southgate, London N11 1AN

- 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 Connected Living London (Arnos Grove) Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01049/FUL, dated 13 March 2020, was refused by notice dated 19 March 2021.
 - The development proposed is erection of 4No buildings between one to seven storeys above ground level, with some elements at lower ground floor level, comprising 162 residential units (Class C3) and flexible use ground floor units (Class A1/A3/A4) together with areas of public realm, hard and soft landscaping, access and servicing arrangements, plant and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 4No buildings between one to seven storeys above ground level, with some elements at lower ground floor level, comprising 162 residential units (Class C3) and flexible use ground floor units (Class A1/A3/A4) together with areas of public realm, hard and soft landscaping, access and servicing arrangements, plant and associated works at car park adjacent to Arnos Grove Station, Southgate, London N11 1AN in accordance with the terms of the application, Ref 20/01049/FUL, dated 13 March 2020, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Application for costs

2. At the Inquiry an application for costs was made by Connected Living London (Arnos Grove) Ltd against the Council of the London Borough of Enfield. This application is the subject of a separate decision.

Preliminary matters

3. The Inquiry sat for four days from 1 to 4 March 2022. I carried out a site visit on 4 March 2022. By agreement with the parties, this was an unaccompanied visit.
4. The planning application was reported to the Council's planning committee on 5 January 2021 with an officer recommendation for approval. The committee resolved to refuse the application. On 19 March 2021 the decision notice was issued. There were three reasons for refusal, relating to loss of the existing station car park, the setting of the Grade II* listed Arnos Grove Station and the

proposed housing mix, including the provision for affordable and family housing. Following a further meeting on 31 August 2021, the Council wrote to the Planning Inspectorate advising that it would not be defending these reasons for refusal at the Inquiry. At the Inquiry, the Council stated that its decision not to defend the reasons for refusal was informed by changes in circumstances.

5. The Council was represented at the Inquiry and contributed to discussions on planning obligations and planning conditions. However, the Council gave no evidence on the planning merits of the appeal. The Council's formal position at the Inquiry, recorded in the Statement of Common Ground, was that planning permission should be granted, subject to appropriate conditions and planning obligations.
6. The Cockfosters Local Area Residents Association (CLARA) and the Friends of Arnos Park (FoAP) were given Rule 6 status and took part in the Inquiry.
7. Discussions on a s106 Agreement (the Agreement) continued during the course of the Inquiry. The Agreement was finalised at a late stage so it was necessary to allow a period after the close of the Inquiry for a signed version to be submitted. The completed Agreement, which is dated 17 March 2022, is consistent with the final draft that was discussed at the Inquiry. The Agreement would make provision for:
 - measures to ensure that occupiers would not apply for parking permits for the existing controlled parking zone (CPZ);
 - a contribution to enable the Council to carry out surveys and consultation and, if necessary to amend and/or extend the CPZ;
 - submission of a travel plan;
 - car club membership for new residents;
 - sustainable transport vouchers for new residents;
 - submission of an employment and skills strategy;
 - submission of a residential management plan to ensure that the scheme would be delivered as build to rent housing, together with clawback measures in the event of future disposal of any units;
 - delivery of 40% of the scheme (by habitable rooms) as affordable housing, of which 70% would be discounted market rent and 30% would be London living rent;
 - early and late stage viability reviews, so that the amount of affordable housing and/or affordability could be increased if viability improves;
 - a contribution to increasing the capacity of GP services;
 - a contribution to travel plan monitoring;
 - a contribution to improvements to pedestrian, cycling and highway infrastructure;
 - submission of energy performance indicators to the Greater London Authority (GLA) and post-construction monitoring;

- submission of a decentralised energy network strategy, or an alternative strategy to achieve the carbon reduction target¹ in the event that it is not practical or viable to connect to an off-site heat network;
 - submission of an energy plan and payment of a carbon offset contribution if the carbon reduction target is not met;
 - submission of a management plan for children's play spaces, communal open spaces and public realm spaces, including the specifications for these open spaces and the arrangements for management and maintenance; and
 - arrangements to ensure that the scheme architect is retained during the approval of details and the construction phase, or, if the scheme architect is not retained, a contribution to design monitoring costs to enable the Council to oversee the design quality of the scheme.
8. At the Inquiry the Council submitted a statement of compliance with the Community Infrastructure Levy Regulations 2010 which considered the planning obligations against the tests set out in Regulation 122. The statement included references to relevant development plan policies and supplementary planning guidance. The statement records that the Council and the appellant agreed that all of the obligations would satisfy the tests in Regulation 122. No party at the Inquiry argued otherwise. I agree that the obligations would meet the tests and I have taken them into account accordingly in my assessment of the appeal.
9. Following the close of the Inquiry, CLARA drew attention to a letter from the Secretary of State for Transport² stating that he had rejected an application under section 163 of the Greater London Authority Act 1999 by Transport for London (TfL) to dispose of operational land at Cockfosters station and car park. Other parties were given an opportunity to make written comments on this information³. I shall comment on this matter under the first main issue.
10. The development plan comprises:
- London Plan 2021 (LP21);
 - Enfield Plan Core Strategy 2010-2025 (CS);
 - Enfield Development Management Document 2014 (DMD);
 - North Circular Area Action Plan 2014 (NCAAP); and
 - the Adopted Policies Map 2014.
11. The New Southgate Masterplan, published in 2010, is a Supplementary Planning Document. It sets out guidance for the appeal site, identifying it as suitable for mixed use development. Whilst it does not have the status of policies that are part of an adopted development plan, it has informed the NCAAP.

¹ The carbon reduction target means at least a 35% reduction on total CO2 emissions for the development below Part L of the Building Regulations 2013

² ID18 The letter is dated "March 2022". Although the notification to TfL is said to have been sent on 25 February 2022, it appears that the parties to this Inquiry were not aware of it at that time.

³ ID19, ID22, ID23

12. Consultation has begun on the Regulation 18 “*Main Issues and Preferred Approaches*” for a new Enfield Local Plan. The Council and the appellant agree that limited weight should be attached to the emerging plan at this early stage. I agree.

Main issues

13. The main issues are:

- the effect of the proposal on accessibility, highways and parking conditions in the area;
- the effect of the proposal on the historic environment; and
- whether or not the proposal would provide an appropriate mix of housing types and tenures.

Reasons

Effects on accessibility, highways and parking conditions

Accessibility of site location

14. The site comprises two pay and display car parks located either side of Arnos Grove underground station. Arnos Grove is in London Travel Zone 4. It provides regular Piccadilly Line services to Central London (Zone 1), with a journey time of 20 to 30 minutes. The site boundary also includes a forecourt area used for bus stops, bus stands and a taxi rank. There are four bus stops serving the station, within the forecourt and in Bowes Road. There are seven bus routes serving destinations including Palmers Green, Walthamstow Central, Barnet, Turnpike Lane Station, Potters Bar, Edgware Road, and Southgate.
15. The station and part of the site are within the Bowes Road local centre, which provides facilities such as an off licence, coffee shops, takeaways and hairdressers. Arnos Pool, Bowes Road Library and Bowes Road clinic are located nearby.
16. The front part of the site has a Public Transport Accessibility Level (PTAL) rating of 6a (excellent) and the rest of the site has a rating of 4 (good). CLARA argued that the PTAL rating is misleading because most of the bus routes serve locations to the west, in Barnet, rather than locations in Enfield. I take account of the fact that the locations directly served by buses from Arnos Grove are not evenly spread. Other destinations may require more than one bus or a combination of bus and underground. Even so, this is clearly a location that is well-served by public transport.

The environment around the station

17. I saw that the immediate surroundings of the station are not particularly attractive. There are two entrances to the station, one facing south towards Bowes Road and one facing west towards a car park. The space for pedestrians is cramped, with a relatively narrow pavement between the southern entrance and the bus stops and a car park exit route in front of the western entrance. The area is dominated by vehicle movements, parked vehicles and the paraphernalia associated with surface car parks.

18. There is no scope to widen the pavement in front of the station because of the need to accommodate bus stops and bus stands. However, the proposal would rationalise vehicular circulation by removing the car park exit route and one of the entrances into the forecourt area from Bowes Road. There would also be more space dedicated to pedestrians, with a new public square in front of the western entrance. The square would be animated by the provision of a shop and/or café on the northern side. This part of the site would also accommodate blue badge car parking and additional cycle parking for station users. To my mind the approach to the station would become considerably more attractive and welcoming than it is now.
19. There would no longer be traffic passing directly in front of the western entrance to the station. Traffic entering the site would follow the existing car park entry route, close to the western boundary. Moreover, the amount of traffic entering the site would be much reduced as a result of the replacement of a surface car park with car free housing. The revised layout of the forecourt would maintain the number of bus stops and provide one additional bus stand. The taxi bay would be moved to the edge of Bowes Road, separating taxis from bus movements. Consequently, buses would be the only vehicles needing to enter the forecourt. There would be an improved pedestrian route across the forecourt to the station entrance.
20. Overall, I consider that the proposal would prioritise movements by pedestrians and cyclists around the station. This would accord with CS Policy 26, which seeks to improve access to, and safety of, underground stations and to promote environmental works that would make stations more attractive and welcoming. It would also accord with LP21 Policy T2 which seeks to reduce the dominance of vehicles on London's streets and to support the healthy streets approach.

Car free housing

21. The proposal is for car free housing. The only car parking to be provided would be the re-provision of 6 blue badge spaces for disabled station users, 5 blue badge spaces for disabled residents (with space identified for more such spaces if required) and the re-provision of 10 spaces for London Underground staff. LP21 Policy T6 states that car free housing should be the starting point for all development proposals in places that are well-connected by public transport. For the reasons given above, the appeal site meets that criterion.
22. Policy DMD 45 sets out factors to be taken into account when considering proposals for car free housing. These include that the site has good access to public transport and is located in close proximity to a town centre. As noted above, part of the site is within the Bowes Road local centre. There is an existing CPZ covering the streets around the site. The Agreement includes various provisions that would prevent occupiers of the new dwellings from applying for parking permits within the CPZ. The Agreement would also provide funding for the Council to carry out surveys to establish whether any amendments to the existing CPZ would be required once the development had been occupied. Such amendments might cover either the terms of the restrictions, or the area covered by the CPZ. TfL has confirmed that the bus services serving the site have sufficient capacity to serve the development. In all these respects, the proposal would accord with the requirements of Policy DMD 45.

23. CLARA argued that the amendment or extension of the CPZ would impose additional burdens on existing residents. I acknowledge that restrictions of this type will have some impacts on residents, in terms of convenience and the cost of parking permits. However, those impacts must be balanced against the environmental benefits of limiting parking in residential areas by vehicles from outside the area. Local highway authorities are best placed to strike that balance. The Agreement would facilitate a review of the CPZ, if that proved to be necessary. Any such review would no doubt include appropriate consultation. I do not consider that the potential for the scheme to contribute to a need for CPZ changes is a factor which weights significantly against the appeal.
24. The Agreement also includes measures to promote sustainable travel by future residents, including contributions to car club membership, public transport and/or cycle vouchers. A travel plan would be secured by a condition. The Agreement provides for contributions to travel plan monitoring and to improvements to pedestrian and cycling infrastructure in the locality.
25. I consider that the Agreement would provide a comprehensive package of transport measures, such that the provision of car free housing at the appeal site would be unlikely to have a harmful impact on parking conditions in the locality. I conclude that the appeal site is a suitable location for the provision of car free housing. The proposal would accord with LP21 Policy T6 and DMD 45. Promoting car free housing at the appeal site would contribute to meeting the Mayor's strategic target that, by 2041, 80% of all trips in London will be made by foot, cycle or public transport. It would therefore accord with LP21 Policy T1.

Closure of station car park

26. The site comprises two pay and display car parks with a total of 297 spaces, not including the blue badge spaces and the London Underground staff parking. Surveys carried out in 2019 found that the peak utilization of the car parks was 75% (weekdays) and 42% (weekends). CLARA argued that loss of these spaces would harm the operation of the public transport network by limiting the ability of passengers to get to the station. Surveys of car park users, carried out in June 2018, found that most came from the boroughs of Enfield and Barnet. The main trip purposes were for work (weekdays) and leisure (weekends). An analysis of post codes found that 33% of car park users were within walking distance of an underground station, 50% within walking distance of a train station and 68% within walking distance of a bus route that serves Arnos Grove. Only 1.2% would not have any of these options.
27. CLARA challenged the adequacy of the survey information and suggested that there was insufficient information regarding the destinations of car park users. However, the surveys included data from the car park operator (a week in each of November 2018 and April 2019), supplemented by entry and exit surveys on two days to enable disaggregation of the two car parks. The user surveys were undertaken over a week in June 2018. The survey methodology was agreed with the Council at the time. The survey data pre-dates the pandemic, which has significantly affected travel patterns, and in my view provides a reasonable characterisation of the baseline conditions. The surveys found that most trips being made by car park users were to destinations in central/inner London (Travel Zones 1 and 2).

28. Having regard to the survey data, I consider that the great majority of car park users would be able to access either Arnos Grove, or an alternative underground or train station, either on foot or by bus. Loss of the car park is therefore unlikely to have a significant effect on the ability of the public at large to access public transport services.
29. It was suggested by CLARA that loss of the car park would have a particular impact on certain groups of station users, including those sharing protected characteristics⁴. Some station users have disabilities which make them eligible for blue badge parking. The car park surveys found that the current amount of blue badge parking is sufficient. The proposal would include the same level of blue badge parking, in a convenient location close to the station, so there would be no disadvantage for this group.
30. However, there will be some people with restricted mobility, due to age, disability or pregnancy/maternity, who currently benefit from being able to drive (or be driven) to the station and yet do not meet the criteria for blue badge parking. Those who are currently driven to the station would have the option of being dropped off in the nearby short stay parking bays on Bowes Road. Bus services, which typically include priority seating for those who are elderly, pregnant or less able to stand, would be an option for some. The transport evidence also identified Dial-a-Ride as an option that would be available.
31. Nevertheless, notwithstanding these options, there would be some reduction in accessibility for persons who currently use a car to access the station, whose mobility is restricted by age, disability or pregnancy/maternity, but who do not qualify for blue badge parking. That is a factor to be taken into account in weighing up the overall planning merits of the scheme. On the other hand, the improvements to the environment around the station described above would prioritise pedestrian movement and reduce the scope for pedestrian/vehicle conflict. This would advance equality of opportunity for persons whose mobility is restricted by age, disability or pregnancy/maternity and who do not have access to a private vehicle.

Impact on the road network

32. There were 834 daily vehicle movements entering and leaving the two car parks at the time of the survey. The projected trip generation for the appeal scheme, including use of the blue badge parking and the London Underground staff parking, would be much lower, resulting in a reduction of 725 two way trips.
33. CLARA argued that, whilst these trips may be displaced from the site, they would not be removed from the network. An analysis was produced which concluded that loss of the car park would result in increased car mileage, due to increased numbers of people driving to their final destination or driving to park in the wider area around Arnos Grove. However, this analysis was based on answers to a survey question that asked what drivers would do if the car park were full or closed when they arrived. That is very different to a scenario where drivers are aware in advance that there is no longer a car park at the station. Little weight can be attached to this analysis.

⁴ As defined in section 149 of the Equality Act 2010

34. Most car park users are travelling from the boroughs of Enfield and Barnet to locations in Travel Zones 1 and 2. It seems unlikely that they would seek to drive to those destinations, in preference to the alternatives discussed above, given the time and cost involved in driving into central/inner London. Moreover, there is an existing CPZ covering the streets around the station. For those who already live within walking distance of an alternative station, there would be little or no benefit in driving in order to park outside the CPZ. Even so, it may be that some station users would choose to park outside the CPZ, or time their trips to avoid current CPZ restrictions. However, if either of those outcomes were to have a significant impact on the locality, the Agreement would facilitate review of the CPZ as discussed above.
35. In summary, it cannot be assumed that 100% of those who currently use the car park would stop using a car for part of their trip. However, for most car park users, use of a car is one stage in a journey towards the centre of London, most of which will be made by public transport. Given the alternatives that are available, I consider that most would find another way of accessing public transport services. Closure of the car park would therefore result in a significant reduction in vehicular traffic in the locality. This would be a beneficial impact on the road network. It would contribute to meeting the Mayor's strategic target that 80% of all trips in London will be made by foot, cycle or public transport (by 2041), in accordance with LP21 Policy T1.

Dedicated dropping off facility

36. There is currently no formal dropping off facility but some cars do drop off passengers, either in the car park or in the forecourt. CLARA considers that there should be a facility provided for dropping off. The Council and the appellant agree that it would be undesirable to provide a dropping off bay because this would encourage additional car trips. They also point out that short term parking is available nearby on Bowes Road, as discussed above. I agree with the Council and the appellant on this matter.

Cockfosters station

37. Attention has been drawn to a decision of the Secretary of State for Transport to refuse an application by TfL under section 163 of the Greater London Authority Act 1999 to dispose of operational land at Cockfosters station and car park. I attach little weight to this decision because the Secretary of State for Transport has already granted an application, under the same legislation, relating to this appeal site.

Conclusions on accessibility, highways and parking conditions

38. The appeal site is in a location that is well-served by public transport. It falls within the LP21 definition of previously developed land, which is also referred to as brownfield land in the plan. This is because the car parks are fixed surface infrastructure within the curtilage of the station buildings. LP21 Policy GG2 seeks to make the best use of land, including through enabling the development of brownfield land. Policy H1 seeks to increase housing supply by optimising the potential for housing delivery on suitable brownfield sites, especially on sites with PTAL levels of 3 to 6, and especially through mixed-use redevelopment of car parks (amongst other sources of capacity). The appeal scheme accords with Policies GG2 and H1 in these respects.

39. Closure of the car park is unlikely to have a significant effect on the ability of the public at large to access public transport. The proposal would have a beneficial impact on the road network, by reducing vehicular traffic in the locality. This would contribute to meeting the Mayor's strategic target that 80% of all trips in London will be made by foot, cycle or public transport, by 2041, in accordance with LP21 Policy T1. The proposal would accord with Policy T2, which seeks to reduce the dominance of vehicles on London's streets, and with CS Policy 26, which seeks to make stations more attractive and welcoming. The appeal site is a suitable location for the provision of car free housing and, in this respect, the proposal would accord with LP21 Policy T6 and DMD 45.
40. NCAAP Policy 17 is a site-specific policy for redevelopment of the car parks at Arnos Grove station. It states that parking to the east of the station should be expanded to compensate for any loss of parking at the western car park. I note that the supporting text contemplates a possible reduction in public parking, subject to "*a clear justification for this loss*", but this does not alter the terms of the policy itself. The proposal would result in the loss of all public parking, save for the blue badge spaces. This would conflict with Policy 17.
41. The proposal would have particular transport impacts, both positive and negative, on groups of people sharing protected characteristics (as defined in the Equality Act 2010). These have been identified above and are to be taken into account in weighing up the planning merits of the appeal.

The effect of the proposal on the historic environment

42. The heritage assets considered in the evidence are:
 - Arnos Grove station (Grade II* listed building)
 - Bowes Road Library and Arnos Pool (Grade II listed buildings)
 - Broomfield Park (Grade II registered park)
 - Arnos Park (locally listed, non-designated heritage asset)
43. At the Inquiry, no party identified any impact on the settings or the significance of Bowes Road Library and Arnos Pool. I share that view. The Townscape and Visual Impact Assessment (TVIA) included a viewpoint from an elevated location in the north west corner of Broomfield Park. The TVIA demonstrated that the proposal would not be visible from this point, due to intervening topography and tree cover. No party identified any other potential views from the park. I conclude that there would be no impact on the setting or the significance of Broomfield Park.

Arnos Grove station

44. The station is regarded as making an important contribution to early Modernism. The architect, Charles Holden, designed a number of stations for the Piccadilly line in the 1930s. The listing description notes that Arnos Grove is probably the most highly regarded example of Holden's ground-breaking designs. The building is of considerable architectural interest. The listing description describes it as "*a striking design with a prominent circular booking hall providing both an effective landmark and hugely impressive interior space. Its large panels of glazing making it particularly evocative at night*". The station is also of historic interest because it introduced rational modern design, based

on continental models, to a wider public. The listing description notes that the station is largely unaltered and retains notable features such as the platform structures. I agree that these features of the listed building are important to its significance as a designated heritage asset.

45. The extent of the original station is marked by brick boundary walls. The station included a car park to the west of the booking hall, in front of the western station entrance. The larger northern extension of this car park, and the whole of the eastern car park, are outside the original station curtilage. The booking hall, bridge and platform structures are outside the application site and would not be directly affected. There would be some minor works to curtilage listed structures. The back wall of the original car park would be demolished and four concrete lamp posts would be relocated. Listed building consent has already been granted for these works. The main issue for this appeal is the effect of the proposal on the significance of the listed building, through development in its setting.
46. The station was built before the suburb that grew up around it. The circular booking hall was built on an elevated part of the site and was intended to act as a landmark. I consider that setting makes an important contribution to the significance of the listed building. As noted above, the immediate surroundings are unattractive, being dominated by traffic, parked vehicles and the paraphernalia associated with car parks. Whilst these features detract from the setting, the booking hall retains its status as a landmark building within the wider street scene.
47. The evidence describes how the design of the scheme has evolved through a collaborative pre-application process. Maintaining the primacy of the station building has been a key determinant of the design. The closest of the new buildings would be a single storey shop/café that would face a new public square in front of the western station entrance. Building A01 would rise to four storeys but would be set back beyond the booking hall, so as not to dominate it or distract from it in views from Bowes Road. The scale would step up to the north, away from the booking hall, to Building A02. This building would rise to seven storeys, with an additional lower ground level taking advantage of the fall of the land.
48. In some views from Bowes Road the booking hall would be seen against the backdrop of Building B01, to the east of the railway. The three storey scale of Building B01 would ensure that the top of the booking hall would continue to be seen against the sky in views from Bowes Road. As on the western side, the scale of development would step up to the north. I consider that the scale and massing of the proposed buildings would respect the listed building and preserve the primacy of the booking hall.
49. The design of the proposed buildings draws inspiration from mansion blocks that were built in Highgate and Balham in the same period as the station. This can be seen in the strong horizontal lines created by contrasting brickwork colours. This is not to say that the proposal would be a replica of such buildings. The scheme addresses contemporary concerns, such as overheating, by avoiding excessive glazing and raising window sill heights. All of the buildings would have streamlined silhouettes with gentle curvilinear forms. In my view the design represents a considered and coherent response to the site

- context. The buildings would sit comfortably alongside the listed station building, without competing with the strong vertical form of the booking hall.
50. Historic England's pre-application comments on the appeal scheme described the proposals as a well-considered response to the historic context, with the buildings scaled and positioned to retain the primacy of the ticket hall in local views. Neither Historic England nor the Twentieth Century Society raised any objection to the planning application. These responses are consistent with, and add weight to, my conclusions.
51. Building B01 was subject to criticism from CLARA on the basis that it would obstruct views of the listed buildings from the east. There was also criticism of the southern end elevation and a garden wall that would abut the footway at this point. As noted above, the eastern car park was not part of the original station. Although the booking hall was designed to be seen in the round, there is no evidence that the lack of buildings on what is now the eastern car park is part of any design intent. Nevertheless, the absence of buildings here means that there are currently views of the booking hall from the east which would be interrupted by Building B01⁵.
52. Design guidance has encouraged the creation of a built street frontage at this point, to fill a gap in the townscape of Bowes Road. The evolution of the design of the appeal scheme included setting Building B01 back, to align with the plinth to the booking hall, and limiting its height to three storeys. As a result, the booking hall would remain visible in views from the east, such as the view from opposite the Arnos Arms. As seen from this point, the scale of the new building would compete with the booking hall, reducing its prominence. That said, most people would experience views of the building in a dynamic way, as they move along Bowes Road. For viewers walking towards the station, the booking hall would come into full view within a few steps. I consider that the proposal would cause some harm to the ability to view the booking hall from the east. However, I would characterise the degree of harm as minor, resulting in less than substantial harm to the significance of the listed building.
53. Block B01 would have an approximately north/south orientation, such that its south facing front elevation would comprise just two bays of windows with a simple, formal design. In views from Bowes Road, this elevation would be seen together with the longer flank elevations. The eastern flank would have a domestic scale with deck access balconies. The western flank, facing the station, would reflect the horizontal banding and curved balconies that would be distinctive and unifying features of the scheme as a whole. Seen in this context, I consider that the simple design approach to the southern elevation would be a successful part of the overall composition.
54. The garden wall would be seen in the context of the nearby bridge parapet wall and would not look out of place. This is a busy and well-lit part of Bowes Road and I do not think that a relatively short length of wall next to the footway at this point would cause any harm in terms of community safety.
55. At the Inquiry a concern was raised about the effect of the proposal on the platform structures. The platforms are within a cutting with gently sloping sides covered with trees and other vegetation. The proposed buildings would be set sufficiently far back from the platforms to avoid any harmful overbearing or

⁵ LVIA Viewpoint C is representative of such views

enclosing effects, or any harm in relation to natural lighting to the canopy rooflights.

56. The proposal would also have beneficial effects on the setting of the listed building. As discussed above, the poor condition of the area around the station detracts from its setting. The proposed public square would represent a significant enhancement to the public realm, immediately adjacent to the listed building. It would remove or reduce harmful elements, such as a vehicle-dominated environment, a lack of space for pedestrians and poor townscape. The square would provide an attractive space, the design of which responds positively to the listed building. The central landscape feature within the square would be on the east/west axis of the booking hall, in line with the footbridge, the central column in the booking hall and the western entrance. The design of the new space would therefore extend the symmetry of Holden's design into the new public square, significantly enhancing the ability to appreciate the listed building.
57. Looking at the scheme as a whole, the replacement of the surface car parks with buildings of a respectful scale and high quality design would itself represent an enhancement of the setting of the listed building. Overall, these enhancements to the setting of the listed building would outweigh the harm that I have identified above, such that the setting of the listed building would be enhanced. The proposal would accord with LP21 Policy HC1, CS Policy 31 and Policy DMD 44. These policies seek to protect heritage assets and their settings.

Arnos Park

58. Arnos Park is part of an estate which was sold off in development plots in 1928. Around 18ha of land along Pymme's Brook was sold to Southgate Urban District Council for use as a public park. Arnos Park is a locally listed, non-designated heritage asset. It has heritage significance as a remnant of an earlier parkland landscape and is experienced today as a well-treed park within a suburban setting.
59. FoAP objected to the proposal on the basis that the taller elements of the appeal scheme would dominate parts of the park. Arnos Park is an attractive and tranquil green open space. Whilst the extent to which built form outside the park is visible will vary with the seasons, it is possible to see some buildings from most parts of the park. The taller elements of Buildings A02 and B02 would be towards the northern end of the appeal site. The extent of screening from existing trees would vary with the seasons but the tallest parts of the proposed buildings would be seen above the trees at all times of the year.
60. Whilst the proposed buildings would be clearly visible, I do not think that they would be so tall as to dominate the park. Rather, there would be some change in the character of part of the setting of the park, with a greater awareness of nearby buildings and a slightly more urban feel. I consider that this would result in a low level of harm to the significance of the park as a heritage asset. The proposal would conflict with LP21 Policy HC1, CS Policy 31 and Policy DMD 44 in this limited respect. Applying the balancing exercise set out in the Framework⁶, I consider that the low level of harm to this non-designated

⁶ The Framework, paragraph 203

heritage asset would be outweighed by the enhancement of the setting of the Grade II* listed station building. I reach this conclusion regardless of any other public benefits of the proposal, such as those discussed below.

Whether or not the proposal would provide an appropriate mix of housing types and tenures

The portfolio approach and build to rent housing

61. The appellant company is a joint venture between TfL and Grainger plc. TfL has formed a partnership with Grainger with a view to delivering build to rent (BtR) housing across London. TfL has a portfolio agreement with the Mayor, under which 50% affordable housing is to be achieved across the portfolio as a whole. Within that total, all of the Connected London Living BtR sites (including the appeal site) are required to deliver 40% affordable housing (by habitable rooms).
62. The LP21 states that boroughs should take a positive approach to the BtR sector to enable it to better contribute to the delivery of new homes. The plan identifies various ways in which BtR can make a positive contribution to meeting housing supply. These include attracting investment into housing, accelerating housing delivery, offering longer term tenancies and providing better quality homes than other parts of the private rented sector. Policy H11 sets out detailed criteria which enable decision-makers to assess whether a proposal qualifies as BtR housing for the purposes of the LP21. The Council is committed to supporting the delivery of BtR schemes but does not yet have a development plan policy relating to BtR housing.

Affordable housing

63. All of the 162 units proposed would be BtR units. The Agreement includes provisions relating to the BtR nature of the proposal, including requirements that the units be self-contained, let separately for terms of three to five years and managed as a whole by a single suitably qualified management agent. The BtR covenants would last for 15 years. Any of the market units disposed of within that period would be subject to a clawback mechanism. This would provide a financial disincentive for a future landlord to take the market units out of the BtR covenant. If any units were disposed of in this way there would be a clawback payment to the Council which could be used to support affordable housing.
64. These provisions are important for two reasons. First, I consider that the delivery of the market units as BtR would in itself be a planning benefit, for the reasons set out in the LP21. The Agreement would maintain that benefit (for the market units) for the covenant period. Second, Policy H11 makes specific provision for the delivery of affordable housing within BtR schemes. It states that the affordable housing can be solely discounted market rent (DMR), with 30% to be provided at London living rent (LLR) levels and 70% at "a range of genuinely affordable rents".
65. Policy H4 sets a strategic target of 50% of all new homes to be genuinely affordable. The measures to achieve this target include public sector landowners with agreements with the Mayor, such as TfL, delivering at least 50% across their portfolio. Policy H5 sets out a threshold approach to applications. The appeal scheme would provide 40% affordable housing, by

habitable rooms. This is above the threshold of 35% set out in Policy H5(B)(1), which is the applicable threshold for schemes on public sector land where there is a portfolio agreement in place.

66. CLARA suggested that 50% may not be achieved across the whole TfL portfolio, due to other sites not achieving planning permission. However, monitoring the portfolio agreement is a matter for the Mayor and TfL. The fact that there is an agreement in place means that the applicable threshold for the appeal site is 35%. The proposal complies with Policy H5 in this respect.
67. A viability assessment was submitted with the application. This was independently reviewed on behalf of the Council. As a result, the Council was satisfied that the proposed mix of discounts represented the maximum level of affordability that the scheme could support. If the discounts were increased it would not be viable to achieve 40% affordable housing. The Agreement would make provision for an early stage viability review and a late stage viability review. In the event that viability improves, these obligations would enable the rental discounts to be increased.
68. CLARA questioned whether the discounted units would be genuinely affordable to most Enfield residents, drawing attention to the gap between the median household income in the borough and the income that would be needed by occupiers of the DMR units. The Agreement requires the DMR units to be offered at 70% of the market rent (for one and two bedroom units) and 65% of the market rent (for three bed units). Annual housing costs would be capped at 28% of the annual gross income upper limit specified in the London Plan Annual Monitoring Report.
69. The LP21 makes clear that DMR is an intermediate housing product that will not be sought at social rent levels. Evidence on estimated rental levels has been provided which shows that the DMR units would be affordable at a range of household income levels below the GLA's current cap of £60,000. Whilst these would mostly be above the median household income for the borough, that figure includes those who require social rented homes. The proposed rental discounts would result in the units being affordable to a large number of households in Enfield who cannot afford to buy or rent in the open market but would nevertheless not be eligible for social rented housing.
70. I attach significant weight to the fact that the provisions of the Agreement on affordable housing are consistent with the approach set out in the GLA's report on the application. That report stated that the proposal to deliver 40% of the scheme by habitable room as affordable housing, split 30% LLR and 70% DMR, was strongly supported. The approach was also supported by the Council's officers in the Committee report.
71. All of the affordable units would be within Building A02, which CLARA characterised as segregating the affordable housing within a poor quality block. However, there is no evidence that the design quality of Building A02 would be any less than the high quality design of the other buildings. The scheme is designed as tenure blind, in terms of both internal and external specifications, and all occupiers would have the same access to communal facilities. Moreover, all of the family units (three bedroom) would be within Building A02, which is closest to the largest area of communal green space in the scheme.

72. I conclude that the proposal would provide 40% affordable housing, consistent with LP21 Policies H5 and H11. CS Policy 3 and Policy DMD 1 refer to a borough-wide aim to secure 70% of affordable housing as social rent units, although they do not state that this must be achieved on every site. The policies allow for site-specific factors, including viability assessments, to be taken into account. Whilst the appeal scheme would not provide any social rent units, it has been demonstrated that the proposed mix of discounts is the maximum level of affordability that the scheme could support. Consequently, I consider that the proposal would accord with CS Policy 3 and Policy DMD 1.

Mix of units sizes

73. The proposal would comprise 51% one bedroom, 40% two bedroom and 9% three bedroom dwellings. LP21 Policy H10 states that schemes should consist of a range of unit sizes. In determining an appropriate mix, decision-makers should have regard, amongst other matters, to local evidence of need, the requirement to deliver mixed and inclusive neighbourhoods and the nature and location of the site. The policy states that a higher proportion of one and two bedroom units is generally more appropriate in locations which are closer to a station or with higher public transport access and connectivity.
74. For market housing, CS Policy 5 plans for a borough-wide mix of 35% one and two bedroom units, 45% three bedroom houses and 20% larger units. Policy DMD 3 states that developments on sites of 10 or more dwellings should meet the targets of CS Policy 5. The proposal is for 91% one and two bedroom units, which would not accord with these policies.
75. Attention has been drawn to an appeal decision at Windmill Hill, Enfield⁷ in which the Inspector commented that the CS and DMD date from 2010 and 2014 respectively and that more recent development plan policy is set out in the adopted LP21 (Policy H10). The Inspector found that Policy H10 is more flexible, in that it identifies various factors that are to be taken into account when considering mix. He noted that, where policies of the development plan conflict, the conflict must be resolved in favour of the last document to become part of the development plan⁸. I agree with the approach taken by the Windmill Hill Inspector.
76. The officer's report notes that the Council's Strategic Housing Market Assessment indicates an annualised requirement, between 2016 and 2041, for new homes to be 55% one bedroom, 16% two bedroom and 14% three bedroom. The report also referred to the GLA Strategic Housing Market Assessment which predicts that, between 2011 and 2035, around 70% of newly forming households will be one and two person households.
77. With regard to the requirement to deliver mixed and inclusive neighbourhoods, the officer's report comments that there is a high proportion of three bedroom (and larger) family homes in Southgate Green ward. The appeal scheme would therefore provide greater choice for those who do not live in larger households. The site comprises brownfield land located next to a station and is well-served by public transport. It is therefore suitable for higher density development with a higher proportion of one and two bedroom units. Moreover, the Agreement would ensure that the proposal would be delivered and retained as BtR and

⁷ APP/Q5300/W/20/3263151

⁸ Planning and Compulsory Purchase Act 2004, s38(5)

there is a need for one and two bedroom properties in the rental sector. The scheme would include 14 three bedroom (five person) units, suitable for family accommodation. All of these would be affordable units.

78. In conclusion, there is evidence of need for the mix of units that would be delivered by the appeal scheme. The proposal would increase housing choice, in terms of providing smaller units, providing purpose built rental units and contributing to meeting the need for intermediate housing. The site location is well suited to higher density housing with a higher proportion of smaller units. The proposal would accord with LP21 Policy H10. Whilst it would not accord with CS Policy 5 and Policy DMD 3, those policies conflict with a more recent development plan policy.

Other matters

Housing delivery in Enfield

79. In January 2022 the Government published the National Housing Delivery Test data for 2021. Enfield remains a “*presumption authority*”, having delivered 67% of its housing target over the last three years. This result would engage the approach to decision-making set out in paragraph 11(d) of the Framework, in circumstances where there was conflict with the development plan.
80. The Council’s Strategic Housing Market Assessment identified a need for 456 affordable dwellings per year. Delivery of 370 affordable dwellings in total over the three years 2016/17 to 2018/19 amounted to only 27% of the need. In 2018/19 just 61 affordable homes were delivered across the borough.
81. The Council and the appellant agree that there is a borough-wide need for all types, tenures, and sizes of housing in Enfield. The housing target set by LP21 for Enfield is a minimum of 12,460 homes over the next 10 years. I consider that the appeal scheme would make a significant contribution to the delivery of housing in general and affordable housing in particular. Viewed in the context of recent levels of delivery, significant weight should be attached to the housing delivery that would result from the appeal proposal.

Density and tall buildings policy

82. NCAAP Policy 7 states that taller buildings are only considered appropriate within identified centres and at transition points where they could aid legibility and/or mitigate environmental impacts. Elsewhere, new development should not exceed the predominant building height in the vicinity which will be two storeys in most instances. Policy 17, which is specific to Arnos Grove station, identifies that the car park to the west of the station has scope for mixed use housing-led redevelopment. It states that, including the Arnos Resource Centre (on the opposite site of Bowes Road), the site could accommodate approximately 50 new dwellings, including apartments and houses.
83. The DMD defines a tall building as one that is substantially taller than its surroundings. Whilst there are some taller buildings in the wider area, the buildings in the vicinity of the appeal site are mainly two or three storeys. In my view Building A02 (seven storeys) and Building B02 (six storeys) would be substantially taller than their surroundings. Consequently, they should be regarded as tall buildings. Whilst DMD 43 does not identify any locations where tall buildings would be appropriate, it states that tall buildings will not be

acceptable in areas classified as inappropriate. Such areas include the immediate vicinity of listed buildings.

84. As the site is next to the listed Arnos Grove station, it is inappropriate for tall buildings in the terms of Policy DMD 43 and the proposal would be contrary to that policy. Moreover, the appeal scheme would be taller and denser than the type of development contemplated in the NCAAP. It would therefore conflict with NCAAP Policies 7 and 17.
85. On the other hand, I have concluded above that the proposal would accord with LP21 Policy GG2, which seeks to make the best use of land, including through enabling the development of brownfield land. It would also accord with Policy H1, which seeks to increase housing supply by optimising the potential for housing delivery on suitable brownfield sites. Policy D3 seeks to optimise site capacity through a design-led approach. This includes enhancing local context by delivering buildings and spaces that positively respond to local distinctiveness, enhancing heritage assets and being of high architectural quality. For the reasons discussed under the second main issue, I consider that the appeal scheme would optimise site capacity through a design-led approach. It would accord with Policy D3.
86. LP21 Policy D9 relates to tall buildings, stating that boroughs should determine if there are locations where tall buildings may be appropriate. Policy D9(B) states that tall buildings should only be developed in locations that are so identified. As noted above, Policy DMD 43 does not identify any locations where tall buildings would be appropriate so it is not currently possible to comply with Policy D9(B) anywhere in Enfield. Nevertheless, as part of an overall assessment, it is appropriate to consider the proposal against the criteria in part (C) of the policy. Part (C)(1) relates to visual impacts, including long-range, mid-range and immediate views.
87. With regard to long-range views, I saw that the appeal scheme would be visible from higher ground to the north of Arnos Park, including views from Arnos Grove in the vicinity of its junction with Minchenden Crescent. These views would be partially screened by intervening trees, such that the degree of visibility would vary with the seasons. The upper floors would be seen against the backdrop of taller buildings at Highview Gardens, which are to the south of the appeal site, and other tall buildings. At this distance the appeal scheme would be a relatively small element in a panoramic view. It would not alter the general character of the view.
88. In terms of mid-range views, the proposal would be seen from Seafield Road and Brookdale Road. There would be a contrast with the interwar suburban character of these streets, such that the viewer would be aware of a transition in scale. The new buildings would be separated from the existing houses by back gardens. The varied massing and proposed materials would help to assimilate the new buildings into their surroundings. Whilst there would be a change to the townscape, I do not consider that this would be harmful. I have commented above on views from Arnos Park.
89. I have also commented above on immediate views from Bowes Road. Looking at the criteria of part (C) as a whole, I consider that the proposal would reinforce the spatial hierarchy of the site context, aid legibility and wayfinding, represent a high standard of architecture and enhance the setting of the Grade II* listed building. Parts (C)(2) and (C)(3) of Policy D9 deal with functional and

environmental impacts. No concerns have been identified in relation to these matters. Part (D) deals with public access to tall buildings, where appropriate. I do not consider that public access would be appropriate in these proposed residential buildings.

90. I conclude that the proposal would accord with LP21 policies GG2, H1, D3 and D9(C) and (D). It would not accord with Policy D9(B) because no locations for tall buildings have yet been identified in Enfield. It would not accord with NCAAP Policies 7 and 17 or with Policy DMD 43.

Matters raised by interested parties

91. Several responses were received from interested parties, in relation to the appeal and the planning application. Many of the issues raised have been discussed above. Other concerns included overlooking, sunlight and daylight, trees, biodiversity and flood risk. I consider that there would be sufficient separation between new and existing dwellings to avoid harmful impacts on privacy or outlook. A sunlight and daylight report was submitted with the application. The Council accepts that there would not be any impacts that would be significant in planning terms. I share that view. Effects on trees, biodiversity and flood risk have been considered in the application documents and these matters could be controlled through appropriate planning conditions.
92. Attention was drawn to an appeal decision relating to a station car park at Canons Park, in Harrow⁹. In that case the Inspector identified the main issues as the effects on the character and appearance of the area, with particular regard to designated heritage assets, and on the living conditions of the occupiers of neighbouring dwellings. The appeal was dismissed because the Inspector identified harm in relation to those issues, which were specific to the facts of that case. Consequently, the decision does not affect my conclusions on this appeal.

Public sector equality duty

93. Various matters relevant to equalities were raised in the evidence before the Inquiry. I consider that the following would be the most significant:
- The removal of general public parking at the station would cause some reduction in accessibility for persons who currently use a car to access the station, whose mobility is restricted by age, disability or pregnancy/maternity, but who do not qualify for blue badge parking.
 - The proposed improvements to the environment around the station would prioritise pedestrian movement and reduce the scope for pedestrian/vehicle conflict. This would advance equality of opportunity for persons whose mobility is restricted by age, disability or pregnancy/maternity and who do not have access to a private vehicle.
 - 10% of units in the scheme would be dedicated accessible homes in accordance with the Building Regulation 2010 requirement M4(3) "Wheelchair user dwellings". All other units would be designed in accordance with Building Regulation Standards M4(2), "Accessible and adaptable dwellings". Although the scheme is car free, sufficient vehicle parking spaces would be provided for the use of residents with

⁹ APP/M5450/W/21/3278646

a disability. These features of the scheme would advance equality of opportunity for people with a disability.

- The delivery of 40% of the scheme as affordable housing would benefit those in housing need. Groups who are over-represented in terms of housing need include people with a disability and BAME people. These groups are therefore more likely to benefit from the affordable housing provision.
- The proposal would result in a reduction in traffic and congestion which would have a beneficial impact on air quality. This would be beneficial to groups whose health is particularly affected by air quality, including the very young and some people with disabilities.

94. I have had regard to all these impacts in weighing up the planning merits of the appeal.

Conclusions

Conclusions on the development plan

95. For the reasons given above, I conclude that the proposal would accord with LP21 Policy GG2, which seeks to make the best use of land, including through enabling the development of brownfield land. It would also accord with Policy H1, which seeks to increase housing supply by optimising the potential for housing delivery on suitable brownfield sites.
96. With regard to transport considerations, the proposal would contribute to meeting the Mayor's strategic target that 80% of all trips in London will be made by foot, cycle or public transport, by 2041, in accordance with LP21 Policy T1. The proposal would accord with Policy T2, which seeks to reduce the dominance of vehicles on London's streets, and with CS Policy 26, which seeks to make stations more attractive and welcoming. The appeal site is a suitable location for the provision of car free housing and, in this respect, the proposal would accord with LP21 Policy T6 and DMD 45. There would be conflict with NCAAP Policy 17 due to the closure of the station car park.
97. With regard to the historic environment, the proposal would enhance the setting of the Grade II* listed station. This benefit would outweigh the low level of harm that would be caused to the non-designated Arnos Park. Overall, the proposal would accord with LP21 Policy HC1, CS Policy 31 and Policy DMD 44. These policies seek to protect heritage assets and their settings.
98. The proposal would provide 40% affordable housing, consistent with LP21 Policies H5 and H11. Delivery of 40% affordable housing would also accord with CS Policy 3 and Policy DMD 1. With regard to housing mix, the site location is well suited to higher density housing with a higher proportion of smaller units. The proposal would accord with LP21 Policy H10. However, it would not accord with CS Policy 5 or Policy DMD 3.
99. With regard to density and tall buildings, the proposal would accord with LP21 Policy D3, which seeks to optimise site capacity through a design-led approach. It would also accord with the design criteria for tall buildings set out in part (C) of Policy D9. However, it would not accord with Policy D9(B) because no locations for tall buildings have yet been identified in Enfield. It would conflict with Policy DMD 43 because it would be in an inappropriate location for tall

buildings, as defined in that policy. The appeal scheme would be taller and denser than the type of development contemplated in the NCAAP. It would therefore conflict with NCAAP Policies 7 and 17.

100. There is a tension between some policies of the LP21 and earlier policies of the NCAAP, CS and DMD. In this case the most significant differences relate to closure of the station car park, housing mix, density and tall buildings. With regard to the closure of the station car park, I consider that the conflict with NCAAP Policy 17 is outweighed by the scheme's compliance with LP21 Policies GG2, H1, T1, T2 and T6. This is because these are more up to date development plan policies that seek to address current and future housing and transport needs across London, including within Enfield.
101. With regard to housing mix, the proposal would accord with LP21 Policy H10. Whilst it would not accord with CS Policy 5 and Policy DMD 3, those policies conflict with a more recent development plan policy. That conflict should be resolved in favour of the more recent policy.
102. The proposal would conflict with LP21 Policy D9(B) because no locations for tall buildings have yet been identified in Enfield. However, to my mind, that is outweighed by the scheme's compliance with the design criteria for tall buildings set out in part (C) of the same policy, together with the scheme's compliance with GG2, H1, D3 and HC1. The same factors outweigh the conflict with Policy DMD 43.
103. I consider that the conflict with NCAAP Policies 7 and 17 is outweighed by the scheme's compliance with LP21 Policies GG2, H1 and D3 because these are up to date development plan policies that seek to address current and future housing and transport needs across London, including within Enfield.
104. My overall assessment is that the proposal is in accordance with the development plan as a whole.

Other material considerations

105. Impacts on groups sharing protected characteristics have been considered in the evidence before the Inquiry. I have identified some positive and some negative impacts. These have been taken into account in my weighing up of the planning merits of the appeal.
106. The proposal would enhance the setting of Arnos Grove station, a Grade II* listed building. This is a benefit to which substantial weight should be attached.
107. Viewed in the context of recent levels of housing delivery in Enfield, significant weight should be attached to the benefit of the housing delivery, including BtR housing and affordable housing, that would result from the appeal scheme.

Overall conclusion

108. The proposal is in accordance with the development plan as a whole. There are no material considerations that indicate a decision other than in accordance with the development plan. Accordingly, the appeal should be allowed and planning permission granted.

Conditions

109. There was much agreement between the Council and the appellant on the conditions that should be imposed if the appeal is allowed. Suggested conditions were included in the Statement of Common Ground, which I have considered in the light of the policy tests for conditions in the National Planning Policy Framework, Planning Practice Guidance and discussion at the Inquiry. The conditions that I have imposed are substantially the same as those discussed at the Inquiry. In some cases I have adjusted detailed wording, mindful of the Guidance and in the interests of clarity and internal consistency.
110. Some conditions require matters to be approved before development commences. The appellant is in agreement with the pre-commencement conditions. These are necessary either because they address impacts that would arise during construction or because they may affect the design in a way that would need to be settled at an early stage.
111. Condition 2 requires development to be in accordance with the plans, in the interests of clarity and certainty. Condition 3 enables the submission of various details in phases, which is appropriate having regard to the scale of the proposal. Conditions 4 and 5 require submission of details of facing materials, building details and boundary treatments in the interests of the character and appearance of the area. Condition 6 requires submission of details of play areas, to ensure proper provision of outdoor play facilities. Condition 7 requires submission of details of landscaping, in the interests of the character and appearance of the area. Condition 8 seeks to ensure that the new buildings would achieve Secured by Design certification in the interests of community safety.
112. Condition 9 would secure delivery of accessible and adaptable dwellings, with a proportion of wheelchair accessible dwellings, in the interests of inclusive and accessible development. Conditions 10 and 11 require submission of details of a sustainable drainage strategy for each phase, together with a verification report demonstrating that the approved measures have been implemented, in the interests of sustainable development and managing flood risk. Condition 12 requires submission of details of external lighting, in the interests of the living conditions of neighbouring residents and new occupiers and to avoid harm to biodiversity. Condition 13 requires submission of a site management plan, including a refuse and recycling strategy, in the interests of the living conditions of neighbouring residents and new occupiers.
113. Condition 14 controls hours of construction work and deliveries in the interests of the living conditions of neighbouring residents. Condition 15 requires submission of details of noise insulation for the new buildings to protect future occupiers from noise and to avoid potential impacts on the operation of the adjoining underground railway, resulting from the introduction of noise-sensitive development. Condition 16 requires submission of a car park design and management plan, to ensure appropriate management of car parking, including making provision for residents with a disability. Condition 17 requires submission of details of cycle parking, in the interests of sustainable transport. Condition 18 requires submission of a delivery and servicing management plan and Condition 19 requires submission of a construction logistics management plan. These conditions are needed in the interests of highway safety and the living conditions of new occupiers.

114. Condition 20 requires submission of a construction resource management plan in the interests of waste minimisation and recycling. Condition 21 requires submission of measures for the protection of trees, in the interests of biodiversity and the character and appearance of the area. Condition 22 secures implementation of measures for the protection of the ecology of the site, consistent with the application documents. Condition 23 requires submission of a remediation strategy and Condition 24 requires submission of a verification report. These conditions are needed in the interests of managing risks of pollution resulting from land contamination. Condition 25 controls installation of aerials and Condition 27 requires approval of any changes to rooftop plant. These conditions are needed in the interests of the character and appearance of the area. Condition 26 requires submission of an acoustic report for rooftop plant, in the interests of the living conditions of neighbouring residents and new occupiers.
115. Condition 28 requires implementation of the reports on fire safety that were submitted with the application. Condition 29 requires submission of details of any electric vehicle charging points, in the interests of sustainable transport. Condition 30 requires submission of details of bird and bat nesting places, in the interests of protecting biodiversity. Condition 31 requires submission of further details of the station forecourt area, in the interests of the safety and convenience of passengers using the transport interchange. Condition 32 requires submission of details of curved balconies forming part of Building B02, in the interests of good design. Condition 33 requires submission of details of CCTV and lighting, in the interests of community safety and the character and appearance of the area.

David Prentis

Inspector

Appearances

FOR THE LOCAL PLANNING AUTHORITY:

Mark Beard, of Counsel instructed by the Solicitor to the Council
He called no witnesses

FOR THE APPELLANT:

Russell Harris, Queen's Counsel instructed by Clyde and Co LLP

He called

Richard Lavington Maccleanor Lavington
BSc(Hons)
BARCH(Hons) ARB RIBA

Alice Eggeling
BSc(Hons) MA MRTPI Alan Baxter
IHBC

Paul Cranley
BA(Hons) CMILT Pell Frischmann

Sean Bashforth
BA(Hons) MA MRTPI Quod

RULE 6 PARTIES:

Friends of Arnos Park	Alison Lister, Chair of FoAP
Cockfosters Local Area Residents Association	Colin Bull, Chair of CLARA
	Nick Saul
	David Palfreman
	Steve Rowe
	Councillor Daniel Anderson
	Councillor Edward Smith
	Peter Gibbs
	Peter Bourne

INTERESTED PARTY	Mr Skinner
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Documents submitted at or following the Inquiry

ID1	Appearances for the appellant
ID2	Drawing pack
ID3	Opening submissions for the appellant
ID4	Opening submissions for the Council
ID5	Mr Smith's speaking notes
ID6	Schedule of suggested conditions
ID7	Council's Statement of Compliance with the Community Infrastructure Regulations 2010
ID8	Mr Saul's speaking notes - transport
ID9	Closing submissions for the appellant
ID10	Costs application by the appellant (includes R on the application of Kides)
ID11	Appellant's agreement to pre-commencement conditions
	<i>Documents submitted after the close of the Inquiry</i>
ID12	Council's response to costs application
ID13	Appellant's reply to Council's response to costs application
ID14	Mr Saul's speaking notes – team approach
ID15	Cllr Anderson's speaking notes
ID16	Opening submissions for CLARA
ID17	Closing submissions for CLARA
ID18	Email from CLARA of 11 March 2022 attaching letter from the Secretary of State for Transport regarding Cockfosters station
ID19	Appellant's response regarding Cockfosters station of 16 March 2022
ID20	Section 106 Agreement dated 17 March 2022
ID21	Appellant's confirmation that signed Agreement is consistent with the version discussed at the Inquiry
ID22	Email from CLARA of 21 March 2022 responding to ID19
ID23	Email from the Council of 21 March 2022 responding to ID19

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 permitted shall be carried out in accordance with the approved plans:

MLUK-721-A-P-XX-0100 Location Plan
MLUK-721-A-P-XX-0450 Demolition Plan - Plot A
MLUK-721-A-P-XX-0451 Demolition Plan - Plot B
MLUK-721-A-P-XX-0460 Demolition Elevation - Wall 01
MLUK-721-A-P-XX-0461 Demolition Elevations - Wall 02
MLUK-721-A-P-XX-0462 Demolition Elevations - Wall 03
MLUK-721-A-P-XX-0463 Demolition Elevations - Arnos Grove Station
MLUK-721-A-P-XX-0464 Demolition Elevations - Arnos Grove Station
MLUK-721-A-P-XX-0465 Demolition Elevations - Wall 04
MLUK-721-A-P-XX-1030 Proposed Site Elevations & Sections
MLUK-721-A-P-XX-1032 Proposed Site Elevations & Sections
MLUK-721-A-P-XX-1099 Level B1 Proposed Tenure Plan
MLUK-721-A-P-XX-1100 Level 00 Proposed Tenure Plan
MLUK-721-A-P-XX-1101 Level 01 Proposed Tenure Plan
MLUK-721-A-P-XX-1102 Level 02 Proposed Tenure Plan
MLUK-721-A-P-XX-1103 Level 03 Proposed Tenure Plan
MLUK-721-A-P-XX-1104 Level 04 Proposed Tenure Plan
MLUK-721-A-P-XX-1105 Level 05 Proposed Tenure Plan
MLUK-721-A-P-XX-1107 Level 07 Proposed Tenure Plan
MLUK-721-A-P-A0-1200 Public Square - Level 00 Proposed GA Plan
MLUK-721-A-P-A1-1210 Bldg A01 - Level 00 Proposed GA Plan
MLUK-721-A-P-A1-1212 Bldg A01 - Level 02 Proposed GA Plan
MLUK-721-A-P-A1-1213 Bldg A01 - Level 03 Proposed GA Plan
MLUK-721-A-P-A1-1214 Bldg A01 - Level 04 Proposed GA Plan
MLUK-721-A-P-A1-1215 Bldg A01 - Level 05 Proposed GA Plan
MLUK-721-A-P-A2-1219 Bldg A02 - Level B1 Proposed GA Plan
MLUK-721-A-P-A2-1220 Bldg A02 - Level 00 Proposed GA Plan
MLUK-721-A-P-A2-1221 Bldg A02 - Level 01 Proposed GA Plan
MLUK-721-A-P-A2-1222 Bldg A02 - Level 02 Proposed GA Plan
MLUK-721-A-P-A2-1223 Bldg A02 - Level 03 Proposed GA Plan
MLUK-721-A-P-A2-1224 Bldg A02 - Level 04 Proposed GA Plan
MLUK-721-A-P-A2-1225 Bldg A02 - Level 05 Proposed GA Plan
MLUK-721-A-P-B1-1231 Bldg B01 - Level 01 Proposed GA Plan
MLUK-721-A-P-B1-1232 Bldg B01 - Level 02 Proposed GA Plan
MLUK-721-A-P-B1-1233 Bldg B01 - Level 03 Proposed GA Plan
MLUK-721-A-P-B2-1239 Bldg B02 - Level B1 Proposed GA Plan
MLUK-721-A-P-B2-1240 Bldg B02 - Level 00 Proposed GA Plan
MLUK-721-A-P-B2-1241 Bldg B02 - Level 01 Proposed GA Plan
MLUK-721-A-P-B2-1242 Bldg B02 - Level 02 Proposed GA Plan
MLUK-721-A-P-B2-1243 Bldg B02 - Level 03 Proposed GA Plan
MLUK-721-A-P-B2-1244 Bldg B02 - Level 04 Proposed GA Plan
MLUK-721-A-P-A2-1245 Bldg B02 - Level 05 Proposed GA Plan
MLUK-721-A-P-A2-1246 Bldg B02 - Level 06 Proposed GA Plan
MLUK-721-A-P-XX-2100 Bldg A01 & A02 Sections

MLUK-721-A-P-XX-2101 Bldg B01 Sections
MLUK-721-A-P-XX-2102 Bldg B02 Sections
MLUK-721-A-P-A0-3100 Public Square Elevation - South
MLUK-721-A-P-A0-3101 Public Square Elevation - East
MLUK-721-A-P-A1-3110 Bldg A01 Elevation - South
MLUK-721-A-P-A1-3111 Bldg A01 Elevation - West
MLUK-721-A-P-A1-3112 Bldg A01 Elevation - North
MLUK-721-A-P-A2-3120 Bldg A02 Elevation - South
MLUK-721-A-P-A2-3121 Bldg A02 Elevation - West
MLUK-721-A-P-A2-3122 Bldg A02 Elevation - North
MLUK-721-A-P-B1-3130 Bldg B01 Elevation - South
MLUK-721-A-P-B1-3131 Bldg B01 Elevation - West
MLUK-721-A-P-B1-3132 Bldg B01 Elevation - North
MLUK-721-A-P-B2-3140 Bldg B02 Elevation - South
MLUK-721-A-P-B2-3141 Bldg B02 Elevation - West
MLUK-721-A-P-B2-3142 Bldg B02 Elevation - North
MLUK-721-A-P-B2-3143 Bldg B02 Elevation - East
MLUK-721-A-P-XX-3200 Bay Study - Typical Projecting Balcony
MLUK-721-A-P-XX-3201 Bay Study - Typical Inset Balcony
MLUK-721-A-P-XX-3202 Bay Study - Deck Access Balcony
MLUK-721-A-P-XX-3203 Bay Study - Bldg A01 Cafe
MLUK-721-A-P-XX-3250 Bay Detail - Typical Window
MLUK-721-A-P-XX-3251 Bay Detail - Typical Balcony
MLUK-721-A-P-XX-3252 Bay Detail - Bldg B01
MLUK-721-A-P-XX-3253 Bay Detail - Bldg B01
MLUK-721-A-P-XX-3254 Bay Detail - Bldg B02
MLUK-721-A-P-XX-3255 Bay Detail - Bldg A01 Café
537-CTF-XX-00-DR-L-1002 Landscape General Arrangement Plan - Bus Interchange
537-CTF-XX-07-DR-L-1001 Green Roofs Plan
537-CTF-01-ZZ-DR-L-2000 Plot A Landscape Sections
537-CTF-01-ZZ-DR-L-2001 Plot A Landscape Sections
537-CTF-02-ZZ-DR-L-2002 Plot B Landscape Sections
537-CTF-XX-ZZ-DR-L-5000 Planting Plan
537-CTF-XX-XX-DR-L-7000 Tree Removal Plan
MLUK-721-A-P-XX-1010_01 Proposed Site Plan Rev 1
MLUK-721-A-P-XX-1031_01 Proposed Site Elevations and Sections Rev 1
MLUK-721-A-P-XX-1106_01 Level 06 Proposed Tenure Plan Rev 1
MLUK-721-A-P-A1-1211_01 Bldg A01 Level 01 Proposed GA Plan Rev 1
MLUK-721-A-P-A2-1226_01 Bldg A02 - Level 06 Proposed GA Plan Rev 1
MLUK-721-A-P-A2-1227_01 Bldg A02 Level 07 Proposed GA Plan Rev 1
MLUK-721-A-P-B1-1230_01 Rev 1 Bldg B01 - Level 00 Proposed GA Plan
MLUK-721-A-P-A1-3113_01 Bldg A01 Elevation - East Rev 1
MLUK-721-A-P-A2-3123_01 Bldg A02 Elevation - East Rev 1
MLUK-721-A-P-B1-3133_01 Bldg B01 Elevation - East Rev 1
537-CTF-XX-00-DR-L-1000_01 Landscape General Arrangement Plan Rev 1

- 3) No development shall commence until a phasing plan has been submitted to and approved in writing by the Local Planning Authority.

- 4) Prior to the commencement of above ground building works in each phase, the following details shall be submitted to and approved in writing by the Local Planning Authority in respect of that phase:
- a) external facing materials including sample boards of all facing materials and finishes as well as sample panels of the main brick types;
 - b) sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls, doors and window-type reveals, heads and sills;
 - c) junctions between external facing materials;
 - d) typical details of all balconies;
 - e) roof details including parapets;
 - f) plans of ground floor entrance cores at 1:20, elevations of entrance doors at 1:10 and details of entrance door thresholds;
 - g) external metalwork including handrails;
 - h) external bin storage facilities; and
 - i) finished floor levels of the ground floor of the building in relation to the adjacent existing and proposed levels.

Each phase of the development shall thereafter be carried out solely in accordance with the approved details in respect of that phase.

- 5) Notwithstanding the details provided in the boundaries and edgings strategy of the Design and Access Statement dated September 2020, prior to the commencement of building works above ground in each phase, full details including a schedule of materials to be used in all boundary treatments in respect of that phase shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall thereafter be carried out in accordance with the approved details in respect of that phase.
- 6) Prior to the commencement of landscaping works in each phase, the playspace design, including details of equipment and its future maintenance, in respect of that phase shall be submitted to and approved in writing by the Local Planning Authority. No development within that phase shall be occupied until the playspace has been completed in accordance with the approved details and is available for use. The playspace shall thereafter be permanently retained and kept available for use as playspace by occupiers of the development.
- 7) Prior to the commencement of hard and soft landscaping works in each phase, a scheme of hard and soft landscaping in respect of that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of trees, shrubs, grass and all other soft landscaped areas as well as street furniture and hardstanding. The scheme shall relate to all public realm areas, including the public square. The scheme shall include details of management and maintenance plans for any areas of public realm/landscape. Where

feasible, biodiversity enhancement interventions shall be incorporated into the design.

Each phase of the development shall be carried out in accordance with the approved details in respect of that phase in the first planting season after completion or occupation of that phase whichever is the sooner. 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 approved hard and soft landscaping shall thereafter be maintained and retained as approved.

- 8) Prior to first occupation of each building, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that such building can achieve Secured by Design accreditation. The development shall only be carried out in accordance with the approved details.

The commercial unit hereby permitted shall not be occupied until evidence that it has achieved the relevant Secured by Design certification has been submitted to and approved in writing by the Local Planning Authority.

- 9) At least 90% of residential units within the development shall comply with Part M4 (2) 'accessible and adaptable dwellings' of the Building Regulations 2015; and

At least 10% of all dwellings hereby approved shall be wheelchair accessible or easily adaptable for wheelchair use (Part M4 (3) 'wheelchair user dwellings' of the Building Regulations 2015).

- 10) Except for preparation works to make the site ready for construction, development shall not commence in each phase until a Sustainable Drainage Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The strategy 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 2021 and shall comply with the following requirements:
- a) designed to a 1 in 1 and 1 in 100 year storm event with an allowance for climate change;
 - b) provide a number of treatment phases corresponding to their pollution potential – including source control SuDS measures to manage areas of roof runoff and hardstanding where practicable;
 - c) completion of a geological investigation to maximise infiltration SuDS used on site;
 - d) demonstrate that gravity connections into surface water sewers have been fully explored for the site,
 - e) maximise opportunities for sustainable development, improved water quality, biodiversity, local amenity and recreation value;
 - f) provide details of the feasibility of rainwater harvesting measures that may be included in the development;
 - g) be designed to allow for flows that exceed the design capacity to be stored on site or conveyed off-site with minimum impact;

- h) inclusion of management and maintenance arrangements; and
 - i) levels, sizing, cross sections and specifications for all drainage features.
- 11) Prior to occupation of each phase, a Verification Report demonstrating that the approved drainage measures for that phase have been fully implemented shall be submitted to and approved in writing by the Local Planning Authority. This report shall include:
 - a) as built drawings of the sustainable drainage systems including levels information;
 - 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.
- 12) Prior to the commencement of landscaping works in any phase full details of any external lighting and any other light sources for that phase, such as those from communal areas, that may create external light spill shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall not be occupied until the external lighting in respect of that phase has been completed in accordance with the approved details. The external lighting shall thereafter be maintained and retained as approved.
- 13) Prior to first occupation of the development a Site Management Plan including a Refuse and Recycling Strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
 - a) core staff numbers on site at any given time;
 - b) security provisions on site, if applicable;
 - c) management of communal areas; and
 - d) refuse and recycling arrangements including disposal details.

The development shall not be occupied otherwise than in accordance with the approved Site Management Plan.
- 14) No demolition, construction or maintenance activities audible at the façade of any residential dwelling shall be undertaken outside the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays or at any time on Sundays and bank or public holidays. Construction works audible at the façade of any residential dwelling may only be undertaken outside of these hours where those works have been approved by the Local Planning Authority under s61 of the Control of Pollution Act 1974.

No deliveries of construction and demolition materials to and from the site by road shall take place outside the hours of 09:00 to 16:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- 15) Prior to commencement of above ground works for each building details shall be submitted to and approved in writing by the Local Planning Authority demonstrating how that building will be appropriately insulated from noise arising from existing nearby noisy uses including the

operations of the railway line and underground station. The construction of each building shall be carried out in accordance with the approved details.

- 16) Notwithstanding details already submitted, no phase of the development shall be occupied until a Car Park Design and Management Plan (CPMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CPMP shall include details of the allocation and management of the onsite car parking spaces, including the provision of 3% blue badge spaces (6No) and how any further spaces for residents' blue badge spaces (up to 17No or 10% provision overall) will be allocated. The CPMP shall also propose electric vehicle charging points in accordance with London Plan Guidance (recommended as 20% active and 80% passive electric vehicle charging points). The CPMP shall be implemented as approved and retained as such thereafter.
- 17) No phase of the development shall be occupied until details of the siting and design of secure covered cycle parking facilities including details of cycle parking provision for station staff for that phase 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 and thereafter permanently retained for cycle parking.
- 18) No part of the development shall be occupied until a final Delivery and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out, operated and managed in accordance with the approved Delivery and Servicing Management Plan.
- 19) No development shall commence until a Construction Logistics Management Plan (CLMP) has been submitted to and approved in writing by the Local Planning Authority. The CLMP shall contain:
 - a) arrangements for wheel cleaning;
 - b) arrangements for the storage of materials;
 - c) hours of construction work on site;
 - d) arrangements for securing 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 vehicle idling in close proximity to the site or undue noise and disturbance to neighbouring occupiers;
 - g) the siting and design of any ancillary structures;
 - h) arrangements for loading and unloading plant and materials;
 - i) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - j) hoarding details;
 - k) procedure for dealing with noise complaints arising from neighbouring occupiers;
 - 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' - all non-road mobile machinery of net power of 37kW to 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in the guidance stated above; and

m) considerate construction registration.

The development shall be carried out in accordance with the approved CLMP.

- 20) Except for preparation works to make the site ready for construction, development shall not commence in any phase until a Construction Resource Management Plan (CRMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CRMP shall:
- a) demonstrate how the development has taken into account sustainable methods for managing construction and excavation (C&E);
 - b) provide a summary of the C&E works to provide context for the anticipated waste arisings and management;
 - c) demonstrate how the contractor will comply with all applicable legal requirements for handling C&E waste; and
 - d) demonstrate how the contractor will achieve high standards of waste management performance.

The CRMP shall demonstrate how emerging, current and long-term national, Greater London Authority and London Borough of Enfield targets for waste minimisation, recycling and reuse of C&E waste arisings and materials will be met. The approved CRMP shall be adhered to throughout the construction of that phase.

- 21) No development shall commence until a scheme for the protection of retained trees, in accordance with BS5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The TPP and AMS shall include:
- a) methods of protection for the retained trees;
 - b) location and installation of services/utilities/drainage;
 - c) methods of demolition within root protection areas (RPA) (as defined in BS5837:2012) of retained trees;
 - d) details of any construction within any RPA or that may impact on the retained trees;
 - e) boundary treatments within any RPA;
 - f) methods of root pruning; and
 - g) arboricultural supervision.

Development shall be implemented in accordance with the approved TPP and AMS. Should any tree identified for retention be seriously damaged or destroyed it shall be replaced with a tree of equal size and value.

- 22) Development shall be carried out in accordance with the recommendations of the submitted Aecom Ecological Technical Note

dated March 2020 in conjunction with the referenced Atkins Ecological Constraints and Opportunities Report (2019). These documents require the establishment of specific protection measures for the Site of Importance for Nature Conservation and for clearance and construction works to be undertaken in accordance with the pollution prevention guidelines/Guidance on Pollution Prevention and the '*Construction Industry Research and Information Association Guidance*' on the control of water pollution from construction sites.

- 23) Except for preparation works to make the site ready for construction, no development shall commence in any phase until a remediation strategy to deal with the risks associated with contamination of that phase has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following components:
- a) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination;
 - b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risks to all receptors that may be affected, including those off-site;
 - c) the results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development of that phase shall take place in accordance with the approved remediation strategy.

- 24) Prior to first occupation of any phase, a verification report demonstrating the completion of works set out in the remediation strategy in respect of that phase approved pursuant to Condition 23 and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

If, during development, contamination not previously identified is found to be present no further development shall be carried out until an amendment to the remediation strategy detailing how this unexpected

contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority.

- 25) Individual aerials shall not be erected across or within the site without consent from the Local Planning Authority.
- 26) Prior to above ground works for any phase details of rooftop plant, extract ducts, or fans for that phase including an acoustic report shall be submitted to and approved in writing by the Local Planning Authority. The report shall set out the sound level generated from the combined plant to be installed and state the noise control measures to be employed to ensure that the noise from the combined plant does not exceed a level 10dBA below the typical background noise level measured as L(A)_{90 15 minutes} during operational hours at the façade of the nearest residential property.
- 27) Notwithstanding details shown on the submitted drawings, any variations to rooftop plant, extract ducts and fans that would result in a material change to the appearance of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 28) The development shall be built in accordance with the fire statement submitted with the application together with the updated "*Fire Safety Statement for Planning, Arnos Grove, London*" by Hoare Lee dated 6 October 2021. Prior to above ground works for each building detailed drawings showing fire evacuation lifts in that building shall be submitted to and approved in writing by the Local Planning Authority. Each building shall be constructed in accordance with the approved details.
- 29) Prior to occupation of each phase, details of electric car charging points in that phase shall be submitted to and approved in writing by the Local Planning Authority. That phase shall not be occupied until any electric car charging points in that phase have been completed in accordance with the approved details and are available for use.
- 30) Prior to occupation of each phase, details of bird and bat nesting boxes and/or bricks (including their location, number, specification and design of habitats) in respect of that phase shall be submitted to and approved in writing by the Local Planning Authority.

Each phase of the development shall be carried out in accordance with the details so approved prior to the first occupation of that phase and shall thereafter be permanently retained as such.

- 31) Prior to commencement of landscaping works, detailed plans showing the arrangement of the station access road, bus interchange area and taxi stand shall be submitted to and approved in writing by the Local Planning Authority. The plans shall demonstrate clear demarcation between the pedestrian routes and vehicle ways.

Development shall be carried out in accordance with the approved plans prior to first occupation of the development and shall thereafter be permanently retained as such.

- 32) Notwithstanding the details shown on drawing MLUK-721-A-P-B1-1231, details relating to the curvature of the balconies at level 1 of Building B01 shall be submitted to and approved in writing by the Local Planning

Authority prior to commencement of the relevant phase of the development. Building B01 shall thereafter be completed in accordance with the approved details.

- 33) Prior to the first occupation of each phase of the development, details of the proposed CCTV and lighting strategy, including full location, design and management details of any proposed equipment, in respect of that phase shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall be carried out in accordance with the approved details before that phase is first occupied and shall thereafter be permanently retained as such.

End of schedule of conditions