



Appeal Decision

Site visit made on 4 April 2023

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 30th August 2023

Appeal Ref: APP/Q5300/W/22/3300255

The Lincoln Arms, 155 Percival Road, Enfield EN1 1QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Logini Pubs Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/01248/FUL, dated 1 April 2021, was refused by notice dated 22 February 2022.
 - The development proposed is demolition of existing public house (sui-generis) and construction of part 3, part 4, part 5 storey residential building (Class C3) with ground floor public house (Use Class E/sui-generis) and associated cycle and car parking, refuse storage and external landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing public house (sui-generis) and construction of part 3, part 4, part 5 storey residential building (Class C3) with ground floor public house (Use Class E/sui-generis) and associated cycle and car parking, refuse storage and external landscaping at The Lincoln Arms, 155 Percival Road, Enfield EN1 1QT in accordance with the terms of the application, Ref 21/01248/FUL, dated 1 April 2021, subject to conditions set out in the attached schedule.

Preliminary Matters

2. The address on the application form refers to the site as 'Public House' whilst on the appeal form it is 'The Lincoln Arms', and the signage on the building is 'The Lincoln'. For clarity and to be consistent with the appeal form, I have used 'The Lincoln Arms' in the banner heading and in my formal decision above.
3. The description of development is set out above, which is taken from the application form and is as determined by the Council. However, the submitted and approved ground floor plan is for a public house (sui generis), and I have determined the appeal on that basis.
4. The Council were sent a copy of a signed Unilateral Undertaking (UU) but have not provided any comments. I return to the provisions of the UU later in this decision.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and

- The effect of the proposal on highway safety with regard to the level of parking provided and its effect on on-street parking in the surrounding area.

Reasons

Character and appearance

6. The Lincoln Arms, considered to be a local landmark, occupies a large corner plot on the junction of Percival Road, where it faces a small row of shops, and Lincoln Road where it is opposite The Avenues Estate. It is within a designated Local Parade centre. To the rear of the site is Bush Hill Park which is a designated Metropolitan Open Space (MOL) and a non-designated heritage asset (NDHA).
7. The building is a two-storey public house, constructed of brick with a distinctive and varied tiled roof, with dormers. The plans show that there is a function room and ancillary residential accommodation on the first floor. The building has an external seating area to the sides facing both Percival Road and Lincoln Road, with another beer garden to the rear.
8. The proposal would retain a public house on the ground floor level with 23 residential units consisting of 1 bed, 2 bed and 3 bed units within a part five, part four, and part three storey building. Whilst Percival Road and the surrounding streets consist of traditional terraced housing from the Victorian period onwards, The Avenue's Estate comprises 3 and 4 storey flats with flat and pitched roofs, as well as circular stairwells and external balconies, likely dating to the 1960's.
9. Designing the building with storeys differing from 3 to 5, would reduce the overall massing of the building and enables the proposal to integrate between the different styles and heights of buildings around the site. Therefore, the elevation facing Lincoln Road, where the public house and its entrance would be located, would be 5 storeys in the central block, as this faces the higher buildings of The Avenues Estate. Either side of this it would be stepped down to reduce the overall massing of the façade. On Percival Road, the elevations would be lower again so that it would be in scale with the adjoining St Mark's Day Centre and the roofs of the terraced housing along this road.
10. The use of brick, including dogtooth brick details and tinted concrete would anchor the site with the prevailing materials and colour palette used on buildings within the area. A fenestration and column hierarchy, with different colours of materials for different blocks, would add interest and character to the building and would ensure that it would not appear top-heavy. Windows and balconies would be recessed which would add depth to the facades. Changes have also been made to the elevation adjoining Bush Hill Park, with the upper storeys set back, ensuring that the building would not interfere with the adjoining trees.
11. Although it has been suggested that the proposal would result in overdevelopment of the site, and that it should not extend above three storeys, the building has been reduced in height from the initial plans. Importantly, the building would retain its function as a public house, which provides a valuable commercial and community facility for the area.

12. The proposal is considered by objectors to not be in keeping with the surrounding area. Clearly it is different to both the current building and to those in the vicinity, however, the overall effect of the proposal would ensure that it is not a monolithic design, and it would add to the continued development and history of the area. The construction of housing, as well as the public house in this location, would also introduce a new dynamic as a result of more activity from people living on the site.
13. Trees adjoining the site, as identified in the arboricultural reports, surveys and plan, would be affected, including the removal of 7 trees which the Council's Tree Officer considers would be acceptable. Two trees, T5 and T6, would have some excavation within their root protection area. T5 lies to the east of the site, growing within the pavement, but it is a young tree and would be lightly pruned, and T6 which is within the park would need to be reduced but is regularly pruned. Whilst the loss of any trees is regrettable, the most prominent trees adjoining the site would be retained.
14. The Framework and The National Design Guide set out the significance of achieving well-designed places, including the importance of the form and scale of buildings, their appearance, materials and detailing. They affirm that development, whilst being sympathetic to the surrounding built environment and landscape setting, should not prevent or discourage appropriate innovation or change, such as increased densities. In this respect the proposal would introduce much needed housing, as well as retaining a public house on the site. The building has been designed with differing heights and finishes to both complement and introduce a new architectural style within the area. This clear design ethos, combined with high quality materials would result in the proposal not harming the character and appearance of the area.
15. Therefore, the proposal would accord with Policies D3 and D4 of The London Plan (LP), 2021, Core Policy 30 of The Enfield Plan Core Strategy 2010-2025, (EPCS) 2010, and Policy DMD37 of the Enfield Development Management Document (DMD), 2014. Collectively these policies require high quality, design led development, which would improve the quality of the built environment. As the building would be no more than five storeys in height, it would not conflict with LP Policy D9 and Policy DMD43 of the DMD in relation to tall buildings.

Highway safety and parking

16. The LP has an overall aim to create a resilient public transport network and reduce reliance on cars. Policy T6 of the LP states that car free development should be the starting point where proposals are well-connected by public transport, with developments elsewhere required to provide the minimum necessary parking.
17. The LP seeks a maximum provision of 0.75 spaces per unit in this location. Based on the size of the units, and the standards identified in Policy T6.1, the Council has identified that a maximum of 19 spaces should be provided. The proposal would deliver 11 car parking spaces on the ground floor of the development, the equivalent to 0.43 spaces per unit. This would be accessed from the existing crossover that exists for The Lincoln Arms on Percival Road and would provide an appropriate and safe access point.
18. A Transport Statement, a Travel Plan and a Parking Stress Survey report, which covered an area of 200 metres walking from the site, was provided to

assess the transport needs of the site, the accessibility of local transport and the parking pressures within the area. The Parking Stress Survey, which recorded all parked cars within the study area following the Lambeth methodology, was carried out on two days, 22 July 2020 and 21 January 2021. This found a capacity of 83% for the 2020 date and 71% for the 2021 date.

19. Despite the survey identifying that there is capacity within the surrounding area to prevent parking stress, there are identified concerns within the area regarding an increase in traffic, noise and the pollution from cars, that would result from the development. Indeed, neighbouring residents, based on their experience of living in the area and trying to find car parking spaces, have questioned the reliability of the parking stress survey. This is in part because it is considered that every flat should be provided with a car parking space.
20. It is clear from the responses to this application that car parking and the movement of vehicles in this area is a considerable concern. This appears to be particularly on Percival Road where the entrance to the site would be located. The entrance is opposite some shops and close to the corner with Lincoln Road, where, if there is parking on the highway, it has been stated that there is difficulty in two cars passing each other. Percival Road has also been described as a 'rat run', which vehicles use when travelling between Southbury Road to the north and Lincoln Road. Furthermore, if cars are parked on both sides of the road, there is only room for one vehicle to travel along the road.
21. It has been suggested that an underground car park should be provided, with concerns as to where visitors to the development would park, and the parking of deliveries and refuse collection to the site. These are all legitimate concerns in a dense area of housing where all parking is on the street. The site does, however, have good transport links being around 10 minutes' walk from an overground station and close to regular bus routes.
22. The proposal would also provide 48 cycle spaces, which is greater than the 35 that Policy T6.1 of the LP requires in new developments. Whilst cycle racks would be provided at the rear of the site, adjacent to the parking area, a number of internal cycle racks would be provided within the residential lobby. Providing a secure space for the storage of cycles would seek to encourage cycling among residents in the development.
23. There are no Controlled Parking Zones (CPZ) around the site which could allay the concerns of neighbouring residents. The Council has, however, deemed that as part of the development a contribution should be sought for consideration of a CPZ, including appropriate consultation, design and implementation if deemed suitable for a scheme. This could, if implemented, help to relieve the parking issues and concerns within the area.
24. Notwithstanding the legitimate concerns of local residents regarding a new housing development within their area, which would add to the parking pressures, the LP seeks to reduce the reliance on cars by providing less car parking within new developments. Having regard to the availability of sustainable modes of transport, the level of parking provision would be acceptable.
25. The proposal would, therefore, not have a harmful effect on highway safety as a result of the level of parking provided and its effect on street parking in the surrounding area. It would accord with Policy T6 of the LP which restricts car

parking, and Policy DMD45 of the DMD which sets out parking standards, plus Policy 24 of the EPCS which seeks to deliver improvements to the highway network.

Planning obligation

26. The provisions of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and Paragraph 57 of the Planning Policy Framework (the Framework) states that planning obligations should only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms,
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
27. A planning obligation in the form of a UU has been signed and sets out a contribution of £38,000 towards sustainable transport infrastructure in the vicinity of the site and a contribution of £20,000 for the consultation, design and implementation, if applicable, to parking controls to prevent overspill parking and manage the existing parking, particularly on Lincoln Road and Percival Road. Any residual amount from this would be used on active travel initiatives. The UU also includes a contribution of £20,000 towards off-set provision for older children, 2-17 years, which shall be used in a park or club in the vicinity. A contribution of £55,200 towards the Carbon Offset Fund for securing CO2 reduction in the vicinity of the site is also part of the UU. Finally, a payment of £58,305 for the provision of additional education facilities and school places, particularly within specialist schools, is included.
28. An independently assessed viability assessment stated that the development could not provide any affordable housing. The Council have, however, recommended that a late-stage review of viability, which would be tested against the actual cost and revenues from the scheme should be included, if the proposal was approved. This is included within the UU.
29. The Council has set out a Community Infrastructure Levy (CIL) payment in relation to the Mayoral CIL calculated on the net increase of gross internal floor area multiplied by an Outer London weighting. Furthermore, the Council CIL payment is used to fund rail and causeway infrastructure for Meridian Water; and it is within a residential charging zone.
30. Whilst the Council has not commented on the UU, the financial contributions were set out in their committee report. As the LP seeks to reduce reliance on cars, and parking has been highlighted as causing problems in the vicinity of the site, the contribution to transport infrastructure and parking controls, is necessary and relevant.
31. The roof terrace is considered unsuitable for children to play, therefore, a contribution towards off-set provision is again necessary and relevant, as is a payment for the increase in school facilities and places. With the need to support the transition to a low carbon future, a contribution towards the Carbon Offset Fund is also necessary and relevant. Therefore, I am satisfied that this obligation is necessary, relevant and proportionate.

Other considerations

32. The Council have stated that the adjacent Bush Hill Park is designated as a NDHA although no information on this has been provided. Paragraph 203 of the Framework advises that the effect of an application on the significance of a NDHA should be taken into account, and that where applications directly or indirectly affect NDHAs, a balanced judgement will be required on the scale of any harm or loss and the significance of the heritage asset.
33. Bush Hill Park is an extensive area of green space that stretches from Southbury Road to Lincoln Road and includes sporting facilities. It has some mature trees around the perimeter. The Park, which appears to have a community focus, is used for wildlife gardening and volunteering opportunities.
34. The building would adjoin Bush Hill Park. Whilst the proposal is outside the boundary of the park, it would provide a backdrop to the corner and side elevation, particularly when the adjoining trees are not in leaf. Based on the nature of the proposal, however, and the size and scale of the park, the building would not harm the significance of the Bush Hill Park NDHA.
35. Whilst the construction process is likely to be disruptive, including further pressures on parking, it would be short-term and is not a reason to withhold permission. The site would be adjacent to St Marks, a day care centre. Any noise and disturbance associated with construction would be for a temporary period only, and the hours and management of activities could be controlled by condition. Furthermore, no evidence has been provided by the centre as to any concerns of the effect of disturbance on their customers.
36. There are concerns that this proposal would add to an already overcrowded area which could lead to anti-social behaviour, provide no benefit to the existing community and could put further strain on community facilities when schools and doctors' surgeries are already at full capacity. There are also concerns about the loss of the public house and the first-floor function room. Whilst the public house would not be available for the duration of the building works, the facility would be retained on the same site. A Viability Appraisal was submitted, and the public house is seen to be profitable and viable. I noted that the public house was open every day from lunchtime until late evening, but with differing hours. Whilst these are legitimate concerns, these are a neutral matter in the decision.
37. Neighbouring residents have expressed concerns about the proposal leading to a loss of light and privacy to the adjoining properties. A Daylight and Sunlight report was submitted, and the main concerns identified by the Council were to the adjoining property, No 149 Percival Road which is a day care centre, and to Nos 146-158, a three storey terrace of shops with accommodation above, opposite the site. In terms of No 149, adequate sunlight and daylight would be retained. Whilst the Council identified some loss of outlook to residents at Nos 146-158, privacy would be maintained, and there would be no loss of daylight and sunlight. Overall, the living conditions of neighbouring residents would be preserved. This is of some weight in my assessment.
38. The proposal has no open space within the site, but all the flats would have an external balcony, with a roof terrace provided for use by all residents. The Council has stated that all major residential development should provide on-site play space in accordance with Policy S4 of the LP. The Council have calculated that based on a forecast of 5 children between the ages of 1 and 17 in the development, 50m² of play space should be provided. As the roof terrace

is unsuitable for children to play, an off-site contribution is required towards providing facilities within Bush Hill Park adjacent to the site. This provision of play space is an important part of providing new residential development.

39. Despite the concerns expressed, no evidence has been submitted to detail that any water pressure issues on Percival Road would be worsened by the development.

Planning balance

40. As the delivery of housing by the Council has been substantially below the requirement in recent years, reaching 56% of the target in 2020 and 69% of the target in 2021, it has had to produce a Housing Action Plan. Consequently, footnote 8 of the Framework applies which engages paragraph 11d). There are no policies in the Framework that protect areas or assets of particular importance and which provide a clear reason for refusing the development as set in in paragraph 11d)i. Therefore, consideration must be had, as set out in paragraph 11 d)ii, as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
41. An independently assessed viability assessment stated that the development could not provide any affordable housing. The Council have, however, recommended that a late-stage review of viability, which would be tested against the actual cost and revenues from the scheme would be included, if the proposal was approved. This is included within the UU.
42. Whilst at this stage there are no affordable units, it would provide 23 new homes. Policy H10 of the LP and Policy CP5 of the EPCS requires a range of housing sizes to meet various housing needs. This development would provide 11, one-bedroom units, 4 two-bedroom units and 8, three-bedroom units which would provide a mix of sizes. This provides substantial weight in favour of the proposal.
43. The proposal would result in the demolition of a local landmark public house, which would be replaced by another public house, with a similar ground floor space to the existing building. Whilst the proposal would inevitably change the character of the area in this location, I have found that it would not harm the character and appearance of the area. This is a neutral factor in my overall balance.
44. Whilst there are concerns regarding the effect of the proposal on parking in the surrounding area, the LP seeks to reduce reliance on private vehicles, and the site is within walking distance of a number of transport options. Although sympathetic to the legitimate concerns of residents, the development plan in this instance requires new housing proposals to create car free development. The proposal complies with this.
45. Overall, my conclusion is that any adverse impacts from the development would be significantly and demonstrably outweighed by the benefits, when assessed against the policies in the Framework taken as a whole. In these circumstances, the proposal would amount to sustainable development for which there is a presumption in favour and planning permission should be granted.

Conditions

46. The Council's committee report listed 38 conditions that should be imposed if the application was approved. Whilst details of those conditions were not provided by the Council, a draft was sent to the appellant. These have been considered with regard to the tests for planning conditions in the Framework and the Planning Practice Guidance. I have, however, excluded three conditions that do not relate to planning and are subject to different legislation and regulations. This includes a condition relating to carbon improvement, which is covered by Building Regulations, and the submission of an Energy Performance Certificate and Assessment; and a Certificate of Compliance in relation to Secure by Design.
47. In addition to the standard time limit, a condition listing the plans is necessary to ensure certainty over the scheme (conditions 1 and 2). In the interests of the character and appearance of the area, condition 3 which relates to materials, should be agreed with the local planning authority before development commences. Condition 4, which requires details of the privacy screen on the terraces, is necessary to achieve high quality design and materials and should be agreed with the local planning authority before development commences. Condition 5, to provide details of finished floor levels in the interests of design, should also be agreed with the local planning authority before development commences. Condition 34 prevents plant or fittings being fixed to the external face of the building to achieve a high-quality design and protect the character of the area.
48. Conditions 6 to 12 relate to the protection of species and habitats. Whilst the biodiversity report has identified a low chance of bats on site, a bat survey, as outlined in condition 6 is required. This is a requirement under legislation and should be agreed with the local planning authority before development commences. Biodiversity enhancement and a report on biodiversity net gain are covered by conditions 7 and 8. Both conditions are required to protect and promote biodiversity and should be agreed with the local planning authority before development commences. A report confirming the percentage of biodiversity net gain is necessary and is required under condition 9, whilst condition 10 covers a lighting plan to ensure that there would be no adverse impact upon wildlife. Condition 11 provides for a scheme to protect trees on and adjoining the site, which is necessary and relevant so that they are not damaged during demolition and construction and should be agreed with the local planning authority before development commences. Condition 12 is to ensure that all vegetation where birds may nest are checked prior to their removal which is necessary and relevant to protect and enhance the biodiversity of the site and its environs.
49. The requirement for a SuDS and a verification report are listed in conditions 13 and 14. In the interests of ensuring that surface water is disposed of by a SuDS, condition 13 requires details which should be agreed with the local planning authority before development commences. Condition 15 is necessary to provide for a reduction in CO2 emissions, whilst condition 16 requires a Green Procurement Plan to minimise the environmental impact of the scheme.
50. Conditions relating to the use of vehicles accessing the site, cycle and refuse storage and the treatment of waste are covered by conditions 17-22. Condition 19 requires a Construction Waste Management Plan in order to maximise the

amount of waste diverted from landfill and this should be agreed with the local planning authority before development commences. Condition 23 requires the need for electric charging points, necessary to address climate change and sustainable development. To reduce construction noise and prevent construction vehicles damaging the road network, conditions 24 and 25 are necessary to provide details of a Construction Management Plan, and should be agreed with the local planning authority before development commences. Any piling on the site could damage underground infrastructure and so condition 26 provides for a Piling Method Statement.

51. To ensure that the ground floor is retained as a public house, replacing the public house that is on the site, condition 27 requires an application to the Local Planning Authority for any change of use. Furthermore, condition 28 provides the opening hours applicable to the use of the building as a public house so that the living conditions of occupiers of neighbouring properties would not be adversely affected. Further safeguards to ensure that noise does not affect the living conditions of the occupiers of the flats and neighbouring properties are secured by conditions 29-31, whilst condition 32 requires an acoustic report relating to plant on the site. These are all necessary and relevant.
52. High quality digital connectivity, which is necessary for new buildings, where occupiers may work from, is listed in condition 33. Furthermore, to promote water conservation and efficiency measures, condition 35 is required. Condition 36 is necessary if contamination not previously identified is found. A condition to ensure that the building should achieve a BREEAM rating of 'Excellent' with the necessary requirements and certificate is necessary and provided by condition 37. Finally, condition 38 requires a minimum of 10% of the residential units to be accessible to wheelchair users as identified in Policy DMD8 of the DMD.

Conclusion

53. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal is allowed.

M J Francis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in strict accordance with the following approved plans:
Proposed site and location plan: Drawing 1500 Rev a
Proposed ground floor: Drawing 2000 Rev a
Proposed first and second floor: Drawing 2001 Rev a
Proposed third floor: Drawing 2002 Rev a
Proposed fourth floor: Drawing 2003 Rev a
Proposed roof floor: Drawing 2005 Rev a
Proposed south elevation: Drawing 3000 Rev a
Proposed east elevation: Drawing 3001 Rev a
Proposed west elevation: Drawing 3002 Rev a
Proposed north elevation: Drawing 3003 Rev a
Proposed section AA: Drawing 4000 Rev a
Proposed section BB: Drawing 4001 Rev a
Proposed section CC: Drawing 4002 Rev a
- 3) No development shall commence, other than demolition and site clearance, until details/samples of the external finishing materials to be used are submitted to and approved in writing by the local planning authority. A schedule of materials and detailed drawings and samples of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
 - a. Samples of the proposed rail proof external cladding materials;
 - b. Sample panel of brickwork, showing brick, bonding and pointing;
 - c. Doors, windows, external doors and front entrance porches;
 - d. A photograph showing all samples to be inspected;
 - e. Reconstituted slate tile;
 - f. Glazed and screened balcony;
 - g. Windows and external doors;
 - h. Soldier brick detail;
 - i. Recessed brick;
 - j. Reconstituted stone window surround;
 - k. Skylight details.

The development shall be constructed in accordance with the approved details.
- 4) No development shall commence above slab level, other than demolition and site clearance, until details of the siting, finished appearance and material of the privacy screens have been submitted to and approved in writing by the

local planning authority. The development shall be carried out in accordance with the approved details.

- 5) No development shall commence, other than demolition and site clearance, until full details of the finished floor levels relative to existing floor/ground levels, eaves heights and ridge heights have been submitted to and been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) No development shall commence (including demolition and site clearance) until a bat habitation survey assessment has been carried out by a suitably qualified person to identify bat habitats on site and has been submitted to and approved in writing by the local planning authority. The survey must be carried out between the months of May and August and utilise a minimum of one bat detector. In the event bats are found to be present, a licence from Natural England meeting the Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations) must be granted prior to any further actions on site. In the event no bats are found within the building fabric, the results submitted to and approved by the local planning authority shall be valid for 12 months.
- 7) No development shall commence until (including demolition and site clearance) and subject to the findings of condition 6, a report detailing a scheme for the preservation and enhancement and benefit of wildlife has been submitted to and approved in writing by the local planning authority. The details shall include but not be limited to: bat boxes; and swift boxes.

The development shall be carried out in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

- 8) No development shall commence until (including demolition and site clearance) a baseline biodiversity level on site has been calculated using the 3.0 matrix by a suitably qualified person and has been submitted to and approved in writing by the local planning authority.
- 9) No later than 3 months following the completion of the development, a report confirming the percentage biodiversity net gain uplift on site shall be submitted to and approved in writing by the local planning authority.
- 10) No demolition above slab level shall commence until a report detailing the external lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the local planning authority. The report shall include the following figures and appendices:
 - a. A layout plan with beam orientation
 - b. A schedule of equipment
 - c. Measures to avoid glare
 - d. An isolux contour map showing light spillage to 1 lux.
 - e. The approved lighting plan shall thereafter be implemented as agreed.
- 11) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan (TPP)) and the appropriate working methods (the arboricultural method

statement (AMS)) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837:Trees in relation to design, demolition and construction – Recommendations shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of retained trees shall be carried out as approved.

Specific issues to be dealt with in the TPP and AMS:

- a. Location and installation of services/utilities/drainage;
 - b. Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees;
 - c. Details of construction within the RPA or that may impact on the retained trees;
 - d. A full specification for the installation of boundary treatment works;
 - e. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;
 - f. A specification for scaffolding and ground protection within tree protection zones;
 - g. Tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area;
 - h. Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires;
 - i. Boundary treatments within the RPA;
 - j. Methodology and detailed assessment of root pruning;
 - k. Arboricultural supervision and inspection by a suitably qualified tree specialist;
 - l. Reporting of inspection and supervision;
 - m. Methods to improve the rooting environment for retained and proposed trees and landscaping.
- 12) All areas of trees, hedges, scrub or similar vegetation where birds may nest, which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March-August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
- 13) No development shall commence (including demolition and site clearance) until a Sustainable Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall be based on the disposal of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the

Framework and should be in line with the DMD SuDS requirements as follows:

- a. Shall be designed to a 1 in 1 and 1 in 100-year storm event with the allowance for climate change.
- b. Follow the SuDS management train by providing source control SuDS measures (green roofs, rain gardens, permeable paving) for the majority of runoff and follow the London Plan Drainage Hierarchy.
- c. The system must be designed to allow for flows that exceed the design capacity to be stored on site or conveyed off-site with minimum impact.
- d. Clear ownership, management and maintenance arrangements must be established.
- e. The details submitted shall include levels, sizing, cross sections and specifications for all drainage features.

14) Prior to occupation of the development, a Verification Report demonstrating that the approved drainage/SuDS measures have been fully implemented shall be submitted to the local planning authority for approval in writing. This report must include:

- a. As built drawings of the sustainable drainage systems including level information (if appropriate);
- b. Photographs of the completed sustainable drainage systems;
- c. Any relevant certificates from manufacturers/suppliers of any drainage features;
- d. A confirmation statement of the above signed by site manager or similar.

15) Prior to occupation, details of the zero/low carbon technologies to be used in the development (rooftop photovoltaic panels and combined heat & power boilers) shall be submitted to the local planning authority. The submitted details shall demonstrate compliance with the approved renewable energy strategy and include the design, size, siting and a maintenance strategy/schedule inclusive of times, frequency and method.

16) No development shall commence, other than demolition and site clearance, until a Green Procurement and Construction Plan detailing how the development has sought to minimise the environmental impact of the scheme through responsible sourcing of materials, minimising construction site impacts, local procurement and employment strategies and the minimisation of construction and demolition waste has been submitted to and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

17) Prior to first operation and occupation of the development, the approved access details shall be implemented in full and details of the visibility splays of 2.4 metres by 30 metres have been provided at the junction onto Percival Road. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

18) Prior to occupation, details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the Enfield Council's Waste and Recycling Planning Storage Guidance

have been submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences and maintained as such thereafter.

19) No development shall commence (including demolition and site clearance) until a Construction Waste Management Plan has been submitted to the local planning authority for approval in writing. The Construction Waste Management Plan shall include as a minimum:

- a. Target benchmarks for resource efficiency set in accordance with best practice.
- b. Procedures and commitments to minimize non-hazardous construction waste at design stage
- c. Procedures for minimising hazardous waste.
- d. Monitoring, measuring and reporting of hazardous and non-hazardous site waste production according to the defined waste groups (according to the waste streams generated by the scope of the works).
- e. Procedures and commitments to sort and divert waste from landfill in accordance with the waste hierarchy (reduce, re-use, recycle, recover) according the defined waste groups and;
- f. No less than 85% by weight of by volume of non-hazardous construction, excavation and demolition waste generated by the development has been diverted from landfill.

20) No dwelling shall be occupied until details of the siting and design of secure covered cycle parking facilities have been submitted to and approved in writing by the local planning authority. The cycle parking facilities shall be provided in accordance with the approved details prior to occupation of any part of the development within that phase and thereafter permanently maintained for cycle parking.

21) Prior to the first operational use of the public house sui generis use hereby approved an Operational Service Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to details of the following:

- a. Details of how vehicle deliveries will be managed to ensure there are no undue noise and disturbance to neighbouring occupiers as a result of the deliveries.
- b. Procedure for dealing with noise complaints arising from neighbouring occupiers.

The development shall be implemented in accordance with the approved details.

22) No dwelling shall be occupied until the car parking approved in accordance with the ground floor layout has been set out in full and is operational. The identified parking shall be used for no other purpose than parking of vehicles in connection with the approved development and shall be maintained as such thereafter.

23) Prior to first occupation and operation of the development full details showing a 20% active charging and 80% passive charging parking provision

layout for electric vehicles has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and be maintained as such thereafter.

24) No development shall commence until details of a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall be written in accordance with London Best Practice Guidance and contain the following:

- a. A photographic condition survey of the public roads, footways and verges leading to the site;
- b. Details of construction access and associated traffic management;
- c. Arrangements for loading, unloading and turning of delivery, construction and service vehicles;
- d. Arrangements for the parking of contractors' vehicles;
- e. Arrangements for wheel cleaning;
- f. Arrangements for the storage of materials;
- g. Hours of work;
- h. The storage and removal of excavation material;
- i. Measures to reduce danger to cyclists;
- j. Dust mitigation measures;
- k. Membership of the Considerate Contractors Scheme; and
- l. Safe routes for pedestrians and construction workers

No plant, machinery, goods, products or waste material shall be deposited or stored on any open part of the site unless otherwise agreed in writing by the local planning authority.

The development shall be carried out in accordance with the approved construction management plan unless otherwise agreed by the local planning authority.

25) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560Kw used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the Greater London Authority's supplementary planning guidance Control of Dust and Emissions During Construction and Demolition, dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the relevant online register.

26) No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

- 27) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning Use Classes (Amendment) (England) Regulations 2020, the use of the ground floor commercial floorspace hereby approved shall be restricted to a public house (sui generis) and no other use.
- 28) The sui generis public house use hereby approved shall only operate between 10.00-24.00 hours Mondays to Saturday and 10.00-23.00 hours on Sundays.
- 29) Prior to first occupation of the residential units and notwithstanding the submitted Acoustic report (Ref 16000-NEA-01-01 Rev C, dated August 2021), details shall be provided to confirm sufficient airborne and structure-borne sound insulation against externally generated noise and vibration. Within the residential unit(s) hereby approved the following internal noise levels shall be achieved and not exceeded with the windows closed: 35dB(A) Leq 16 hours 07.00-23.00 hours in living rooms, 30dB(A) Leq 8 hours in bedrooms and no individual noise events greater than 5 per night to exceed 45dB(A) max (measured with F time weighting) 23.00-07.00 hours. External noise affecting gardens, balconies or amenity spaces shall not exceed 55dBLAeqt.
- 30) Prior to first occupation and operation of the development, an acoustic report must be submitted to and approved by the local planning authority demonstrating that the airborne sound attenuation of the floors between the public house and the residential flats above has a minimum sound reduction of 55 DnTw + Ctr.
- 31) No mechanical plant or machinery shall be installed until details have been provided to the local planning authority for approval in writing demonstrating that noise levels at the nearest sensitive receptor will not be greater than 10dBA below background noise levels measured as L(A)90 30 Minutes. The mechanical plant or machinery shall be installed in accordance with the approved details.
- 32) No development shall commence, other than demolition and site clearance, until an acoustic report has been submitted specifying the type, number and location of proposed plant and approved in writing by the local planning authority. The report must set out the sound level generated from the mechanical plant to be installed and state the noise control measures to be employed to ensure the noise from the plant does not exceed a level of 5dBA below the typical measure background noise level measured as LA (A) 90 15 minutes during operational hours, at the façade of the nearest or most affected residential property. The development shall be implemented in accordance with the approved details and maintained as such thereafter.
- 33) No development shall commence, other than demolition and site clearance, until detailed plans have been submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.
- 34) No plant equipment shall be fixed to the external face of the building.

No plumbing, pipes, plant or relocated services and fittings shall be fixed on the external faces of the buildings forming the approved scheme unless shown otherwise on the approved drawings or other documentation hereby approved.

- 35) Prior to any development above damp course level, details of the internal consumption of potable water shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

Reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show a consumption of equal to or less than 105 litres per person per day for the residential development.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

- 36) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

- 37) The building shall achieve a BREEAM New Construction rating of no less than 'Excellent' in accordance with the requirements of the BREEAM scheme. No building shall be occupied until a Final BREEAM Certificate has been issued for it and produced to the local planning authority certifying that BREEAM Level 'Excellent' has been achieved. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

- 38) A minimum of 10% of the residential units hereby permitted shall be wheelchair accessible or easily adapted for wheelchair users. Drawings to demonstrate that they can achieve a fully accessible layout shall be submitted to and approved in writing by the local planning authority prior to any development above slab level.

End of conditions