

PLANNING REFUSAL



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CO10 1BD

Please reply to: Mr Francis Wambugu
Email: Development.control@enfield.gov.uk
My ref: 14/02381/FUL
Date: 18 August 2014

Dear Sir/Madam

In accordance with the provisions of the Town and Country Planning Act, 1990 and the Orders made thereunder, and with regard to your application at:

LOCATION: Bowes Road Garage 188 Bowes Road London N11 2JG
REFERENCE: 14/02381/FUL
PROPOSAL: Erection of a detached two storey building to provide a restaurant and drive thru with associated car park and customer order display and canopy.

ENFIELD COUNCIL, as the Local Planning Authority, **GIVE YOU NOTICE** that the application, as described above, is **REFUSED** for the following **REASONS(S)**:-

01. The proposals would prejudice the future development of the extended Bowes Road Local Centre as envisaged in the North Circular Area Action Plan with its key objectives to increase commercial viability of the centre for existing and mix of new businesses and community facilities in that by reason of this development, the opportunity to provide housing, community facilities, local shopping and other facilities would be lost on this key opportunity site. In this regard, it would be contrary to the aims and objectives of the NCAAP, the Core Policy 30 and the Local Plan.
02. The proposals are contrary to the regeneration objectives and site allocation of the North Circular Area Action Plan (NCAAP) in particular policies 11 and 23 and is considered premature with respect to the site's wider regeneration objectives and would be prejudicial to the long term redevelopment plans for this key local landmark site and would undermine the NCAAP. In this regard, it would be contrary to Core Policies 17 and 30, North Circular Area Action Plan policies 11 and 23, Development Management Document policies 28 and 37 as well as London Plan Policies 2.14 and 4.8
03. The proposals by virtue of their orientation and siting of the two storey building separated from the existing shopping parade frontage would result in an unacceptable break and disruption of the shopping frontage failing to retain and strengthen the commercial frontage at ground floor level thereby adversely impacting on its potential for vibrancy and vitality and its continued use and attraction as shopping area for the local area and future residents of the regenerated North Circular

Ian Davis
Director - Environment
Enfield Council
Civic Centre, Silver Street
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Area neighbourhood and would be contrary to Core Policy 30 and DMD Policies 37 and 40 and NCAAP Policy 23.

04. The proposed provision of a fast food restaurant in close proximity to Broomfield primary and secondary schools would be contrary to National and Local Policy aims and objectives to encourage more healthier lifestyles and communities having regard to Development Management Document Policy 32.

05. The proposal prejudices the ability of the site to make satisfactory and safe provision and arrangement for pedestrian and vehicular access, on-site parking, servicing and turning, and cycle parking, in accordance with the standards adopted by the Council. It would therefore result in an unacceptable impact on parking, pedestrian safety, the free flow of traffic by vehicles queuing to gain access and/or vehicles reversing and stopping near the access to the detriment of the safety of oncoming vehicles and pedestrians contrary to the principles and strategic objectives of Policies CP24 and CP25 of the Core Strategy, Policies (II)GD6 and (II)GD8 of the Unitary Development Plan, Policies 6.9, 6.10 and 6.13 of the London Plan, the NPPF, and Policies 45 and 47 of the Submission Version Development Management Document.

06. The submitted Transport Assessment, due to a lack of conclusive information regarding the predicted traffic impact combined with an increase in vehicular and pedestrian movements and parking demand, fails to demonstrate that the site would not have a negative impact on highway conditions and the free flow of traffic on the surrounding roads. The proposal is therefore contrary to the principles and strategic objectives of Policies CP24 and CP25 of the Core Strategy, Policies (II)GD6 and (II)GD8 of the UDP, Policy 6.3 and 6.13 of The London Plan and Policies 47 and 48 of the Submission Version Development Management Document.

07. Insufficient evidence has been submitted to demonstrate the overall energy efficiency of the scheme to accord with the CO2 reduction targets set by the London Plan, DMD51 and the principles of the energy hierarchy. In the absence of an appropriate mechanism to secure a financial contribution for a deficit from this target to accord with the adopted s106 SPD and without the possibility of securing compliance via condition this is contrary to the objectives of Core Policy 20 of the Core Strategy, DMD51 and DMD55 of the Development Management Document and Policies 5.2, 5.3 and 5.4 of the London Plan as well as the NPPF.

08. Insufficient detail has been submitted to enable the Local Planning Authority to accurately assess the credentials of the scheme against the BREEAM New Construction with an objective to meet a minimum of a 'Very Good' rating. In this regard, the development fails to take into account the principles of sustainable design and construction contrary to Strategic objective 2 of the Core Strategy, DMD49 and DMD50 of the Development Management Document, Policies 5.1 and 5.3 of the London Plan as well as the NPPF.

09. Insufficient information has been provided to demonstrate how the development will be designed to minimise the flood risk within an identified critical drainage area with a requirement to reduce surface water run-off and mitigate for flood risk. This is contrary to Policies CP28 and CP32 of the Core Strategy, Policies DMD59, DMD60 and DMD61 of the Development Management Document and the NPPF.

Dated:

Authorised on behalf of:

Mr A Higham
Head of Development Management
Development Management,
London Borough Enfield,
PO Box 53, Civic Centre,
Silver Street, Enfield,
Middlesex, EN1 3XE

If you have any questions about this decision, please contact the planning officer francis.wambugu@enfield.gov.uk.

List of plans and documents referred to in this Notice:

Block plans	6257-AL-103
Block plans	6257-PL-104
Drawing	6257-PL-105
Floor Plans - Proposed	6257-PL-106

Additional Information

Notes

1. Your attention is particularly drawn to the rights of applicant's aggrieved by this decision, which are set out below.

Rights of Applicants Aggrieved by Decision of Local Planning Authority

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act, 1990, within six months from the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/14 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online, using the Appeals area of the Planning Portal (www.planningportal.gov.uk/pcs). Your appeal may be published on the Council and the Planning Inspectorate websites. Please only provide information, including personal information belonging to you that you are happy to be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. The Planning Inspectorate's leaflet "Your Guide to Appeals Online" is available from the Planning Portal at www.planningportal.gov.uk/pcs. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order. **Note that a copy of the appeal also needs to be sent to the Local Planning Authority at development.control@enfield.gov.uk.**
2. If an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - 28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - 28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
3. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the County Borough, London Borough or County District in which the land is situated, as the case may be, a purchaser notice requiring that Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act, 1990.

4. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.