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PLANNING COMMITTEE

Tuesday, 21st March, 2023 at 7.00 pm
Conference Room, Civic Centre, Silver Street, Enfield, EN1 3XA

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MEMBERS
Councillors : Sinan Boztas (Chair), Elif Erbil (Vice-Chair), Nawshad Ali, Gunes Akbulut, Kate Anolue, Lee Chamberlain, Peter Fallart, Ahmet Hasan, Mohammad Islam, Michael Rye OBE, Jim Steven and Doug Taylor

N.B. Involved parties may request to make a deputation to the Committee by contacting Democracy@enfield.gov.uk before 10am on the meeting date latest

AGENDA – PART 1

1. WELCOME AND APOLOGIES

2. DECLARATIONS OF INTEREST

To receive any declarations of interest.

3. REPORT OF THE HEAD OF PLANNING (Pages 1 - 4)

To receive and note the covering report of the Head of Planning.

4. 22/03699/VAR - THE ROYAL CHACE HOTEL, 162 THE RIDGEWAY, ENFIELD, EN2 8AR (Pages 5 - 28)

RECOMMENDATION:

1. That subject to the completion of a deed of variation to link the development to the Section 106 Agreement previously secured for 21/01816/FUL, the Head of Development Management be authorised to Grant full planning permission subject to conditions.
2. That the Head of Development Management be granted delegated authority to agree the final wording of the deed of variation and conditions to cover those

matters recommended in this report.

WARD: Ridgeway

5. 22/03700/VAR - THE ROYAL CHACE HOTEL, 162 THE RIDGEWAY, ENFIELD, EN2 8AR (Pages 29 - 48)

RECOMMENDATION:

1. That subject to the completion of a deed of variation to link the development to the Section 106 Agreement previously secured for 21/01816/FUL and to reflect the resulting changes to the shared ownership provisions within the current Section 106, the Head of Development Management be authorised to Grant full planning permission subject to conditions.
2. That the Head of Development Management be granted delegated authority to agree the final wording of the deed of variation and conditions to cover those matters recommended in this report

WARD: Ridgeway

6. DATE OF FUTURE MEETINGS

To note that the dates of future meetings are as follows:

Tuesday 18 April 2023

These meetings will commence at 7:00pm and will be held in the Conference Room at the Civic Centre.

Agenda Item 3

London Borough of Enfield

Committee: **PLANNING COMMITTEE**

Meeting Date: **21st March 2023**

Subject: **Report of Director Planning & Growth**
Cabinet Member: **Cllr Susan Erbil**
Executive Director: **Sarah Cary**

Key Decision: **N/A**

Purpose of Report

1. To advise members on process and update Members on the number of decisions made by the Council as local planning authority.
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Proposal(s)

2. To note the reported information.

Reason for Proposal(s)

3. To assist members in the assessment and determination of planning applications

Relevance to the Council Plan

4. The determination of planning applications supports good growth and sustainable development. Depending on the nature of planning applications, the proposals can deliver new housing including affordable housing, new employment opportunities, improved public realm and can also help strengthen communities

Background

5. Section 70 of the Town and Country Planning Act 1990 states that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 54A of that Act, as inserted by the Planning and Compensation Act 1991, states that where in making any determination under the Planning Acts, regard is to be had to the development, the determination shall be made in accordance with the plan unless the material considerations indicate otherwise.

6. The development plan for the London Borough of Enfield is the London Plan (March 2015), the Core Strategy (2010) and the Development Management

Document (2014) together with other supplementary documents identified in the individual reports.

7. Other background papers are those contained within the file, the reference number of which is given in the heading to each application.

Main Considerations for the Council

8. On the Schedules attached to this report, recommendations in respect of planning applications and applications to display advertisements are set out.

9. Also set out in respect of each application a summary of any representations received. Any later observations will be reported verbally at your meeting.

10. In accordance with delegated powers, 149 applications were determined between 22/02/2023 and 07/03/2023, of which 121 were granted and 28 refused

11. A Schedule of Decisions is available in the Members' Library.

Safeguarding Implications

12. None

Public Health Implications

12. None

Equalities Impact of the Proposal

14. None

Environmental and Climate Change Considerations

15. None

Risks that may arise if the proposed decision and related work is not taken

16. Not applicable

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

17. Not applicable

Financial Implications

18. None

Legal Implications

19. None

Workforce Implications

20. None .

Property Implications

21. None

Other Implications

22. None

Options Considered

23. None

Conclusions

24. The conclusions reached having taken all of the above into account.

Report Author: **Andy Higham**
Head of Development Management
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020 8132 0711

Date of report: 09.03.2023

Appendices

None.

Background Papers

To be found on files indicated in Schedule**.**

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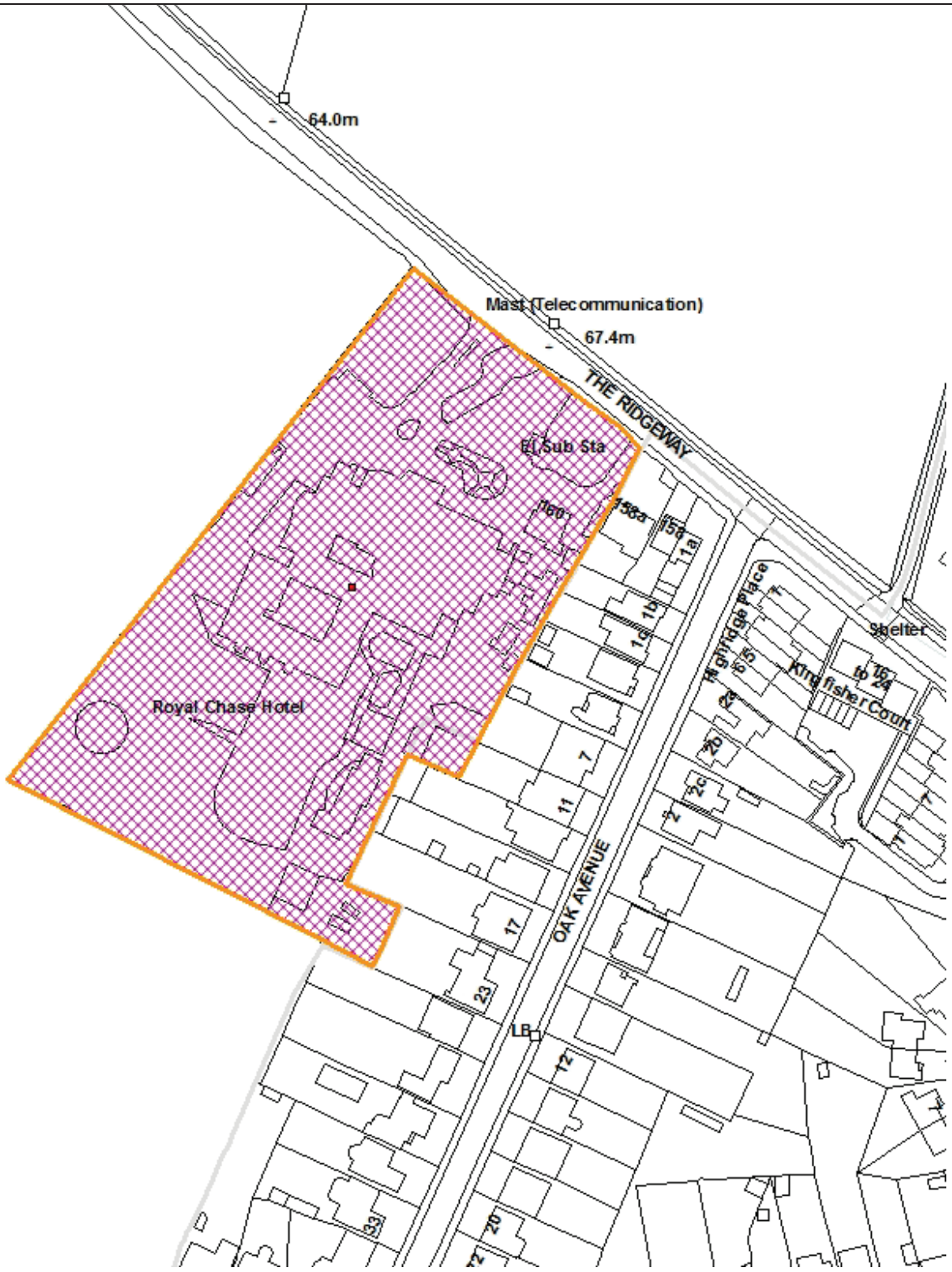
LONDON BOROUGH OF ENFIELD		
PLANNING COMMITTEE	**Date: 21 March 2023**	
Report of Head of Planning	**Contact Officers:** Christopher Heather Sharon Davidson	**Category** Major
Ward Ridgeway	**Councillor Request** No Councillor request	
LOCATION: The Royal Chace Hotel, 162 The Ridgeway, Enfield, EN2 8AR		
APPLICATION NUMBER: 22/03699/VAR		
PROPOSAL: Variation of condition 2 (List of approved drawings) of application 21/01816/FUL to allow replacement of rooflights on rear elevation with dormer windows to the Walker house type.		
Applicant Name & Address: Ms Fiona Flaherty, Bellway Homes Ltd (North London) & Signature Senior Lifes	**Agent Name & Address**: Mr James McConnell, McConnell Planning	

RECOMMENDATION:

1.That subject to the completion of a deed of variation to link the development to the Section 106 Agreement previously secured for 21/01816/FUL, the Head of Development Management be authorised to **GRANT** full planning permission subject to conditions.

2.That the Head of Development Management be granted delegated authority to agree the final wording of the deed of variation and conditions to cover those matters recommended in this report.

Ref: 22/03699/VAR LOCATION: The Royal Chace Hotel, 162 The Ridgeway, Enfield, EN2 8AR



ENFIELD Council

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North

1. Members

1.1 This application is reported to the Planning Committee as it comprises a 'major' development, involving more than 10 residential units.

2. Recommendation:

2.1. That subject to the completion of a deed of variation to link the development to the Section 106 Agreement previously secured for 21/01816/FUL and the Head of Development Management be authorised to **GRANT** full planning permission subject to conditions:

1. ~~Time limit~~ *(This is no longer required as the previous permission has been implemented)*
2. Accordance with plans
3. Bat Licence
4. Construction environmental management plan (CEMP)
5. Construction Waste Management Plan
6. Demolition Management and Logistics Plan
7. Lighting Plan
8. Biodiversity Enhancements
9. Arboricultural Method Statement with Tree Protection Plan
10. Nesting season
11. Land Contaminated (1)
12. Land Contaminated (2)
13. Piling
14. Green procurement Plan
15. Access and sight splays
16. Noise from construction equipment
17. Drainage strategy
18. Mechanical equipment
19. Plant and equipment
20. Building or ground re-profiling
21. Hours of construction
22. Materials for care home
23. Acoustic fencing for care home
24. Finished floor levels for care home
25. Landscaping for care home
26. CO2 emissions for care home
27. Zero / low carbon technologies for care home
28. Refuse storage for care home
29. Construction Management Plan for care home
30. Construction Waste Management Plan for care home
31. Thames water (1) – Foul sewage for care home
32. Thames Water (2) Water infrastructure for care home
33. Secure cycle parking for care home
34. Operational / Service Management Plan for care home
35. Restrict use of care home
36. Sound insulation for care home

37. Dementia room threshold for care home
38. Acoustic report for care home
39. Secure by Design for care home
40. Water consumption for care home
41. Car Parking Management Plan for care home
42. Car parking for care home
43. Operational Management for care home
44. External materials for residential units
45. Acoustic fencing for residential units
46. Play space / communal amenity space for residential units
47. Privacy screens for residential units
48. Finished floor levels for residential units
49. Landscaping for residential units
50. Zero / low carbon technologies for residential units
51. CO2 emissions for residential units
52. Energy Performance Certificate
53. Car Parking Management Plan for residential units
54. Refuse storage for residential units
55. Construction Management Plan for residential units
56. Construction Waste Management Plan for residential units
57. Secure cycle parking for residential units
58. Electric vehicle charging points for residential units
59. Part M units
60. Fibre connectivity infrastructure for residential units
61. Secure by Design for residential units
62. Removal of Part E permitted development rights
63. Water use for residential units
64. Sustainable Drainage System for residential units
65. Design details for residential units
66. Parking and refuse layout plan for residential units
67. Thames water (1) – Foul sewage for residential units
68. Thames Water (2) Water infrastructure for residential units
69. Affordable housing

2.2. That the Head of Development Management be granted delegated authority to agree the final wording of the Deed of Variation and conditions to cover those matters recommended in this report

3. Executive Summary

3.1. This application seeks to amend condition 2 for the development approved by planning permission 21/01816/FUL, granted in May 2022. This would have the effect of replacing rooflights with dormer windows to the rear for eight of the approved houses.

3.2. The remainder of the development would be unchanged. The care home and the number of residential units would be unchanged, with a good mix of units. The application would not alter the affordable housing provision but there is a parallel application to vary condition 69 of planning permission 21/01816/FUL which would change the affordable housing mix.

3.3. The overall design would remain high quality with the proposed dormer windows being appropriate, and similar to the dormers on the front of the houses to be altered.

3.4. The quality of the accommodation for the affected eight houses would be marginally improved as the dormers would result in an additional 3sqm for each house. There would not give rise to additional opportunities for overlooking from the resulting dormers and the overall impact on neighbouring properties would not be materially greater.

3.5. The dormer windows would also not create additional highway or transportation impacts: the layout of the site would be unchanged and the dormers would not result in additional bedrooms that could increase the requirements for cycle or car parking.

3.6. Environmental impacts would also remain unchanged. The dormers would not increase the amount of hardstanding, and hence drainage would not be affected. The landscaping around the site would also not be impacted on, and the improvements to biodiversity and the carbon emissions savings would still be secured.

3.7. A deed of variation is required to link the provisions of the Section 106 legal agreement for 21/01816/FUL to this application. Also, the same conditions would need to be imposed as this would technically be an independent grant of planning permission.

4. Site and Surroundings

4.1. The site is designated as a brownfield site and was occupied by a hotel and respective grounds. The hotel closed in March 2020 and the buildings on site have now been demolished and construction has begun on the residential component of the previously approved development.

4.2. The site borders the designated Metropolitan Green Belt to the north, west and south, and to the east borders the rear garden boundaries of Oak Avenue properties. To the north, the site is bordered by the Ridgeway, which provides the sole vehicular access point to the site.

4.3. The wider location of the site marks the transition from urban residential to open farmland and countryside. The land to the west and south falls away creating an undulating landscape.

4.4. The adjacent properties on Oak Avenue are in the main detached houses built on an east by west axis with garden depths of between 20 to 30 metres. The character and form of the dwellings is mixed albeit all properties are two storeys with off-street parking with a Controlled Parking Zone.

5. Proposal

5.1. The proposal is to vary condition 2 of application 21/01816/FUL. Condition 2 lists the approved drawings and hence the proposal is to change the physical appearance of the approved development. The specific change sought is to replace rooflights on the rear elevation of eight of the approved houses with dormer windows. These houses are in the southern part of the site.

5.2. The development previously approved was for the redevelopment of the site involving

the demolition of the existing hotel and the erection of a three-storey care-home (C2 use) with ninety-two (92) rooms on the northern part of the site. The southern part of the site would contain sixty-four (64) residential dwellings. The proposed dwellings would be formed of thirty-five houses (35) laid out as 6 x 2b4p, 8 x 3b4p and 21 x 3b5p. Twenty-nine (29) flats layout as 11 x 1b2p and 18 x 2b3/4p.

5.3. The ninety-two (92) bed Care home (C2 use) would provide flexible on-site care to occupants with twenty-three (23) of the rooms, representing 25% of the total, provided as specialist dementia rooms located solely at second floor level. (35) studio rooms (designed for single occupation) and thirty-four (34) suites (designed for couples). The care home is designed for persons over 85 years of age however there is no policy preventing younger persons from residing at the Care home.

5.4. The proposal is specifically for the changes identified in paragraph 5.1 above, but the effect of granting the application would be to grant planning permission for the entire development afresh. Construction has commenced on the development.

6. Relevant Planning Decisions

6.1. 21/01816/FUL Granted 10 May 2022
Redevelopment of site involving demolition of existing hotel and erection of a three-storey care-home (C2 use) with 92 rooms and 64 residential dwellings.

6.2. 22/03700/VAR Submitted 31 October 2022
Variation of condition 69 of application 21/01816/FUL to allow amendment in shared ownership affordable housing provision.

7. Consultations

Statutory and Non-statutory Consultees

7.1. The nature of the proposed amendment to add dormers did not raise issues that required statutory consultation to be undertaken. In addition, the consultees on the original planning application did not raise comments that would be affected by the proposed amendment.

Public Consultation

7.2. A site notice was displayed and press notice was published to advertise the development.

7.3. Letters were sent to 305 neighbouring properties on 17 November 2022.

7.4. In response to this, one representation was received from a neighbouring property raising the following issues:

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Loss of privacy
- Noise nuisance

7.5. It was specifically noted that the proposed properties are elevated above the neighbouring property in question and are close to the back garden, and that the dormer windows would result in overlooking and consequent loss of privacy. This was identified as a difference to the original plans.

8. Relevant Policy

8.1. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise**.**

8.2. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Enfield Core Strategy (2010); the Enfield Development Management Document (2014); and The London Plan (2021).

8.3. National Planning Policy Framework (2021) (NPPF)

The National Planning Policy Framework sets out at Para 11 a presumption in favour of sustainable development. For decision taking this means:

"....(c) approving development proposals that accord with an up-to date development plan without delay; or,

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole."

8.4. The related footnote (8) advises that "This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites …… or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years.

8.5. The Housing Delivery Test (HDT) is an annual measurement of housing delivery introduced by the government through the NPPF. It measures the performance of local authorities by comparing the completion of net additional homes in the previous three years to the housing targets adopted by local authorities for that period.

8.6. Local authorities that fail to meet 95% of their housing targets need to prepare a Housing Action Plan to assess the causes of under delivery and identify actions to increase delivery in future years. Local authorities failing to meet 85% of their housing targets are required to add 20% to their five-year supply of deliverable housing sites targets by moving forward that 20% from later stages of the Local Plan period. Local authorities failing to meet 75% of their housing targets in the preceding 3 years are placed in a category of "presumption in favour of sustainable development".

8.7. The Council's recent housing delivery has been below its increasing housing targets. This translated into the Council being required to prepare a Housing Action Plan in 2019 and more recently being placed in the "presumption in favour of sustainable development" category by the Government through its Housing Delivery Test.

8.8. This is referred to as the "tilted balance" and the NPPF states that for decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole - – which also includes the Development Plan. Under the NPPF paragraph 11(d) the most important development plan policies for the application are deemed to be 'out of date'.

8.9. However, the fact that a policy is considered out of date does not mean it can be disregarded, but it means that less weight can be applied to it, and applications for new homes should be considered with more weight (tilted) by the planning committee. The level of weight given is a matter of planning judgement and the statutory test continues to apply, that the decision should be, as section 38(6) of the Planning and Compulsory Purchase Act 200 requires, in accordance with the development plan unless material considerations indicate otherwise.

8.10. Key relevant policy objectives from the NPPF that relate to this scheme include:

- Section 5 – Delivering a sufficient supply of homes Para 60 - 77.
- Section 8 – Promoting Healthy and safe communities, Para 92 & 97
- Section 9 – Promoting sustainable transport, Para 104-113
- Section 11 – Making effective use of land Para 119 -125
- Section 12 – Achieving well-designed places, Para 126-136

8.11. The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.

8.12. <u>London Plan (2021)</u>

The London Plan (2021) was adopted on the 2nd of March 2021. The London Plan 2021 replaces the 2016 London Plan and as such is given significant weight in determining planning applications. Pertinent Policies in the London Plan 2021 are outlined below:

- GG1: Building Strong and Inclusive Communities
- GG2: Making the best use of land
- GG4: Delivering the Homes Londoners Need
- D3: Optimising site capacity through the design-led approach:
- D4: Delivering good design
- D5: Inclusive design
- D6: Housing Quality and Standards
- D7: Accessible Housing
- D11: Safety, Security and Resilience to Emergency
- D12: Fire Safety
- D14: Noise
- H1: Increasing Housing Supply:
- H4: Delivering Affordable Housing

- H5: Threshold Approach to Applications
- H6: Affordable Housing Tenure
- H10: Housing Size Mix
- H12: Supported and specialised accommodation
- H13: Specialist older persons housing
- S2: Health and social care facilities
- S4: Play and Informal Recreation
- G5: Urban Greening
- G6: Biodiversity and Access to Nature
- G7: Trees and Woodland
- SI 3: Energy infrastructure
- SI 4: Managing heat risk
- SI 5: Water Infrastructure
- SI 7: Reducing Waste and Supporting the Circular Economy
- SI 13: Sustainable drainage
- T1: Strategic approach to transport
- T2: Healthy Streets
- T3: Transport capacity, connectivity and safeguarding
- T4: Assessing and mitigating transport impacts
- T5: Cycling
- T6: Car Parking
- T6.1: Residential Parking
- T7: Deliveries, Servicing and Construction
- T9: Funding transport infrastructure through planning

8.13. Enfield Core Strategy (2010)

- CP2: Housing supply and locations for new homes
- CP3: Affordable housing
- CP4: Housing quality
- CP5: Housing types
- CP6: Meeting Particular housing needs
- CP20: Sustainable energy use and energy infrastructure
- CP21: Delivering sustainable water supply, drainage and sewerage
- infrastructure
- CP22: Delivering sustainable waste management
- CP25: Pedestrians and cyclists
- CP30: Maintaining and improving the quality of the built and open environment
- CP32: Pollution
- CP36: Biodiversity
- CP46: Infrastructure contributions

8.14. Enfield Development Management Document (2014)

- DMD1: Affordable Housing on sites capable of providing 10 units or more
- DMD3: Providing a Mix of Different Sized Homes
- DMD6: Residential Character
- DMD8: General Standards for New Residential Development
- DMD9: Amenity Space
- DMD10: Distancing
- DMD15: Specialist Housing Needs

- DMD37: Achieving High Quality Design-Led Development
- DMD38: Design Process
- DMD45: Parking Standards
- DMD47: New Roads, Access and Servicing
- DMD48: Transport Assessments
- DMD49: Sustainable Design and Construction Statements
- DMD50: Environmental Assessment Methods
- DMD51: Energy Efficiency Standards
- DMD53: Low and Zero Carbon Technology
- DMD54: Allowable Solutions
- DMD55: Use of Roof Space / Vertical Surfaces
- DMD56: Heating and Cooling
- DMD57: Responsible Sourcing of Materials
- DMD58: Water Efficiency
- DMD61: Managing Surface Water
- DMD65: Air Quality
- DMD66: Land contamination and instability
- DMD68: Noise
- DMD69: Light Pollution
- DMD72: Open Space Provision
- DMD73: Children's Play Space
- DMD78: Nature Conservation
- DMD79: Ecological Enhancements
- DMD80: Trees on Development sites
- DMD81: Landscaping
- DMD83: Development Adjacent to the Green Belt
- DMD Appendix 9 - Road classifications

8.15. Other relevant policy/guidance

- Enfield Climate Action Plan (2020)
- Enfield Housing and Growth Strategy (2020)
- Enfield Biodiversity Action Plan
- Enfield Strategic Housing Market Assessment Update (2015)
- National Planning Practice Guidance
- Community Infrastructure Levy Regulations 2010
- LBE S106 SPD (2016)
- London Councils: Air Quality and Planning Guidance (2007)
- TfL London Cycle Design Standards (2014)
- GLA: Control of Dust and Emissions during Construction and Demolition (2014)
- GLA: London Sustainable Design and Construction SPG (2014)
- GLA: Accessible London: Achieving an Inclusive Environment SPG (2014)
- GLA: Social Infrastructure SPG (2015)
- GLA: Homes for Londoners: Affordable Housing and Viability SPG (2017)
- GLA: Mayor's Transport Strategy (2018)
- GLA: Mayor's Housing SPG (2016)
- GLA: Mayor's Affordable Housing & Viability SPG (2017)
- Healthy Streets for London (2017)
- Manual for Streets 1 & 2, Inclusive Mobility (2005)
- National Design Guide (2019)
- Technical housing – nationally described space standards

- The Environment Act 2021
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Mayor's Housing SPG (2016)
- Mayor's Affordable Housing & Viability SPG (2017)
- Nationally Described Space Standards (2015)

9. Analysis

9.1 This report sets out an analysis of the issues that arise from the proposals in the light of adopted strategic and local planning policies. The main issues are considered as follows:

- Context – Section 73 application
- Land use / Principle of Development
- Housing mix / Affordable housing
- Design, conservation, and heritage
- Quality of the resulting residential accommodation
- Neighbouring amenity
- Sustainable drainage
- Highways and transportation
- Trees, landscaping, and biodiversity
- Environmental impact, sustainability, and energy
- Other Matters
- Section 106 / Planning obligations
- Community Infrastructure Levy

Context – Section 73 application

9.2 The application seeks to vary condition 2 of planning permission 21/01816/FUL:

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

…

Reason: For the avoidance of doubt and in the interests of proper planning

9.3 The drawings submitted by the applicant are those that show the roof of the houses where the amendment is proposed, and they show dormer windows where there were roof lights on eight houses.

9.4 The granting of this application would be the granting of a fresh planning application and so an assessment needs to consider matters other than those which are directly raised by the proposed physical changes to one part of the development. It also requires the imposition of conditions to cover the range of material considerations relevant to the development.

9.5 The below assessment is cognisant of the planning permission which has been granted and which is being constructed, and so there is a credible fallback position for the applicant. The conditions that have previously been discharged are also considered.

Land use / Principle of Development

9.6 The proposed development would technically authorise the loss of the hotel, albeit the hotel has now been demolished. In the original assessment it was identified that this is not a location where a hotel would be encouraged were it to proposed, with policy DMD31 seeking to primarily focus new hotels in town centres, areas with good public transport, near to tourist attractions and the Upper Lee Valley. This does not apply in this instance and so the loss of the hotel remains justified.

9.7 Providing self-contained residential accommodation and a care home is supported by policies CP5, DMD15 and H13, hence the granting of planning permission for the proposed uses remains acceptable. The housing would contribute towards meeting the housing needs of the borough and London and accord with policy H1.

9.8 The NPPF gives substantial weight to the use of suitable brownfield sites for homes and other identified needs, especially where it would develop under-utilised land. The former hotel occupied a relatively small proportion of the site. The London Plan includes a target for specialist older persons housing of 195 per year, and the care home would make a significant contribution towards this. The accommodation would include 25% of rooms assigned for persons with dementia, which is a particular positive of the development.

Housing mix / Affordable housing

9.9 The housing mix would not be altered by the proposal. The affordable housing would not be altered as part of *this* application, but the parallel application (ref: 22/03700/VAR) seeks to amend the location (and hence mix) of the affordable housing provision, and this is detailed in the report to accompany this parallel application.

9.10 Policies H4 and H5 of the London Plan seek provision of on-site affordable housing on all Major development. Policy H5 permits a fast track approach where developments commit to a minimum of 35% of the residential units to be affordable. The original approval included 35.9% affordable housing when measured by the number of units, so in excess of the threshold and this application would retain this. When measured by habitable rooms or floorspace the percentage would be marginally higher.

9.11 The mix of units proposed is:

House Type	Private	London Affordable rent	Intermediate Affordable housing	Total units
1b Flat	7	4	-	11
2b Flat	12	6	-	18
2b House	6	-	-	6
3b House	16	5	8	29
Total	41	15	8	64

9.12 This mix remains in accordance with policy H6 which specifies an appropriate mix to include London Affordable Rent and Intermediate Affordable housing.

9.13 The overall mix of all units would remain in accordance with policy CP5 of the Core Strategy, with over 45% of the units being family sized.

9.14 The mix and tenure as previously approved remains acceptable.

Design, conservation, and heritage

9.15 The demolition of the existing buildings and the form of the development is overwhelmingly the same as was approved previously, with the only physical change being the introduction of the dormer windows to 8 houses. Policy D3 requires all development to make the best use of land following a design led approach that optimises the capacity of sites.

9.16 The layout, scale and detailing of the buildings was considered acceptable previously, and that remains the case. The representation from a neighbouring property describes the development as too high, but the proposal would not increase the overall height of any building on the site

9.17 The changes included in this application would not affect the care home which could come forward as approved. The care home would feature deep reveals, pitched roofs and warm external brickwork to provide a welcoming and attractive building presenting a gateway building to the borough from the north via the Ridgeway. The care home would be three storey, which is marginally taller than the prevailing two storey residential houses nearby but overall was considered a high quality design, and this remains the conclusion.

9.18 The detailed design of the residential units would reflect the care home. There would be two flatted blocks, both of which would be three storeys adjacent to the care home and "L" shaped. Each would have projecting balconies with red bricks and gray roof tiles.

9.19 The houses would be a mix of two and three storeys and the proposed dormer windows would not increase the height of the affected houses beyond this. The dormer windows proposed would sit immediately above the eaves and be approximately half the width of the roofs. Given that the pitch of the roofs is steep the proposed dormer windows would be relatively small additions. The dormer windows would align with the windows below, so providing symmetry and would feature a discrete railing allow for the doors to fully open. Most significantly, the form of the proposed dormer windows broadly matches the approved dormer windows to the front, especially when viewed in section. It is acknowledged that dormer windows are present in the surrounding area, even if they are not a predominant characteristic. Overall, the relatively small changes that the development would deliver are considered acceptable.

9.20 The previous application included an assessment against relevant Green Belt policy, given the proximity to the Metropolitan Green Belt even though it falls outside of it. Whilst acknowledging that the care home and residential accommodation would have a greater impact than the previous hotel did, the addition of dormer windows would not materially increase the impact on the Metropolitan Green Belt: the dormer windows would be visible against the roofs.

9.21 The proposed dormers would not result in a materially greater visual impact than the approved development.

Quality of the resulting residential accommodation

9.22 Policy D6 of the London Plan and policies DMD8, DMD9, DMD 10 and DMD 15 of the Development Management Policies remain relevant. The care home and the majority of the residential units would not be affected by the proposal, and so would remain in accordance with the highlighted policies.

9.23 There are no specific standards for care homes, but the layout is unchanged and hence the quality of the accommodation remains high. As approved the layout consisted of approximately 29% non-habitable floorspace, including a hair salon. Excellent external amenity space was approved, with some sheltered areas, and some private amenity space. This would be unchanged and is similarly supported now.

9.24 The residential units accord with the minimum unit sizes in the national described space standards. The flats and houses would remain well laid out with good standards of daylight and outlook provided. There would be some mutual overlooking between some of the flats but not to the extent that it is considered problematic. The 8 houses where the dormers are proposed would have approximately 3sqm of additional floorspace, which represents an improvement compared to what was originally approved. Each dormer would be a larger light source than the rooflights that were approved, which would marginally improve outlook to the rear and internal daylight received. There would be no additional overlooking to the 8 houses proposed to be altered as the dormer windows would look out on to a field.

9.25 As required by policy DMD9 all units would have some form of external amenity space, with generous communal amenity space for the flats. Policy S4 seeks on site playspace. The amount within the development would be below that envisaged by the policy based on the number of children expected to occupy the residential units. A deed of modification to the Section 106 legal agreement would ensure that the resulting financial contribution secured as part of the original planning permission is also secured for this application.

Neighbouring amenity

9.26 Policy D6 remains relevant and requires that developments should not cause unacceptable harm to residential amenity. The care home and most of the residential units would not be affected by the proposal, and so would remain in accordance with the highlighted policy.

9.27 The location of the site results in limited impact to neighbouring properties, primarily due to the open nature to the Metropolitan Belt to the south, north and west of the site. The distances to neighbouring properties to the east would be sufficient to ensure no overlooking. There would be no windows serving habitable rooms in the eastern elevation of the care home and the houses would be positioned so as not to result in overlooking to neighbouring units. Noise from the car parking would continue to be managed through a condition requiring acoustic fencing.

9.28 The representation from a neighbouring property identifies the development to be close to adjoining properties, a cause a loss of privacy and noise nuisance. Proximity to a neighbouring back garden was identified to result in overlooking and loss of privacy. The proposed dormer windows would not bring any buildings closer to neighbouring properties than was approved. The dormers would be orientated at broadly right-angles to the properties on Oak Avenue and so would not offer opportunities for direct overlooking. It is the case that the windows could be fully opened, but no specific terrace would be created to allow views to the east or south-east. The noise impacts would be comparable to the remainder of the residential development which is compatible with the surrounding context.

9.29 In addition, the dormer windows would not result in a loss of daylight or sunlight or overshadow neighbouring properties given the proximity to existing properties, and that the path of the sun would be to the south of the site.

Sustainable drainage

9.30 Policies SI 12 and SI 13 require developments to ensure that flood risk is minimised with mitigation to ensure that residual risk is addressed, and greenfield runoff rates are achieved where possible. The original application demonstrated that the drainage and flood risk impacts would be acceptable.

9.31 The dormer windows would not create additional hardstanding as they would replace existing rooflights. This is considered acceptable.

Highways and transportation

9.32 Policies T1, T5, T6, and DMD47 were previously identified as being relevant and this remains the case. The layout is not altered by the current proposal. The internal access roads would remain sensibly laid out with sufficient pedestrian paths and room for two way vehicle movement. The junction with the site has been designed to provide adequate visibility splays.

9.33 The level of car parking has been appropriately designed. The PTAL of the site is 1b, which is very low, and so parking is provided within the layout. The care home would have 50 car parking spaces, including three disabled bays, in three car parks. This partly reflects the need for staff to travel to and from the site throughout the day and night but also makes provision for visitors.

9.34 The residential units would have 64 car parking spaces. This is substantial given the low PTAL and is considered reasonable. Oak Avenue to the east is part of a Controlled Parking Zone (CPZ) so alleviating concerns about overspill parking.

9.35 Secure cycle parking would be provided for the care home and the residential units. Refuse storage would be suitably sized and located.

9.36 The proposed dormer windows would not affect the physical layout of the site, and hence there are no implications for highways either within the site or on the public highway. The additional floorspace created by the dormer windows would not result in an additional bedroom, and so there is no change in the requirement for car parking spaces or cycle parking.

Trees, landscaping, and biodiversity

9.37 Policies G5, G6 and G7 remain relevant. As part of the original planning application officer's negotiated trees to be planted along the proposed internal roads and along the western boundary of the site and elsewhere. This would mitigate the loss of 39 trees, although many of those lost are not considered worthy of retention. Overall, there would be a net gain of trees on the site with over 90 trees being planted.

9.38 The site is not designated for ecology. The former hotel contained bat habitats and prior to its demolition the applicant had to obtain the necessary licences from Natural England. The proposed landscaping would include bird, bat, and hedgehog boxes to provide a long term improvement to the ecology on the site.

9.39 The dormer windows would not have any impact on landscaping or biodiversity. They would be within existing roofs above ground floor level, and the conclusions reached previously remain valid. There remains no objection to the loss of trees and other vegetation on condition that the replacement landscaping and habitat is provided, which

would be secured.

Environmental impact, sustainability, and energy

9.40 Policy SI 2 seeks for major developments to be net zero. The original planning application included information on measures to be included to minimise carbon. This would achieve a reduction of 35%, with a financial contribution to mitigate the remainder of the carbon emissions. The deed of modification for the Section 106 would ensure that this is secured.

9.41 The addition of 8 dormer windows would not change the conclusions reached previously.

Other Matters

9.42 The original report identified socio-economic benefits of the proposed development, including new jobs, and opportunities to obligate (through the Section 106 legal agreement) the applicant to use (amongst other things) local labour and apprentices. It was also identified that a submitted Health Impact Assessment was acceptable. Matters including contamination, archaeology, water efficiency, and security were also deemed to be acceptable. The proposed dormer windows would not affect the conclusions reached on these matters.

9.43 Several of the conditions imposed on the original planning application have been discharged, and the conditions proposed to be imposed on this application are amended accordingly so they do not need to be discharged for a second time.

Section 106 / Planning obligations

9.44 The obligations within the Section 106 legal agreement remain relevant and would need to be reimposed through a deed of variation. The exception to this would be to amend the obligations on affordable housing, but this is associated with the parallel application (ref: 22/03700/VAR) should it be granted.

Community Infrastructure Levy

9.45 The development would remain liable for the Mayoral and Enfield CILs, but with a small uplift due to the additional floorspace that the dormer windows would deliver. This is estimated to be approximately 21sqm.

9.46 The Council introduced its own CIL on 1 April 2016 to support infrastructure in the Borough. Enfield has identified three residential charging zones and the site falls within charging rate zone (£120/sqm).

9.47 The existing sui generis Hotel building has a total floorspace of 6,529m². The proposed C2 Care Home would have a total floorspace of 7,309m², alongside the 6,081m² of new C3 residential floorspace, resulting in a net increase in floorspace of 6,861m² across the site.

9.48 The Enfield Community Infrastructure Levy Charging schedule (adopted April 2016) seeks contributions of £0 per m² on C2 uses. The MCIL2 Charging schedule does not make exception and the total C2 floorspace would be subject to London Mayoral CIL.

Residential
6,081m² of floorspace would be subject to Local CIL £120 = £729,720

6,081m² of floorspace would be subject to Mayoral CIL £60 = £364,860

C2 Care Home

The net new C2 floorspace (7,309m² - 6,529m²) of 780m² would be subject to London Mayoral rate of £60, therefore £60 x 780 = £46,900

9.49 All figures and calculations above are subject to final checking and the BCIS figure for CIL liable developments at time of CIL processing

10 Public Sector Equalities Duty

10.1. In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. Section 149 of the Act requires public authorities to have due regard to several equality considerations when exercising their functions including decision making on planning applications. These considerations include: Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; Advance equality of opportunity between persons who share a relevant protected characteristic (explained in detail below) and persons who do not share it; Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. The main objective of the duty has been to ensure public policies and programmes are implemented fairly, in particular with regard to their impact on the protected characteristics identified above. In making this recommendation, due regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, marriage / civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

10.3. When determining the planning application (and thereby accounting for the representations resulting from public consultation), the Council has considered the potential effects of the proposed development on those with protected characteristics as defined under the Equality Act 2010. In doing this, the Council has had due regard to equality considerations and attribute appropriate weight to such considerations. In providing the recommendation to Members that planning consent should be granted, officers have considered equalities impacts in the balance, alongside the benefits arising from the proposed development. The Council has also considered appropriate mitigation to minimise the potential effects of the proposed development on those with protected characteristics.

10.4. There are no statutory or regulatory requirements for the form or content of an equalities assessment. The scale and significance of such impacts cannot always be quantified, and it is common to address this through descriptive analysis of impacts and identifying whether such impacts are adverse or beneficial. The key elements of the proposed development which have an impact that could result in an equalities effect include the design and physical characteristics of the proposals subject to the planning application. Officers do not consider there would be a disproportionate equalities effect.

11 Conclusion

11.1 The proposed dormer windows are relatively minor additions to the development as a whole and they would not result in unacceptable impacts. In design terms they would

appear appropriate within the roofs of the 8 houses affected whilst slightly improving the quality of accommodation for the affected houses. They would not result in detrimental impacts to neighbouring properties. Other matters such as highways, drainage, landscaping would not be affected. Accordingly, it is recommended that planning permission be granted subject to the completion of a deed of variation to the existing S106 Agreement to link it to this permission and subject to conditions similar to those previously imposed.

Bellway

Do not scale other than for Local Authority Planning purposes.

The windows indicated to the side elevations are optional windows only. The default position will be that each of these windows is included unless referred to as omitted on the separate materials schedule or external finishes plan.

The location of the rainwater downpipes is illustrative only. The detailed engineering layout will illustrate the plot specific location of the downpipes, and this must be followed.

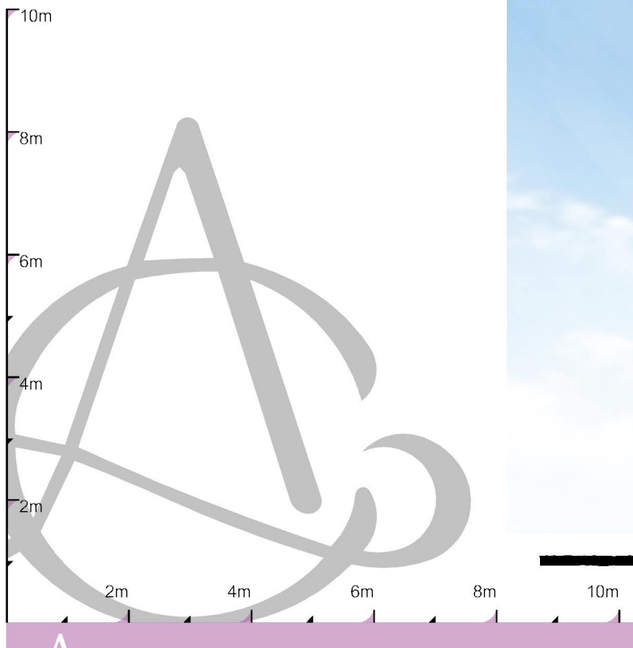
Elevations Correspond to Floor Plan Drawing:
WL-3B-25S-P1

Front Elevation

Side Elevation

Rear Elevation

Side Elevation



THE ARTISAN COLLECTION

8.1

rev	date	by	details
B	07.10.21	TP	Inset panel replaced with brick at LA request
A	30.07.21	KA	GF rear bay added

THE WALKER

ELEVATIONS — Town Vernacular: Contemporary

09.03.2021 CREATED
1:100 @ A3 SCALING
REFERENCE WL-3B-25S-TC-E1
B REVISION

Bellway

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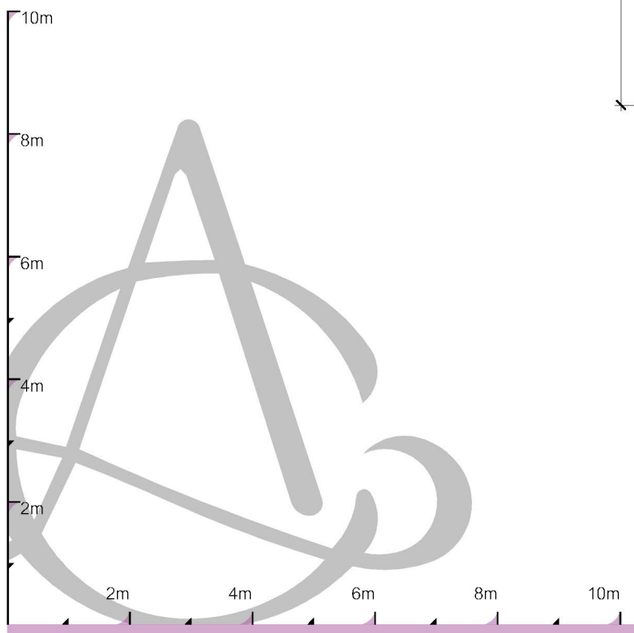
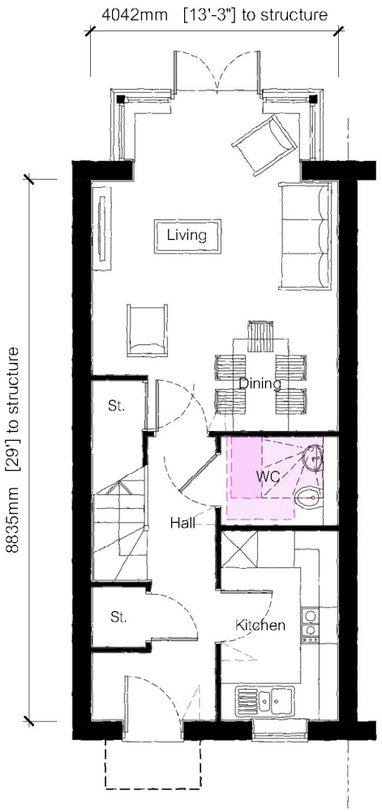
Ground Floor	38.82m²	418ft²	Floor areas measured to face of structure. Areas below 1.5m height excluded.
First Floor	35.72m²	384ft²	
Second Floor	26.38m²	284ft²	
Total Area	100.91m²	1086ft²	

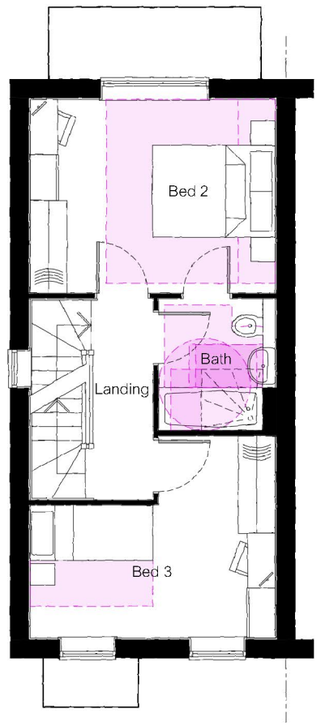
Ground Floor	38.12m²	410ft²	Floor areas measured to face of finish. Areas below 1.5m height excluded.
First Floor	35.07m²	378ft²	
Second Floor	26.06m²	281ft²	
Total Area	99.26m²	1068ft²	

NDSS COMPLIANT AS A 5 PERSON DWELLING
M4(2) COMPLIANT

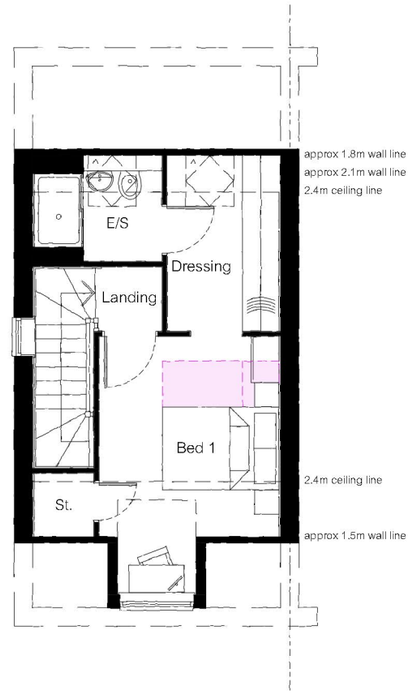




Ground Floor Plan



First Floor Plan



Second Floor Plan

THE ARTISAN COLLECTION

rev	date	by	details
A	30.07.21	KA	GF rear bay added

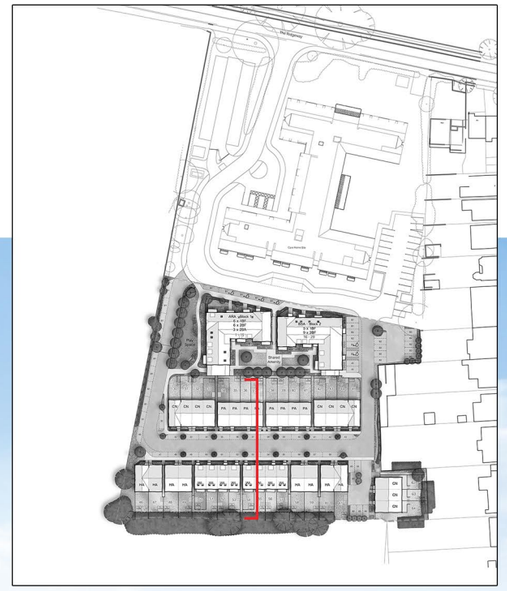
THE WALKER

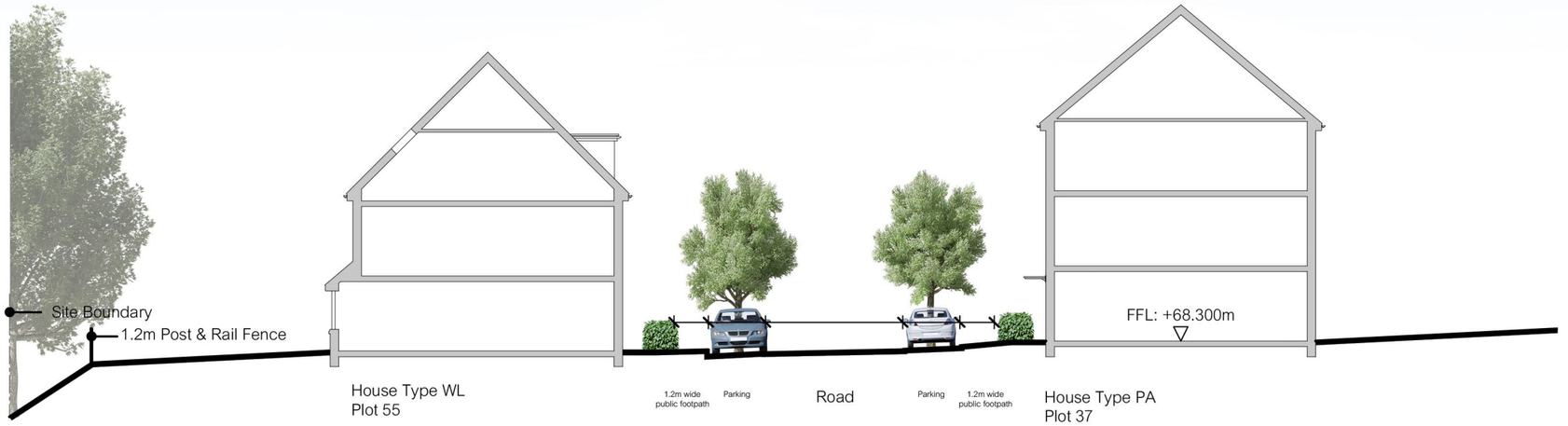
FLOOR PLANS

09.03.2021 CREATED
1:100 @ A3 SCALING

REFERENCE WL-3B-25S-P1 A REVISION

Bellway





10m 5m 1:200 5m 10m

site section 04

NOTE:
Ground levels and finished floor levels are indicative only and subject to engineers' detailed design.

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royal chace hotel, enfield

rev	date	by	details
A	30.07.21	KA	HT Walker Updated

Site Section 04

09.07.2021 created
1:200 @ A3 scaling
SM/KA contact

reference 062001-SEC04 A revision

Bellway

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Elevations Correspond to Floor Plan Drawing:
WL-3B-25S-P1

Front Elevation

Side Elevation

Rear Elevation

Side Elevation

10m
8m
6m
4m
2m

2m 4m 6m 8m 10m

THE ARTISAN COLLECTION

8.1

rev	date	by	details
C	07.07.22	KA	Dormer added to rear elevation
B	07.10.21	TP	Inset panel replaced with brick at LA request
A	30.07.21	KA	GF rear bay added

THE WALKER

ELEVATIONS	09.03.2021	CREATED
Town Vernacular: Contemporary	1:100 @ A3	SCALING
REFERENCE WL-3B-25S-TC-E1	C	REVISION

Bellway

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Ground Floor	38.82m²	418ft²	Floor areas measured to **face of structure**. Areas below 1.5m height excluded.
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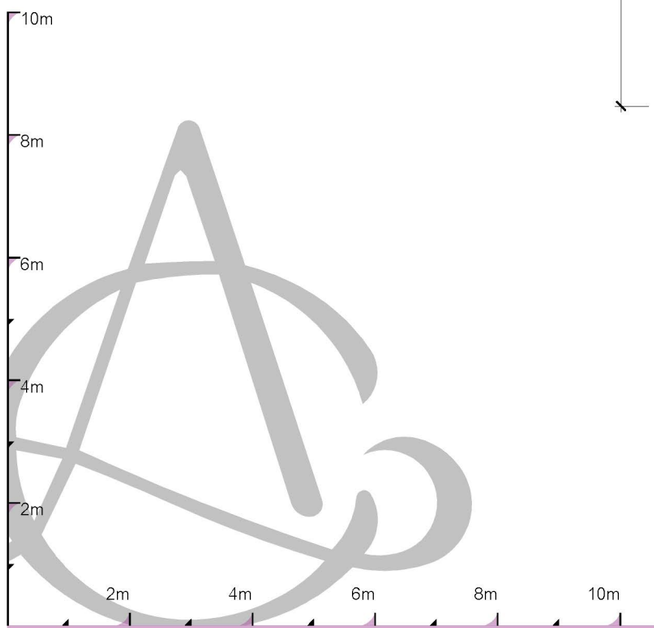
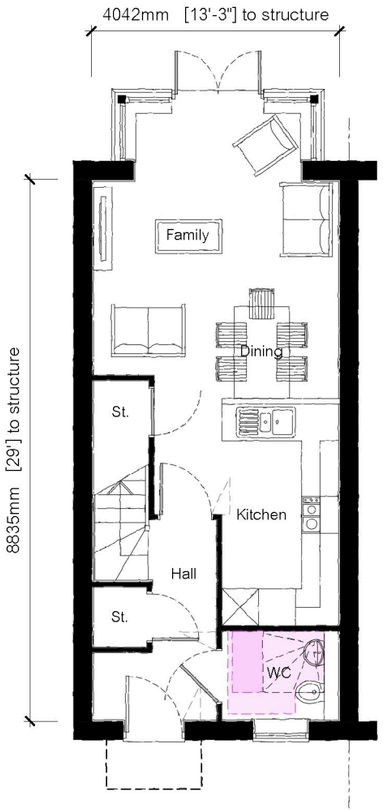
Second Floor	28.96m²	312ft²	
Total Area	103.50m²	1114ft²	

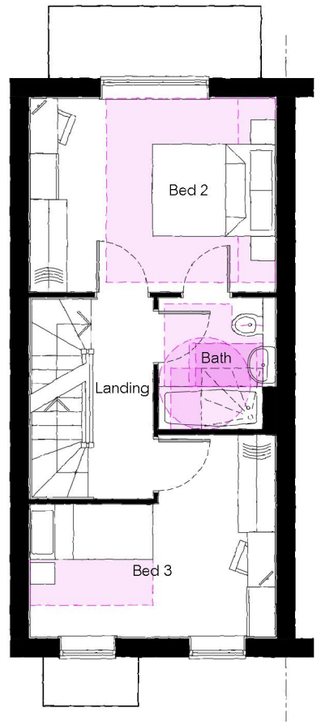
Ground Floor	38.12m²	410ft²	Floor areas measured to **face of finish**. Areas below 1.5m height excluded.
First Floor	35.07m²	378ft²	
Second Floor	28.65m²	308ft²	
Total Area	101.85m²	1096ft²	

NDSS COMPLIANT AS A 5 PERSON DWELLING
M4(2) COMPLIANT

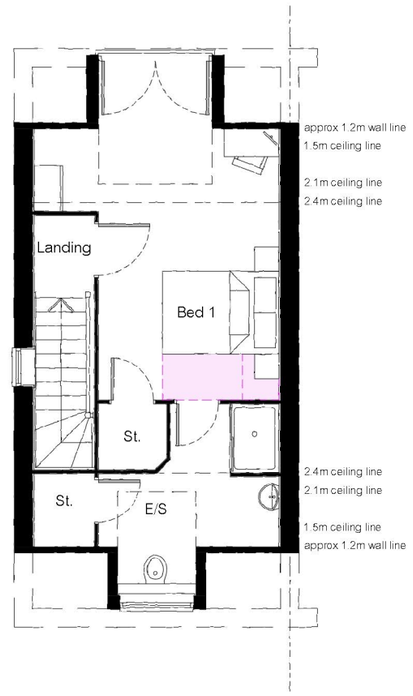




Ground Floor Plan



First Floor Plan



Second Floor Plan

THE ARTISAN COLLECTION

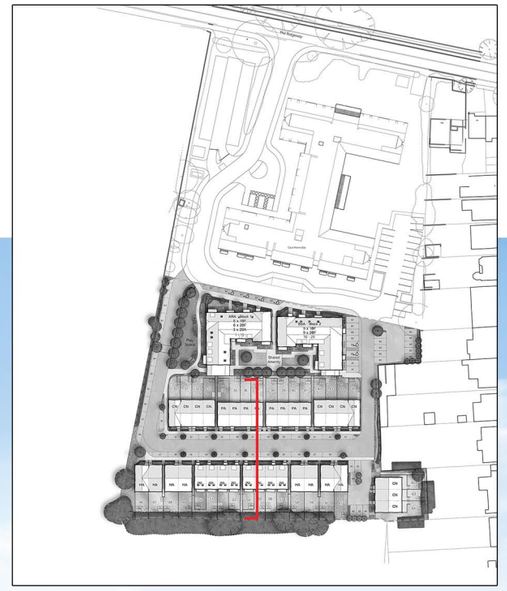
rev	date	by	details
C	21.07.22	KA	Declared areas under 1.5m omitted
B	07.07.22	KA	Dormer added to rear elevation
A	30.07.21	KA	GF rear bay added

THE WALKER

FLOOR PLANS

09.03.2021 CREATED
1:100 @ A3 SCALING

REFERENCE WL-3B-25S-P1 C REVISION

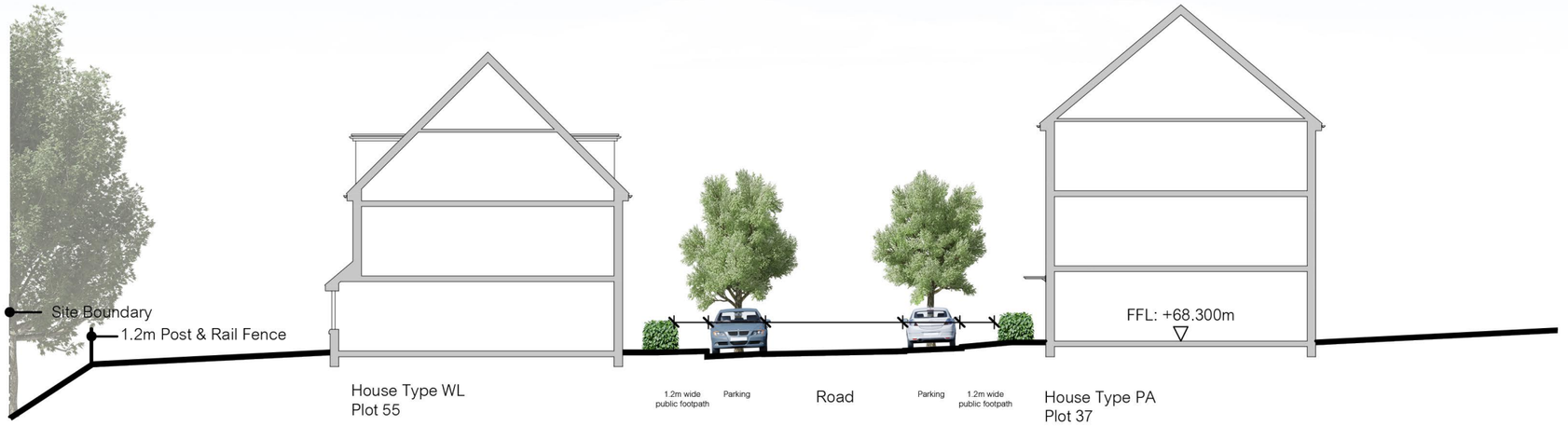


10m 5m 1:200

5m

10m

site section 04



NOTE:
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w. www.dhaarchitecture.co.uk

rev	date	by	details
B	10.11.21	KA	Walker house type updated
A	30.07.21	KA	HT Walker Updated

royal chace hotel, enfield

Site Section 04

09.07.2021 created
1:200 @ A3 scaling
SM/KA contact

reference 062001-SEC04 B revision

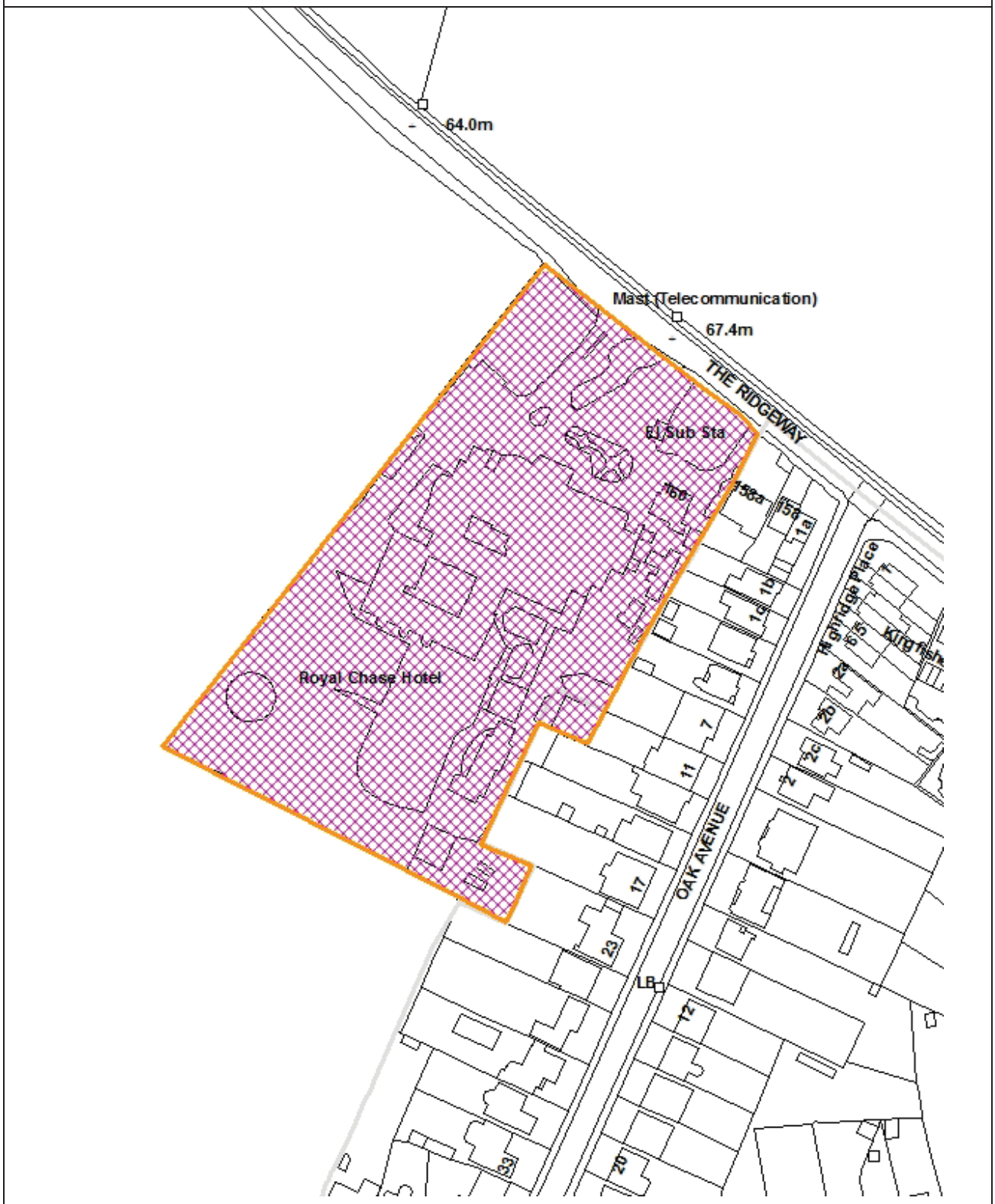
LONDON BOROUGH OF ENFIELD		
PLANNING COMMITTEE	**Date: 21 March 2023**	
Report of Head of Planning	**Contact Officers:** Christopher Heather Sharon Davidson	**Category** Major
Ward Ridgeway	**Councillor Request** No Councillor request	
LOCATION: The Royal Chace Hotel, 162 The Ridgeway, Enfield, EN2 8AR		
APPLICATION NUMBER: 22/03700/VAR		
PROPOSAL: Variation of condition 69 (Affordable housing) of application 21/01816/FUL to allow amendment in location of the shared ownership affordable housing provision.		
Applicant Name & Address: Ms Fiona Flaherty, Bellway Homes Ltd (North London) & Signature Senior Lifes	**Agent Name & Address**: Mr James McConnell, McConnell Planning	

RECOMMENDATION:

1.That subject to the completion of a deed of variation to link the development to the Section 106 Agreement previously secured for 21/01816/FUL and to reflect the resulting changes to the shared ownership provisions within the current Section 106, the Head of Development Management be authorised to **GRANT** full planning permission subject to conditions.

2.That the Head of Development Management be granted delegated authority to agree the final wording of the deed of variation and conditions to cover those matters recommended in this report

Ref: 22/03700/VAR LOCATION: The Royal Chace Hotel, 162 The Ridgeway, Enfield, EN2 8AR



ENFIELD Council

Scale 1:1250

North

1. Members

1.1 This application is reported to the Planning Committee as it comprises a 'major' development, involving more than 10 residential units.

2. Recommendation:

2.1. That subject to the completion of a deed of variation to link the development to the Section 106 Agreement previously secured for 21/01816/FUL and to reflect the resulting changes to the shared ownership provisions within the current Section 106, the Head of Development Management be authorised to **GRANT** full planning permission subject to conditions:

1. ~~Time limit~~ *(This is no longer required as the previous permission has been implemented)*
2. Accordance with plans
3. Bat Licence
4. Construction environmental management plan (CEMP)
5. Construction Waste Management Plan
6. Demolition Management and Logistics Plan
7. Lighting Plan
8. Biodiversity Enhancements
9. Arboricultural Method Statement with Tree Protection Plan
10. Nesting season
11. Land Contaminated (1)
12. Land Contaminated (2)
13. Piling
14. Green procurement Plan
15. Access and sight splays
16. Noise from construction equipment
17. Drainage strategy
18. Mechanical equipment
19. Plant and equipment
20. Building or ground re-profiling
21. Hours of construction
22. Materials for care home
23. Acoustic fencing for care home
24. Finished floor levels for care home
25. Landscaping for care home
26. CO2 emissions for care home
27. Zero / low carbon technologies for care home
28. Refuse storage for care home
29. Construction Management Plan for care home
30. Construction Waste Management Plan for care home
31. Thames water (1) – Foul sewage for care home
32. Thames Water (2) Water infrastructure for care home
33. Secure cycle parking for care home
34. Operational / Service Management Plan for care home
35. Restrict use of care home

36. Sound insulation for care home
37. Dementia room threshold for care home
38. Acoustic report for care home
39. Secure by Design for care home
40. Water consumption for care home
41. Car Parking Management Plan for care home
42. Car parking for care home
43. Operational Management for care home
44. External materials for residential units
45. Acoustic fencing for residential units
46. Play space / communal amenity space for residential units
47. Privacy screens for residential units
48. Finished floor levels for residential units
49. Landscaping for residential units
50. Zero / low carbon technologies for residential units
51. CO2 emissions for residential units
52. Energy Performance Certificate
53. Car Parking Management Plan for residential units
54. Refuse storage for residential units
55. Construction Management Plan for residential units
56. Construction Waste Management Plan for residential units
57. Secure cycle parking for residential units
58. Electric vehicle charging points for residential units
59. Part M units
60. Fibre connectivity infrastructure for residential units
61. Secure by Design for residential units
62. Removal of Part E permitted development rights
63. Water use for residential units
64. Sustainable Drainage System for residential units
65. Design details for residential units
66. Parking and refuse layout plan for residential units
67. Thames water (1) – Foul sewage for residential units
68. Thames Water (2) Water infrastructure for residential units
69. Affordable housing

2.2. That the Head of Development Management be granted delegated authority to agree the final wording of the Deed of Variation and conditions to cover those matters recommended in this report

3. Executive Summary

3.1. This application seeks to amend condition 69 for the development approved by planning permission 21/01816/FUL, granted in May 2022. This would have the effect of changing the affordable housing provision. Specifically, the location of the shared ownership units across the site would be changed, with less houses and more flats being in shared ownership.

3.2. The remainder of the development would be unchanged. The care home and the number of residential units would be unchanged, with a good mix of units. There is a

parallel application to vary condition 2 of planning permission 21/01816/FUL which would introduce dormer windows to 8 of the approved houses.

3.3. The overall design would remain high quality with no physical changes to the development. The quality of the accommodation would also be unchanged. There would be no additional highway or transportation impacts: the layout of the site would be unchanged and there would be no requirement for changes to the cycle or car parking.

3.4. Environmental impacts would also remain unchanged. The landscaping around the site would also not be impacted on, and so the improvements to biodiversity and the carbon emissions savings would still be secured.

3.5. A deed of modification is required to link the provisions of the Section 106 legal agreement for 21/01816/FUL to this application. Also, the same conditions would need to be imposed as this would technically be an independent grant of planning permission and therefore the conditions listed above reflect those on the original planning permission.

4. Site and Surroundings

4.1. The site is designated as a brownfield site and was occupied by a hotel and respective grounds. The hotel closed in March 2020 and the buildings on site have now been demolished and construction has begun on the residential component of the previously approved development.

4.2. The site borders the designated Metropolitan Green Belt to the north, west and south, with the rear garden boundaries of Oak Avenue properties to the east. To the north the site is bordered by the Ridgeway which provides the sole vehicular access point to the site. The wider location of the site marks the transition from urban residential to open farmland and countryside.

4.3. The adjacent properties on Oak Avenue are in the main detached houses built on an east by west axis with garden depths of between 20 to 30 metres. The character and form of the dwellings is mixed albeit all properties are two storeys with off-street parking with a Controlled Parking Zone.

5. Proposal

5.1. The proposal is to vary condition 69 of application 21/01816/FUL. Condition 69 identifies the drawing showing the location of the affordable housing. This application seeks variations to the affordable housing offer, specifically the shared ownership units. It is proposed that 8 three-bedroom shared ownership houses would become private houses, and 4 one-bedroom private flats and 7 two-bedroom private flats would become shared ownership. This increases the number of shared ownership units from 8 to 11 with the number of habitable rooms remaining constant.

5.2. The development previously approved was for the redevelopment of the site involving the demolition of the existing hotel and the erection of a three-storey care-home (C2 use) with ninety-two (92) rooms on the northern part of the site. The southern part of the site would contain sixty-four (64) residential dwellings. The proposed dwellings would be formed of thirty-five houses (35) laid out as 6 x 2b4p, 8 x 3b4p and 21 x 3b5p. Twenty-nine (29) flats layout as 11 x 1b2p and 18 x 2b3/4p.

5.3. The ninety-two (92) bed Care home (C2 use) would provide flexible on-site care to occupants with twenty-three (23) of the rooms, representing 25% of the total, provided as specialist dementia rooms located solely at second floor level. (35) studio rooms (designed for single occupation) and thirty-four (34) suites (designed for couples). The care home is designed for persons over 85 years of age however there is no policy preventing younger persons from residing at the Care home.

5.4. The proposal is specifically for the changes identified in paragraph 5.1 above, but the effect of granting the application would be to grant planning permission for the entire development afresh. Construction has commenced on the development.

6. Relevant Planning Decisions

6.1. 21/01816/FUL Granted 10 May 2022
Redevelopment of site involving demolition of existing hotel and erection of a three-storey care-home (C2 use) with 92 rooms and 64 residential dwellings.

- The Section 106 Legal Agreement included contributions towards employment, car club, carbon offset, play space, parks, and education. There was also provision for a travel plan, parking restrictions, highway works and considerate construction.
- A minimum of 23 residential units were secured as affordable housing including 8 shared ownership units (8 x 3-bed houses), 8 London Living Rent Units (2 x 1-bed flats and 6 x 2-bed flats), and 7 London Affordable Rented Units (2 x 1-bed flat and 5 x 3-bed houses).

6.2. 22/03699/VAR Submitted 31 October 2022
Variation of condition 02 of application 21/01816/FUL to allow replacement of rooflights on rear elevation with dormer windows to the Walker house type.

7. Consultations

Statutory and Non-statutory Consultees

7.1. The nature of the proposed amendment to affordable housing did not raise issues that required statutory consultation to be undertaken. In addition, the consultees on the original planning application did not raise comments that would be affected by the proposed amendment. It is relevant that the original planning application followed the fast-track route so there was not a requirement for a formal viability report to be assessed.

Public Consultation

7.2. A site notice was displayed and press notice was published to advertise the development.

7.3. Letters were sent to 305 neighbouring properties on 17 November 2022.

7.4. In response to this, no representations were received.

8. Relevant Policy

8.1. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise**.**

8.2. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Enfield Core Strategy (2010); the Enfield Development Management Document (2014); and The London Plan (2021).

8.3. National Planning Policy Framework (2021) (NPPF)
The National Planning Policy Framework sets out at Para 11 a presumption in favour of sustainable development. For decision taking this means:

"....(c) approving development proposals that accord with an up-to date development plan without delay; or,

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole."

8.4. The related footnote (8) advises that "This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites …… or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years.

8.5. The Housing Delivery Test (HDT) is an annual measurement of housing delivery introduced by the government through the NPPF. It measures the performance of local authorities by comparing the completion of net additional homes in the previous three years to the housing targets adopted by local authorities for that period.

8.6. Local authorities that fail to meet 95% of their housing targets need to prepare a Housing Action Plan to assess the causes of under delivery and identify actions to increase delivery in future years. Local authorities failing to meet 85% of their housing targets are required to add 20% to their five-year supply of deliverable housing sites targets by moving forward that 20% from later stages of the Local Plan period. Local authorities failing to meet 75% of their housing targets in the preceding 3 years are placed in a category of "presumption in favour of sustainable development".

8.7. The Council's recent housing delivery has been below its increasing housing targets. This translated into the Council being required to prepare a Housing Action Plan in 2019 and more recently being placed in the "presumption in favour of sustainable development" category by the Government through its Housing Delivery Test.

8.8. This is referred to as the "tilted balance" and NPPF states that for decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole - – which also includes the Development Plan. Under the NPPF paragraph 11(d) the most important development plan policies for the application are deemed to be 'out of date'.

8.9. However, the fact that a policy is considered out of date does not mean it can be disregarded, but it means that less weight can be applied to it, and applications for new homes should be considered with more weight (tilted) by the planning committee. The level of weight given is a matter of planning judgement and the statutory test continues to apply, that the decision should be, as section 38(6) of the Planning and Compulsory Purchase Act 200 requires, in accordance with the development plan unless material considerations indicate otherwise.

8.10. Key relevant policy objectives from the NPPF that relate to this scheme include:

- Section 5 – Delivering a sufficient supply of homes Para 60 - 77.
- Section 8 – Promoting Healthy and safe communities, Para 92 & 97
- Section 9 – Promoting sustainable transport, Para 104-113
- Section 11 – Making effective use of land Para 119 -125
- Section 12 – Achieving well-designed places, Para 126-136

8.11. The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.

8.12. <u>London Plan (2021)</u>

The London Plan (2021) was adopted on the 2nd of March 2021. The London Plan 2021 replaces the 2016 London Plan and as such is given significant weight in determining planning applications. Pertinent Policies in the London Plan 2021 are outlined below:

- GG1: Building Strong and Inclusive Communities
- GG2: Making the best use of land
- GG4: Delivering the Homes Londoners Need
- D3: Optimising site capacity through the design-led approach:
- D4: Delivering good design
- D5: Inclusive design
- D6: Housing Quality and Standards
- D7: Accessible Housing
- D11: Safety, Security and Resilience to Emergency
- D12: Fire Safety
- D14: Noise
- H1: Increasing Housing Supply:
- H4: Delivering Affordable Housing
- H5: Threshold Approach to Applications
- H6: Affordable Housing Tenure
- H10: Housing Size Mix
- H12: Supported and specialised accommodation
- H13: Specialist older persons housing
- S2: Health and social care facilities
- S4: Play and Informal Recreation
- G5: Urban Greening
- G6: Biodiversity and Access to Nature

- G7: Trees and Woodland
- SI 3: Energy infrastructure
- SI 4: Managing heat risk
- SI 5: Water Infrastructure
- SI 7: Reducing Waste and Supporting the Circular Economy
- SI 13: Sustainable drainage
- T1: Strategic approach to transport
- T2: Healthy Streets
- T3: Transport capacity, connectivity and safeguarding
- T4: Assessing and mitigating transport impacts
- T5: Cycling
- T6: Car Parking
- T6.1: Residential Parking
- T7: Deliveries, Servicing and Construction
- T9: Funding transport infrastructure through planning

8.13. Enfield Core Strategy (2010)

- CP2: Housing supply and locations for new homes
- CP3: Affordable housing
- CP4: Housing quality
- CP5: Housing types
- CP6: Meeting Particular housing needs
- CP20: Sustainable energy use and energy infrastructure
- CP21: Delivering sustainable water supply, drainage and sewerage
- infrastructure
- CP22: Delivering sustainable waste management
- CP25: Pedestrians and cyclists
- CP30: Maintaining and improving the quality of the built and open environment
- CP32: Pollution
- CP36: Biodiversity
- CP46: Infrastructure contributions

8.14. Enfield Development Management Document (2014)

- DMD1: Affordable Housing on sites capable of providing 10 units or more
- DMD3: Providing a Mix of Different Sized Homes
- DMD6: Residential Character
- DMD8: General Standards for New Residential Development
- DMD9: Amenity Space
- DMD10: Distancing
- DMD15: Specialist Housing Needs
- DMD37: Achieving High Quality Design-Led Development
- DMD38: Design Process
- DMD45: Parking Standards
- DMD47: New Roads, Access and Servicing
- DMD48: Transport Assessments
- DMD49: Sustainable Design and Construction Statements
- DMD50: Environmental Assessment Methods
- DMD51: Energy Efficiency Standards
- DMD53: Low and Zero Carbon Technology

- DMD54: Allowable Solutions
- DMD55: Use of Roof Space / Vertical Surfaces
- DMD56: Heating and Cooling
- DMD57: Responsible Sourcing of Materials
- DMD58: Water Efficiency
- DMD61: Managing Surface Water
- DMD65: Air Quality
- DMD66: Land contamination and instability
- DMD68: Noise
- DMD69: Light Pollution
- DMD72: Open Space Provision
- DMD73: Children's Play Space
- DMD78: Nature Conservation
- DMD79: Ecological Enhancements
- DMD80: Trees on Development sites
- DMD81: Landscaping
- DMD83: Development Adjacent to the Green Belt
- DMD Appendix 9 - Road classifications

8.15. Other relevant policy/guidance

- Enfield Climate Action Plan (2020)
- Enfield Housing and Growth Strategy (2020)
- Enfield Biodiversity Action Plan
- Enfield Strategic Housing Market Assessment Update (2015)
- National Planning Practice Guidance
- Community Infrastructure Levy Regulations 2010
- LBE S106 SPD (2016)
- London Councils: Air Quality and Planning Guidance (2007)
- TfL London Cycle Design Standards (2014)
- GLA: Control of Dust and Emissions during Construction and Demolition (2014)
- GLA: London Sustainable Design and Construction SPG (2014)
- GLA: Accessible London: Achieving an Inclusive Environment SPG (2014)
- GLA: Social Infrastructure SPG (2015)
- GLA: Homes for Londoners: Affordable Housing and Viability SPG (2017)
- GLA: Mayor's Transport Strategy (2018)
- GLA: Mayor's Housing SPG (2016)
- GLA: Mayor's Affordable Housing & Viability SPG (2017)
- Healthy Streets for London (2017)
- Manual for Streets 1 & 2, Inclusive Mobility (2005)
- National Design Guide (2019)
- Technical housing – nationally described space standards
- The Environment Act 2021
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Mayor's Housing SPG (2016)
- Mayor's Affordable Housing & Viability SPG (2017)
- Nationally Described Space Standards (2015)

9. Analysis

9.1 This report sets out an analysis of the issues that arise from the proposals in the light of adopted strategic and local planning policies. The main issues are considered as follows:

- Context – Section 73 application
- Land use / Principle of Development
- Housing mix / Affordable housing
- Design, conservation, and heritage
- Quality of the resulting residential accommodation
- Neighbouring amenity
- Sustainable drainage
- Highways and transportation
- Trees, landscaping, and biodiversity
- Environmental impact, sustainability, and energy
- Other Matters
- Section 106 / Planning obligations
- Community Infrastructure Levy

Context – Section 73 application

9.2 The application seeks to vary condition 69 of planning permission 21/01816/FUL. The condition specified that the affordable housing should be provided as shown on the drawing that identified the location of the various tenures.

9.3 The drawing submitted by the applicant shows the proposed location of the affordable, which is different to what was previously approved.

9.4 The granting of this application would be the granting of a fresh planning permission and so an assessment needs to consider matters other than those which are directly raised by the proposed physical changes to one part of the development. It also requires the imposition of conditions to cover the range of material considerations relevant to the development.

9.5 The below assessment is cognisant of the planning permission which has been granted and which is being constructed, and so there is a credible fallback position for the applicant. The conditions that have previously been discharged are also considered.

Land use / Principle of Development

9.6 The proposed development would technically authorise the loss of the hotel, albeit the hotel has now been demolished. In the original assessment it was identified that this is not a location where a hotel would be encouraged, with policy DMD31 seeking to primarily focus new hotels in town centres, areas with good public transport, near to tourist attractions and the Upper Lee Valley. This does not apply in this instance and so the loss of the hotel remains justified.

9.7 Providing self-contained residential accommodation and a care home is supported by policies CP5, DMD15 and H13, hence the granting of planning permission for the proposed uses remains acceptable. The housing would contribute towards meeting the housing needs of the borough and London and accord with policy H1.

9.8 The NPPF gives substantial weight to the use of suitable brownfield sites for homes and other identified needs, especially where it would develop under-utilised land. The former

hotel occupied a relatively small proportion of the site. The London Plan includes a target for specialist older persons housing of 195 per year, and the care home would make a significant contribution towards this. The accommodation would include 25% of rooms assigned for persons with dementia, which is a particular positive of the development.

Housing mix / Affordable housing

9.9 The housing mix would not be altered by the proposal, but the tenure mix would be changed. This is illustrated in the table below.

Approved under 21/01816/FUL

TYPE	PRIVATE		AFFORDABLE RENT		SHARED OWNERSHIP		TOTAL	
	Units	HR	Units	HR	Units	HR	Units	HR
1b Flat	7	21	4	12	0	0	11	33
2b Flat	12	48	6	24	0	0	18	72
2b House	6	24	0	0	0	0	6	24
3b House	16	80	5	25	8	40	29	145
TOTAL	41	173	15	61	8	40	64	274
PERCENTAGE	**64.1%**	**63.1%**	**23.4%**	**22.3%**	**12.5%**	**14.6%**		
TENURE SPLIT			**65.2%**	**60.4%**	**34.8%**	**39.6%**		

Proposed

TYPE	PRIVATE		AFFORDABLE RENT		SHARED OWNERSHIP		TOTAL	
	Units	HR	Units	HR	Units	HR	Units	HR
1b Flat	3	9	4	12	4	12	11	33
2b Flat	5	20	6	24	7	28	18	72
2b House	6	24	0	0	0	0	6	24
3b House	24	120	5	25	0	0	29	145
TOTAL	38	173	15	61	11	40	64	274
PERCENTAGE	**59.4%**	**63.1%**	**23.4%**	**22.3%**	**17.2%**	**14.6%**		
TENURE SPLIT			**57.7%**	**60.4%**	**42.3%**	**39.6%**		

HR = Habitable Rooms

9.10 Policy H4 seeks on-site provision of affordable housing on all Major Developments of 10 units or more. Policy H5 permits a fast track approach subject to major development

proposals meeting a minimum threshold level of affordable housing on gross residential development of 35 per cent (Part B of the policy). To meet the fast track requirements a development must meet the following criteria (Part C) in addition to providing 35%: namely;

1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy;
2) be consistent with the relevant tenure split (see Policy H6 Affordable housing tenure);
3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant.

9.11 Planning permission was granted for the original development without a viability assessment as it was considered to meet the criteria within policy H5.

9.12 Part H of policy H5 advises that Section 73 applications for schemes which were approved under the fast track approach are not required to submit viability information providing the resultant development continues to meet the threshold and criteria within Part C. Therefore, an assessment is required as to whether the current proposals meet the criteria.

9.13 Para 4.5.3 of Policy H5 of the London Plan (2021), states:

"The percentage of affordable housing on a scheme should be measured in habitable rooms to ensure that a range of sizes of affordable homes can be delivered, including family-sized homes. Habitable rooms in affordable and market elements of the scheme should be of comparable size when averaged across the whole development. If this is not the case, it may be more appropriate to measure the provision of affordable housing using habitable floorspace. Applicants should present affordable housing figures as a percentage of total residential provision in habitable rooms, units and floorspace to enable comparison."

9.14 The table above shows that when considering the percentage of affordable housing by habitable room the percentages remain unchanged, which is the measure advised by paragraph 4.5.3. It is considered that affordable and market elements of the scheme are comparable in size, with neither being excessively large when compared to the minimum unit sizes. For completeness the percentage of affordable provision by unit shows an increase from 35.9% to 40.6%. In terms of affordable floorspace there is a decrease from 2,338sqm to 2,159sqm (a loss of 175sqm), and this decreases the percentages from 38.9% to 35.6%. Therefore, by any measure the overall percentage of affordable housing remains above 35% and meets Part B of policy H5.

9.15 The applicant has confirmed that no public subsidy is required which remains in accordance with criteria 1 of Part C of policy H5. Criteria 2 requires consistency with the relevant affordable tenure split identified in Policy H6, which are identified as:

1) a minimum of 30 per cent low-cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low Incomes;
2) a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership;
3) the remaining 40 per cent to be determined by the borough as low-cost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need.

9.16 The proposed percentage of Affordable Rent by habitable room remains unchanged at 60.4%, although it does drop from 65.2% to 57.7% when measured by unit. The proposed percentage of Shared Ownership by habitable room remains unchanged at 39.6%, although it does increase from 34.8% to 42.3% when measured by unit. This is considered acceptable as the percentages for Affordable Rent and Shared Ownership remain above the 30% minimum identified in parts 1 and 2 above.

9.17 It is acknowledged that policies CP3 and DMD 1 seek a borough wide affordable housing target of 40% with a mix of 70% and 30% social rent and affordable rent. Nevertheless, considering the provision of 36.9% by habitable room is the same as was considered acceptable previously, and that weight is given to the London Plan 2021 criteria of 35%, this is considered acceptable. Overall, the change in affordable housing provision is considered neutral, and the other ways of calculating the percentage show it to be both higher and lower when measured by unit and floorspace respectively. Therefore, there is compliance with policy H6, and hence also criteria 2 of Part C of policy H5.

9.18 Criteria 3 of Part C of policy H5 requires other relevant policy requirements to be met and the remainder of the assessment will determine this.

9.19 The overall mix of all units would remain in accordance with policy CP5 of the Core Strategy, with over 45% of the units being family sized.

Design, conservation, and heritage

9.20 The demolition of the existing buildings and the form of the development is the same as was approved previously. Policy D3 requires all development to make the best use of land following a design led approach that optimises the capacity of sites.

9.21 The layout, scale and detailing of the buildings was considered acceptable previously, and that remains the case.

9.22 The changes included in this application would not affect the care home which could come forward as approved. The care home would feature deep reveals, pitched roofs and warm external brickwork to provide a welcoming and attractive building presenting a gateway building to the borough from the north via the Ridgeway. The care home would be three storey, which is marginally taller than the prevailing two storey residential houses nearby but overall was considered a high quality design, and this remains the conclusion.

9.23 The detailed design of the residential units would reflect the care home. There would be two flatted blocks, both of which would be three storeys adjacent to the care home and “L” shaped. Each would have projecting balconies with red bricks and gray roof tiles. The houses would be a mix of two and three storeys with similar materials to the care home.

9.24 The previous application included an assessment against relevant Green Belt policy, given the proximity to the Metropolitan Green Belt even though it falls outside of it. The proposal would not have a greater impact than the previous hotel or the previously approved development.

Quality of the resulting residential accommodation

9.25 Policy D6 of the London Plan and policies DMD8, DMD9, DMD 10 and DMD 15 of the Development Management Policies remain relevant. The care home and the majority of

the residential units would not be affected by the proposal, and even those affected houses would not be physically altered.

9.26 There are no specific standards for care homes, but the layout is unchanged and hence the quality of the accommodation remains high. As approved the layout consisted of approximately 29% non-habitable floorspace, including a hair salon. Excellent external amenity space was approved, with some sheltered areas, and some private amenity space. This would be unchanged and is similarly supported now.

9.27 The residential units accord with the minimum unit sizes in the national described space standards. The flats and houses would remain well laid out with good standards of daylight and outlook provided. There would be some mutual overlooking between some of the flats but not to the extent that it is considered problematic.

9.28 As required by policy DMD9 all units would have some form of external amenity space, with generous communal amenity space for the flats. Policy S4 seeks on site playspace. The amount within the development would be below that envisaged by the policy based on the number of children expected to occupy the residential units. A deed of variation to the Section 106 legal agreement would ensure that the resulting financial contribution secured as part of the original planning permission is also secured for this application.

Neighbouring amenity

9.29 Policy D6 remains relevant and requires that developments should not cause unacceptable harm to residential amenity. The care home would not be affected by the proposal, and so would remain in accordance with the highlighted policy.

9.30 The location of the site results in limited impact to neighbouring properties, primarily due to the open nature to the Metropolitan Green Belt to the south, north and west of the site. The distances to neighbouring properties to the east would be sufficient to ensure no overlooking. There would be no windows serving habitable rooms in the eastern elevation of the care home and the houses would be positioned so as not to result in overlooking to neighbouring units. Noise from the car parking would continue to be managed through a condition requiring acoustic fencing.

Sustainable drainage

9.31 Policies SI 12 and SI 13 require developments to ensure that flood risk is minimised with mitigation to ensure that residual risk is addressed, and greenfield runoff rates are achieved where possible. The original application demonstrated that the drainage and flood risk impacts would be acceptable, and this remains unchanged.

Highways and transportation

9.32 Policies T1, T5, T6, and DMD47 were previously identified as being relevant and this remains the case. The layout is not altered by the current proposal. The internal access roads would remain sensibly laid out with sufficient pedestrian paths and room for two way vehicle movement. The junction with the site has been designed to provide adequate visibility splays.

9.33 The level of car parking has been appropriately designed. The PTAL of the site is 1b, which is very low, and so parking is provided within the layout. The care home would have 50 car parking spaces, including three disabled bays, in three car parks. This partly reflects the need for staff to travel to and from the site throughout the day and night but

also makes provision for visitors.

9.34 The residential units would have 64 car parking spaces. This is substantial given the low PTAL and is considered reasonable. Oak Avenue to the east is part of a Controlled Parking Zone (CPZ) so alleviating concerns about overspill parking.

9.35 Secure cycle parking would be provided for the care home and the residential units. Refuse storage would be suitably sized and located.

9.36 The amendment to the affordable housing provision would not change the impact on the public highway or transportation.

Trees, landscaping, and biodiversity

9.37 Policies G5, G6 and G7 remain relevant. As part of the original planning application officer's negotiated trees to be planted along the proposed internal roads and along the western boundary of the site and elsewhere. This would mitigate the loss of 39 trees, although many of those lost are not considered worthy of retention. Overall, there would be a net gain of trees on the site.

9.38 The site is not designated for ecology. The former hotel contained bat habitats and prior to its demolition the applicant had to obtain the necessary licences from Natural England. The proposed landscaping would include bird, bat, and hedgehog boxes to provide a long term improvement to the ecology on the site.

9.39 The proposed amendment to the affordable housing provision would not alter any of the impacts or mitigation described above.

Environmental impact, sustainability, and energy

9.40 Policy SI 2 seeks for major developments to be net zero. The original planning application included information on measures to be included to minimise carbon. This would achieve a reduction of 35%, with a financial contribution to mitigate the remainder of the carbon emissions. The deed of modification for the Section 106 would ensure that this is secured as part of this proposal.

Other Matters

9.41 The original report identified socio-economic benefits of the proposed development, including new jobs, and opportunities to obligate (through the Section 106 legal agreement) the applicant to use (amongst other things) local labour and apprentices. It was also identified that a submitted Health Impact Assessment was acceptable. Matters including contamination, archaeology, water efficiency, and security were also deemed to be acceptable. These conclusions remain valid.

9.42 Several of the conditions imposed on the original planning application have been discharged, and the conditions proposed to be imposed on this application are amended accordingly so they do not need to be discharged for a second time.

Section 106 / Planning obligations

9.43 The obligations within the Section 106 legal agreement remain relevant and would need to be reimposed through a deed of variation. The exception to this would be to amend the obligations on affordable housing, as described above.

Community Infrastructure Levy

9.44 The development would remain liable for the Mayoral and Enfield CILs.

9.45 The Council introduced its own CIL on 1 April 2016 to support infrastructure in the Borough. Enfield has identified three residential charging zones and the site falls within charging rate zone (£120/sqm).

9.46 The existing sui generis Hotel building has a total floorspace of 6,529m². The proposed C2 Care Home would have a total floorspace of 7,309m², alongside the 6,060m² of new C3 residential floorspace, resulting in a net increase in floorspace of 6,840m² across the site.

9.47 The Enfield Community Infrastructure Levy Charging schedule (adopted April 2016) seeks contributions of £0 per m² on C2 uses. The MCIL2 Charging schedule does not make exception and the total C2 floorspace would be subject to London Mayoral CIL.

Residential

6,060m² of floorspace would be subject to Local CIL £120 = £727,200
6,060m² of floorspace would be subject to Mayoral CIL £60 = £363,600

C2 Care Home

The net new C2 floorspace (7,309m² - 6,529m²) of 780m² would be subject to London Mayoral rate of £60, therefore £60 x 780 = £46,900

9.48 All figures and calculations are subject to final checking and subject to the BCIS figure for CIL liable developments at time of CIL processing

10 Public Sector Equalities Duty

10.1. In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. Section 149 of the Act requires public authorities to have due regard to several equality considerations when exercising their functions including decision making on planning applications. These considerations include: Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; Advance equality of opportunity between persons who share a relevant protected characteristic (explained in detail below) and persons who do not share it; Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. The main objective of the duty has been to ensure public policies and programmes are implemented fairly, in particular with regard to their impact on the protected characteristics identified above. In making this recommendation, due regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, marriage / civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

10.3. When determining the planning application (and thereby accounting for the representations resulting from public consultation), the Council has considered the potential effects of the proposed development on those with protected characteristics as

defined under the Equality Act 2010. In doing this, the Council has had due regard to equality considerations and attribute appropriate weight to such considerations. In providing the recommendation to Members that planning consent should be granted, officers have considered equalities impacts in the balance, alongside the benefits arising from the proposed development. The Council has also considered appropriate mitigation to minimise the potential effects of the proposed development on those with protected characteristics.

10.4. There are no statutory or regulatory requirements for the form or content of an equalities assessment. The scale and significance of such impacts cannot always be quantified, and it is common to address this through descriptive analysis of impacts and identifying whether such impacts are adverse or beneficial. The key elements of the proposed development which have an impact that could result in an equalities effect include the design and physical characteristics of the proposals subject to the planning application. Officers do not consider there would be a disproportionate equalities effect.

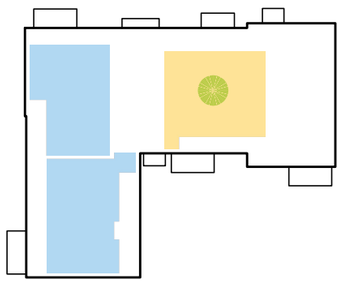
11 Conclusion

10.1 The proposed changes to the affordable housing provision would not be a physical change to the previously approved development and they would not result in unacceptable impacts. The specific impact would be neutral with the affordable housing provision being comparable to what was previously approved as part of 21/01816/FUL and remaining policy compliant.

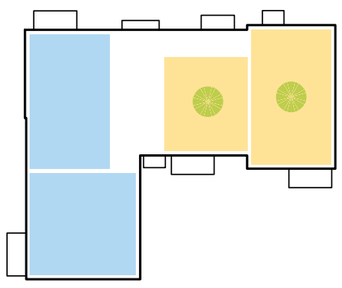
10.2 As the form of the development would be the same conclusions about design, quality of accommodation, impacts to neighbouring properties, highways, drainage, landscaping would not be affected.

10.3 Accordingly, it is recommended that planning permission be granted subject to (i) the conclusion of a Deed of Variation to link this new permission to the Original Section 106 and to reflect the resulting changes to the Shared Ownership provisions and (ii) to planning conditions similar to those imposed on the original planning permission and as identified in this report.

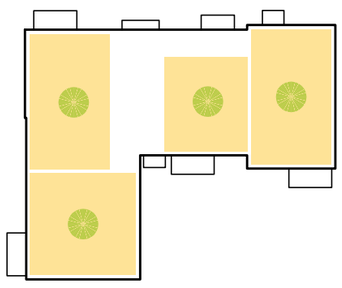
Bellway



Block 1 - Third Floor



Block 1 - Second Floor



Block 1 - First Floor

LEGEND - TENURE

Private

Affordable Rented

Affordable Shared Ownership

Block 2 - Third Floor

Block 2 - Second Floor

Block 2 - First Floor

tenure layout

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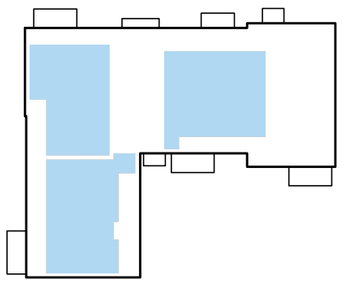
rev	date	by	details
G	02.11.22	KA	Tenure mix amended at client request
F	08.08.22	KA	Updated in line with drawing 01-F
E	30.11.21	KA	Updated in line with drawing 01-D
D	22.10.21	KA	Apartment tenure change within Block 2
C	07.10.21	KA	Updated in line with drawing 01-B
B	30.07.21	KA	Walker HT updated
A	23.07.21	KA	Apartment Tenure Amended

Tenure Layout

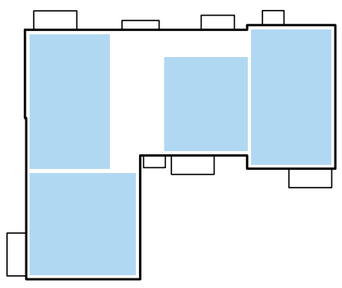
12.04.2021 created
1:500 @ A2 scaling
SM/CC contact

reference 062001-BEL-NL-04 G revision

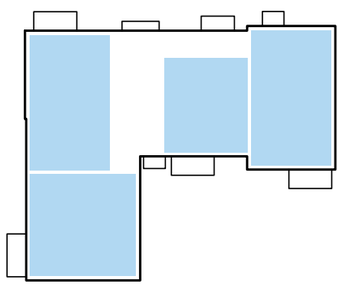
Bellway



Block 1 - Third Floor



Block 1 - Second Floor



Block 1 - First Floor

LEGEND - TENURE

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reference 062001-BEL-NL-04 E revision