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PLANNING COMMITTEE

Tuesday, 19th September, 2023 at 7.00 pm Conference Room, Civic Centre, Silver Street, Enfield, EN1 3XA Contact: Harry Blake-Herbert

Governance Officer Direct: 020-8132-0807 Tel: 020-8379-1000

Ext: 0807

E-mail: <u>Democracy@enfield.gov.uk</u>

Council website: www.enfield.gov.uk

MEMBERS

Councillors: Sinan Boztas (Chair), Mahym Bedekova (Vice-Chair), Josh Abey, Kate Anolue, Lee Chamberlain, Peter Fallart, Thomas Fawns, Ahmet Hasan, Bektas Ozer, Michael Rye OBE, Jim Steven, and Eylem Yuruk.

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 DEVELOPMENT MANAGEMENT (Pages 1 - 4)

To receive and note the covering report of the Head of Development Management.

4. 20/01982/FUL - LAND REAR OF ELLINGTON COURT, SOUTHGATE N14 6LB (Pages 5 - 46)

RECOMMENDATION:

- 1. That the Head of Development Management be authorised to GRANT planning permission subject to conditions.
- 2. That the Head of Development Management be granted delegated

authority to agree the final wording of the conditions to cover the matters in the Recommendation section of original report dated 18 July 2023 and set out in this report.

WARD: Southgate

5. 20/03011/FUL - MOORFIELD FAMILY CENTRE, 2 MOORFIELD ROAD, ENFIELD, EN3 5PS (Pages 47 - 114)

RECOMMENDATION:

- 1. That planning permission be **GRANTED** subject to conditions and the completion of a S106 legal agreement
- 2. That the Head of Development Management be granted delegated authority to finalise the wording of the S106 Agreement and agree the final wording of the conditions to cover the matters in the Recommendation section of this report.

WARD: Southbury

6. 22/04095/RE3 - LAND ADJACENT TO THE NEW RIVER EXTENDING FROM TENNISWOOD ROAD TO BULLSMOOR LANE (Pages 115 - 198)

RECOMMENDATION:

- 1. That in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 the Head of Development Management be authorised to **GRANT** planning permission subject to conditions.
- 2. That the Head of Development Management be granted delegated authority to finalise the wording of the conditions to cover the matters in the Recommendation section of the original report dated 18 April 2023.

WARD: Town, Whitewebbs, Southbury

7. 23/00770/FUL - 55 EVERSLEY PARK ROAD, LONDON N21 1NR (Pages 199 - 236)

RECOMMENDATION:

- 1. That the Head of Development Management be authorised to GRANT planning permission subject to conditions.
- 2. That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the 'Recommendation' section of this report.

WARD: Southgate

8. 23/01144/FUL - 59 LANGHAM GARDENS, LONDON N21 1DL (Pages 237 - 256)

RECOMMENDATION:

1. That the Head of Development Management be authorised to GRANT planning permission subject to conditions.

2. That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the 'Recommendation' section of this report.

WARD: Grange Park

9. DATES OF FUTURE MEETINGS

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

Tuesday 17th October 2023

Tuesday 7th November 2023 (provisional)

Tuesday 21st November 2023

Tuesday 19th December 2023

Tuesday 9th January 2024 (provisional)

Tuesday 23rd January 2024

Tuesday 13th February 2024 (provisional)

Tuesday 20th February 2024

Tuesday 5th March 2024 (provisional)

Tuesday 19th March 2024

Tuesday 23rd April 2024

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





London Borough of Enfield

Report Title	Report of Head of Development Management
Report to	Planning Committee
Date of Meeting	19 th September 2023
Cabinet Member	Councillor Susan Erbil
Executive Director	Brett Leahy – Director of Planning & Growth
/ Director	Sarah Cary – Executive Director Housing, Regeneration
	& Development
Report Author	Andy Higham
	andy.higham@enfield.gov.uk
Ward(s) affected	All
Key Decision	Non Key
Number	
Classification	Part 1 Public

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.

Recommendations

I. To Note

Background

- 2. 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.
- 3. 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 the London Plan 2021. Other supplementary documents material to the assessment are identified in the individual reports.
- 4. Other background papers are those contained within the file, the reference number of which is given in the heading to each application, and which can be viewed via the online planning register on the Council's website.

Main Consideration

- 5. On the Schedules attached to this agenda, recommendations in respect of planning applications and applications to display advertisements are set out.
- 6. Also set out in respect of each application a summary of any representations received. Any later observations will be reported verbally
- at your meeting.
- In accordance with delegated powers, 135 applications were determined between 22/08/2023 and 05/09/2023, of which 98 were granted and 34 refused.
- 8. A Schedule of Decisions is available in the Members' Library.

Relevance to Council Plans and Strategies

9. 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

Financial Implications

10. None

Legal Implications

11. None

Equalities Implications

12 **None**

Report Author: Andy Higham

Head of Development Management andy.higham@enfield.gov.uk

020 8132 0711

Date of report: 08.09.2023

Appendices

None.

Background Papers

To be found on files indicated in Schedule.

Background Papers

None



LONDON BOROUGH OF ENFIELD			
PLANNING COMMITTEE	Date: 19 September 2023		
Report of Director of Planning and Growth Brett Leahy	Contact Officers: Michael Kotoh-Mortty Claire Williams	Category Full Application	
Ward Southgate	Councillor Request Yes		

LOCATION: Land rear of Ellington Court, Southgate N14 6LB

APPLICATION NUMBER: 20/01982/FUL

PROPOSAL: Erection of a residential building (use class C3) with associated amenity space, landscaping, disabled car parking, cycle parking and associated works.

Applicant Name & Address: Agent Name & Address:

Akelius UK Twelve Ltd Mr Julian Sutton

JMS Planning & Development Ltd

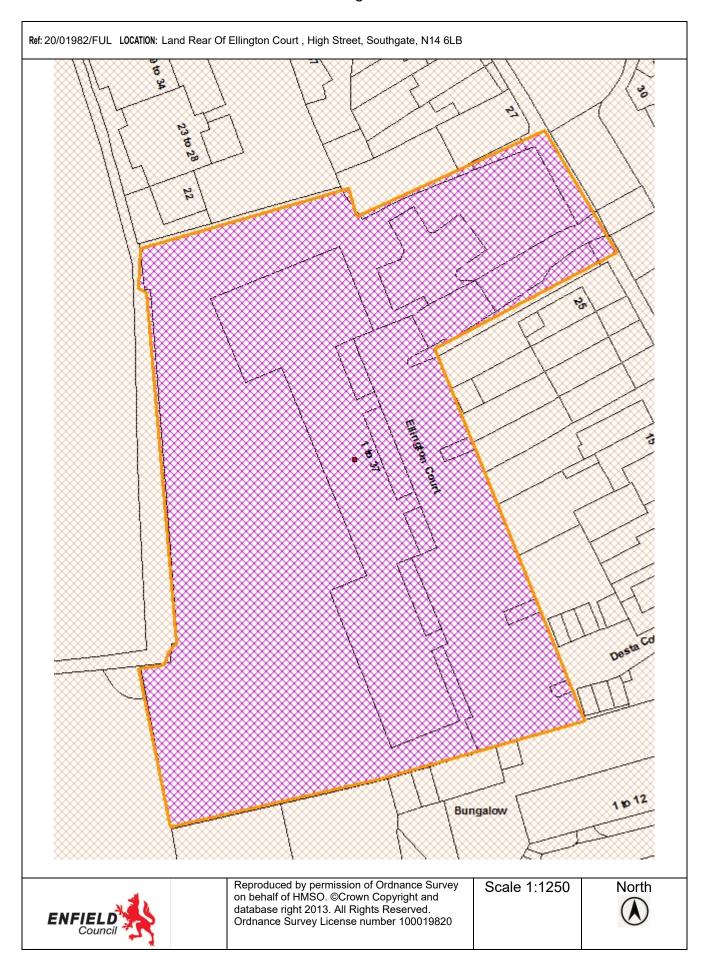
c/o Agent Build Studios

203 Westminster Bridge Road

London SE1 7FR

RECOMMENDATION:

- 1. That the Head of Development Management be authorised to GRANT planning permission subject to conditions.
- 2. That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of original report dated 18 July 2023 and set out in this report.



1.0 **Note for Members**:

- 1.1 This application was first considered by the Planning Committee on 18 July 2023. At this meeting Members agreed that a decision on the application be deferred until a site visit is undertaken on the grounds that it would help members to take into account the context of the site, the conservation issues, the issues of overlooking and the loss of the garden space. The member site visit will be held on 16 September 2023.
- 1.2 A Member update on the representations received was provided at the July 2023 planning committee meeting and Members raised queries regarding the consultation of the application. Although a re-consultation on the amended scheme was not undertaken due to the reduction in scale, following the queries raised at the committee meeting a re-consultation was undertaken. In addition, Historic England, The Gardens Trust and the National Amenity Societies the Georgian Group and Twentieth Century Society were consulted on the application. A total of 11 neighbour comments along with comments from the Southgate Green Association were received and are summarised below:
 - The proposal would directly impact Arnoside House and Essex House which are Grade II* listed buildings as well as Old House which are heritage assets. The scheme would be within 5m of the Grade II* listed rear wall at Arnoside House.
 - The applicant should not be permitted to build against a Grade II* listed boundary wall.
 - Impact of overlooking and privacy to the rear gardens of nearby Grade II* listed buildings from the upper floor south facing windows and balconies of the proposal.
 - Concerns that the applicant could have permitted development rights to add an upper floor to the scheme.
 - Impact on listed buildings, amenities and trees.
 - The proposal would compromise the existing communal garden at Ellington Court and impact the footpath at Walkers Cricket Grounds as well as Walker School.
 - Inaccurate block plan.
 - Conflict with local and national policy.
 - Loss of trees and ecological impact.
 - Out of keeping with character of Conservation Area.
 - Strain on community facilities.
 - The proposal would set an adverse precedent for the Conservation Area.
 - Siting a building at the rear of Ellington Court would Impact access at the site.
 - A four storey building that was proposed two years ago was rejected.
 - Jarring and unsuitable backfill development.
 - Building too close to Ellington Court and the windows have to be obscured.
 - There is no additional parking planned for the proposed flats.
 - Insufficient information given and overdevelopment within Conservation Area.
 - Overlooking into the garden at Walker School.
 - Loss of children's playground at Ellington Court.
 - The Southgate Green Association object to the proposal on the grounds of impact on nearby listed buildings, design, the transport assessment and usable green space at the site.

1.3 The following bodies/ groups also responded to the consultation:

Historic England – No comments to make on the application.

The Georgian Group – No comments to make on the application.

Twentieth Century Society – No objection to the revised scheme.

1.4 Officer response:

- There is a distance of 74m between the rear boundary of the site and the rear elevation of 4 and 5 The Green (Grade 2 star listed properties). The new building will also be set away from the rear boundary by approximately 5 6.5 metres. Policy DMD10 requires a distance of 30 metres between 2 storey buildings, the proposal would significantly exceed this distance and therefore would not result in inadequate daylight/sunlight or privacy to the properties to the rear of the site.
- With regard to the Grade II* listed rear wall at Arnoside House, there is no proposal to alter the wall and the applicant is unable to alter or demolish the wall without Listed Building Consent.
- Parking surveys have been undertaken and showed that 11 spaces are available in the existing car park out of 33 spaces. The Transportation team have confirmed that car parking provision is acceptable, and the agent has confirmed that the existing units could be redistributed to the new residential units. A parking layout condition would be required to demonstrate the location of the parking spaces for the new flats.
- Policy DMD7 Development of Garden Land, section e of the policy requires that an adequate amount of garden space is retained within both of the individual plots in accordance with the minimum amenity space standards Policy DMD9 Amenity Space. The proposal would occupy approximately 697 square metres of the existing communal garden space which measures 2469 square metres, the remaining communal space is more than adequate for existing and future residents. The remaining communal garden space would be shared by existing residents and future occupants of the proposed development at the site and would accord with the requirements of DMD9. A communal garden management plan condition would also be required.
- A condition would be attached to any permission to remove permitted development rights for additional units to be added on top of the new block of flats.
- The proposal would not have a negative impact on Walker Cricket Ground and Walker Primary School, furthermore they were consulted on the application and raised no concerns with the proposal.

2.0 Conclusion

2.1 The starting point for the determination of any planning application is the development plan. Paragraph 11(d) of the NPPF, and the application of the tilted balance means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, which also includes the Development Plan. Moreover, planning permission should be approved unless "the application of

- policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed".
- 2.2 The development would provide additional residential units at the site. This would contribute towards the Borough's strategic objectives in terms of delivering new homes. The quality of accommodation that the proposed 6 unit residential block would provide is acceptable. The development would not result in harm to the amenity and living conditions of the occupants of neighbouring residents or impact on the character and appearance of the Southgate Green Conservation Area or any other heritage assets.
- 2.3 It is considered that the form, design and appearance of development would not be significantly dissimilar to the host residential block at Ellington Court and thus the proposed scheme would acceptably relate with the character of the surrounding Conservation Area.
- 2.4 Having regard also to the mitigation secured by the recommended conditions and the presumption in favour of sustainable development it is considered that the benefits of the development would outweigh any identified impacts. When assessed against the suite of relevant planning policies, it is considered that planning permission should be granted subject to conditions.
- 2.5 The report should be read in conjunction with the report prepared for the Planning Committee on 18 July 2023 which is appended to this report.

3.0 Recommendation

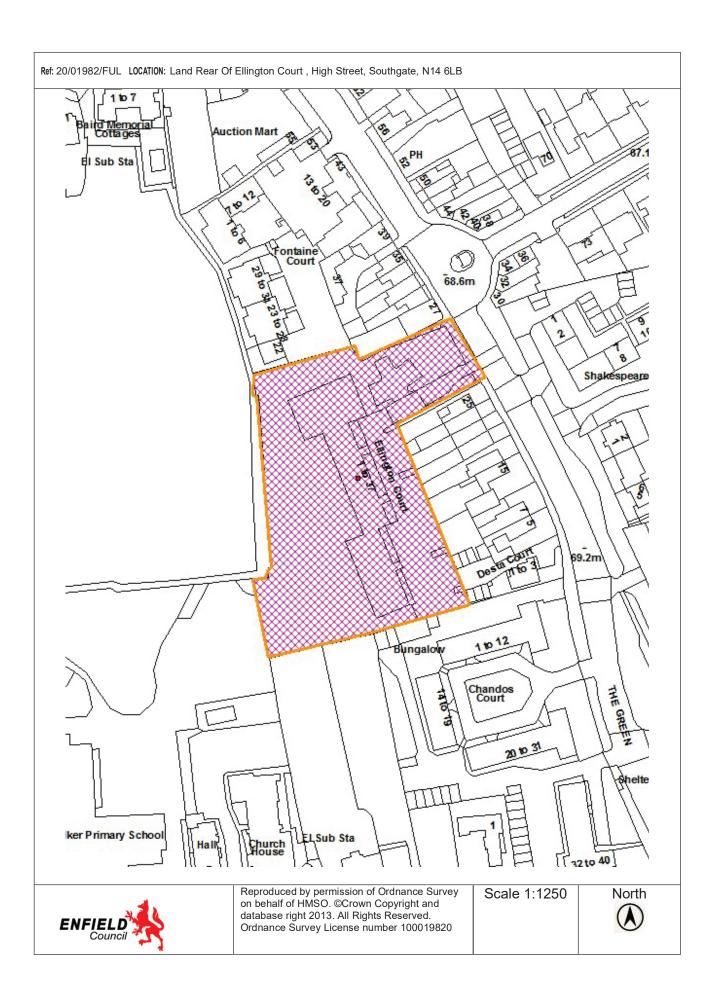
- 3.1 That the Head of Development Management be authorised to GRANT planning permission subject to the following conditions:
 - 1. Time limit
 - 2. Approved Plans
 - 3. Details of external materials
 - 4. Detailed drawings of external materials to scale of between 1:20 and 1:1
 - 5. No additional fenestrations
 - 6. Details of levels
 - 7. Sustainable Drainage Systems (SuDS)
 - 8. Water consumption
 - 9. Energy statement
 - 10. EPC
 - 11. Cycle parking details
 - 12. Refuse details
 - 13. Construction Management Plan
 - 14. Tree Protection
 - 15. Tree replacement
 - 16. Soft Landscaping

- 17. Boundary treatment
- 18. Biodiversity Enhancements
- 19. Installation of green roof
- 20. Hard Surfacing
- 21. External lighting
- 22. Details of levels
- 23. M4(3) Building regulations
- 24. Details of 1x disabled parking space
- 25. Communal garden management plan
- 26. Removal of PD Rights
- 2.2 That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of this report.

LONDON BOROUGH OF ENFIELD			
PLANNING COMMITTEE	Date: 18 July 2023		
Report of Director of Planning and Growth – Brett Leahy			Category Full Application
Ward Southgate	Councillor Request on 28.08.20 Cllr Derek Levy		
LOCATION: Land rear of Ellington Court, Southgate N14 6LB			
APPLICATION NUMBER: 20/01982/FUL			
PROPOSAL: Erection of a residential building (use class C3) with associated amenity space, landscaping, disabled car parking, cycle parking and associated works.			
Applicant Name & Address:		Agent Name & Addres	s:
Akelius UK Twelve Ltd c/o Agent		Mr Julian Sutton JMS Planning & Devel Build Studios 203 Westminster Bridg London SE1 7FR	•

RECOMMENDATION:

- 1. That the Head of Development Management be authorised to GRANT planning permission subject to conditions.
- 2. That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of this report.



- 1.0 Note for Members:
- 1.1 Although an application of this scale and nature would normally be determined under delegated authority, the application has been reported to committee for determination at the request of Councillor Derek Levy due to the level of local interest.
- 2.0 Recommendation
- 2.1 That the Head of Development Management be authorised to GRANT planning permission subject to the following conditions:
 - 1. Time limit
 - 2. Approved Plans
 - 3. Details of external materials
 - 4. Detailed drawings of external materials to scale of between 1:20 and 1:1
 - 5. No additional fenestrations
 - 6. Details of levels
 - 7. Sustainable Drainage Systems (SuDS)
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 - 23. M4(3) Building regulations
 - 24. Details of 1x disabled parking space
 - 25. Communal garden management plan
 - 26. Removal of PD Rights

2.2 That the Head of Development Management be authorised to GRANT planning permission subject to conditions.

That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of this report.

- 3.0 Executive Summary
- 3.1 The applicant seeks permission to erect a two storey residential building with a flat roof at the rear of Ellington Court to accommodate 6 flats with associated amenity space and parking.
- 3.2 There were several objections and concerns regarding the initial submission which detailed a three storey residential development that entailed 9 units. However, the scheme has been amended to acceptably overcome previous concerns. The revised scheme includes a reduction in the height of the proposed building by one floor to realise a two storey development at the site to provide 6 units.
- 3.3 The scheme is considered acceptable for the following reasons:
 - 1) The proposal would add six new residential units of accommodation to the Borough's housing stock.
 - 2) The scheme would provide 4x3bed family units, 1x1 bed unit and 1x2bed unit.
 - 3) The quality of accommodation that would be provided is of an acceptable standard.
 - 4) There is no identified adverse impact on neighbouring residential amenity or the Conservation Area.
 - 5) There are no identified adverse effects on highway safety or traffic generation.
- 4.0 Site and Surroundings
- 4.1 The application site comprises 1-49 Ellington Court which is a four-storey residential block that accommodates 49 residential flats. Communal gardens are located to the rear of the site and measures approximately 2,469 square metres.
- 4.2 The building was designed by renowned architect Sir Frederick Gibberd and is sited within the Southgate Green Conservation Area. The Character Appraisal indicates that Ellington Court dates between 1936-1950 and the property is identified as a neutral building. Owing to its demonstrable architectural interest as an inter-war Art Deco structure and its association with the pioneer of British modernist apartment buildings, Sir Frederick Gibberd, the site can be considered as a Non-Designated Heritage Asset (NDHA).
- 4.3 The development pattern within the vicinity features a variety of build forms, scale and designs. The rear boundary of the site abuts Walker Primary School to the west, alongside Walker Cricket Ground which is a designated Local Open Space. To the north is a row of two storey residential properties and a block of flats. There are a row of two storey residential properties to the east which partially screen off Ellington Court from views along the High Street. The south of the site is bounded by a group of terraced residential properties that are three storey in height.

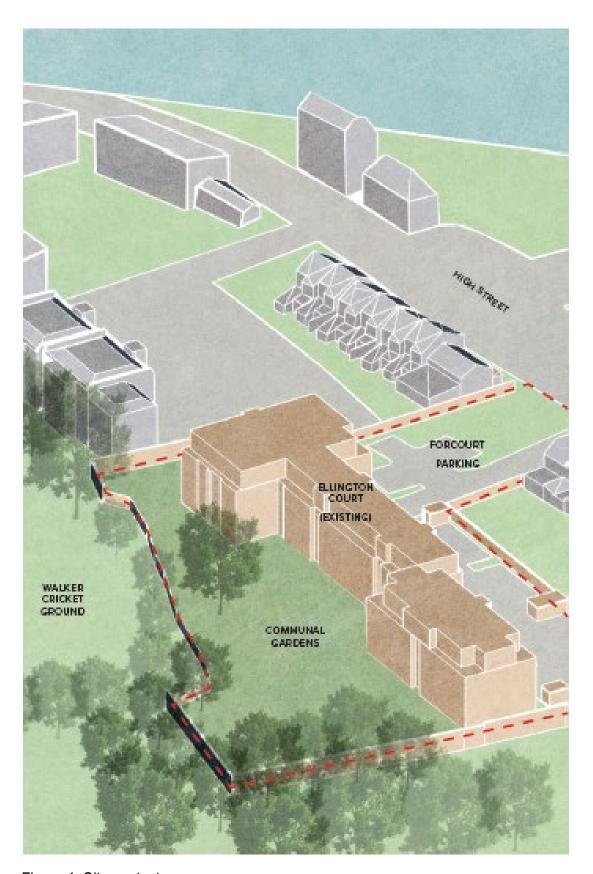


Figure 1: Site context

5.0 Proposal

- 5.1 The applicant seeks permission to erect a two storey residential building with a flat roof to accommodate 6 flats at the rear of Ellington Court with associated car and cycle parking alongside amenity spaces. The new building would be sited to the south western corner of the existing communal garden that serves the residential court. The proposal would occupy approximately 697 square metres of the existing communal garden space which measures 2469 square metres. The remaining communal garden space would be shared by existing residents and future occupants of the proposed development at the site.
- 5.2 The building would measure approximately 7.13 metres in height and have a maximum width of 24.59 metres and depth of 23.50 metres. It would be set away from the existing building by approximately 10.74 metres. The building would comprise the following:

Ground Floor

Unit 1 – 3b5p

Unit 2 – 3b6p

Unit 3 – 2b4p

First Floor

Unit 4 - 3b5p

Unit 5 - 3b6p

Unit 6 - 1b2p

5.3 Cycle parking is proposed to the north of Ellington Court together with a new pedestrian access that leads to the proposed residential development at the rear garden space of Ellington Court. The Agent has clarified that there are 37 existing unallocated car parking spaces at the frontage of Ellington Court and these parking spaces could be

utilised by the future occupants of the proposed residential development. One new disabled parking space is sited to the front of the site.

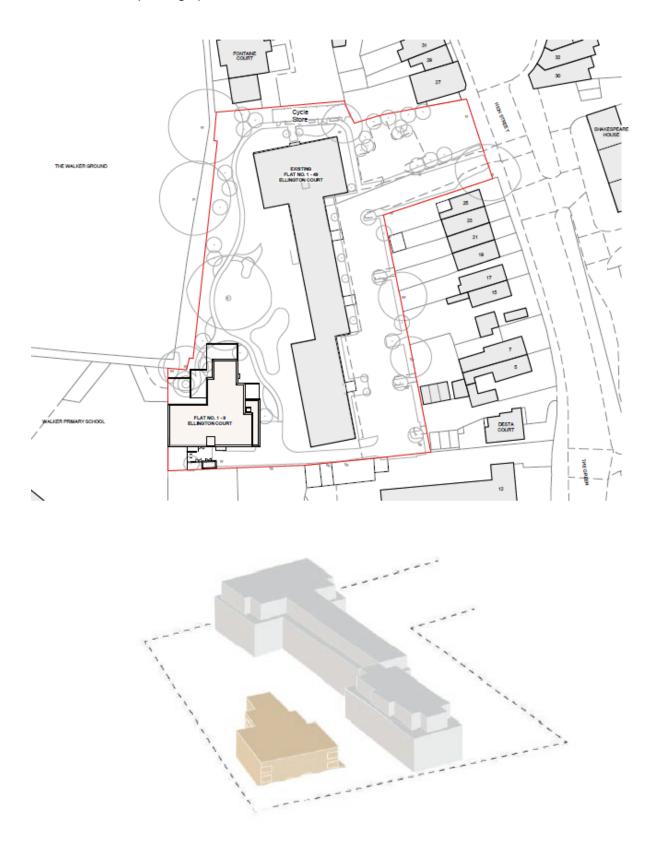


Figure 2: Proposed Block Plan and scale.

- 5.4 The initial proposal detailed a flat roofed three storey 9 unit residential development and following discussions with the agent regarding the scale and impact of the proposal on the setting, the scheme has subsequently been revised to feature a scale-down to 6 units by removing the initially proposed second floor. Hence, the design of the revised scheme is now a two storey residential development.
- 6.0 Relevant Planning History
- 6.1 19/00494/FUL Refurbishment and improvement of existing building and grounds, including new windows, entrance doors, boxing to conceal pipework on primary elevation, new access doors and terraces to ground floor flats, landscaping works and front/street wall.: GRANTED with Conditions on 03.04.2019.
- 6.2 19/00475/PREHER Proposed extension to existing building to create 13 residential units.: Pre-application advice given on 13.09.2019.

7.0 Consultation

Public

7.1 A site notice was put up as the application falls within the Southgate Green Conservation Area. The proposal was also advertised in the Enfield Independent.

Number notified	102
Representations made	2
Objections	2
Other / support comments	0

In summary, the objections raise the following concerns:

- Impact on existing rear communal space; little space would be left for residents.
- The site is already densely populated with 40 flats.
- Impact on existing rear trees which sustain wildlife. The application site is not a wasteland.
- 7.2 An objection was received from Cllr Levy stating that the initial proposal had several concerns on policy grounds and that it was a departure from the Local Plan. The case was therefore called in to committee should Officers be minded to approve the proposal.
- 7.3 Officer response: The concerns will be discussed in more detail in the analysis section of the report.

Internal and third-party consultees

7.4

Consultee	Objection	Comment
Conservation Officer	No	Objections removed following receipt of revised plans. Materials conditions suggested.
Traffic and Transportation	No	Objections removed following receipt of revised details.
Tree Officer	No	Objections removed following receipt of revised details. Condition suggested.

8.0 Relevant Policies

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the Committee 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).

National Planning Policy Framework (2021)

- 8.3 The National Planning Policy Framework sets out at Paragraph 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 (8), 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 Footnote (8) referenced here advises "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 (with the appropriate buffer, as set out in paragraph 74); 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 In the three years to 2021 Enfield only met 67% of its housing requirement and this means we now fall into the "presumption in favour of sustainable development" category.
- 8.6 This is referred to as the "tilted balance" and the National Planning Policy Framework (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'. 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 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 2004 requires, in accordance with the development plan unless material considerations indicate otherwise.

8.7 Paragraph 197 of the National Planning Policy Framework states that:

"In determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness."

Furthermore, at Paragraphs 199 and 200, it states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The London Plan (2021)

8.8 The London Plan is the overall strategic plan for London setting out an integrated economic, environmental, transport and social framework for the development of London for the next 20-25 years. The following policies of the London Plan are considered particularly relevant:

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

D1 London's form, character and capacity for growth

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D6 Housing quality and standards

D11 Safety, security and resilience to emergency

D12 Fire safety

D14 Noise

H1 Increasing housing supply

HC1 Heritage conservation and growth

SI12 Flood risk management

T2 Healthy Streets

T4 Assessing and mitigating transport impacts

T5 Cycling

T6.1 Residential parking

Core Strategy (2010)

8.9 The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable. The following is considered particularly relevant:

CP2 Housing supply and locations for new homes

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

CP28 Managing flood risk through development

CP30 Maintaining and improving the quality of the built and open environment

CP31 Built and Landscape Heritage

CP32 Pollution

CP36 Biodiversity

CP46 Infrastructure contributions

Development Management Document (2014)

8.10 The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy.

The following local plan Development Management Document policies are considered particularly relevant:

DMD3 Providing a mix of different sized homes

DMD6 Residential character

DMD8 General standards for new residential development

DMD7 Development of Garden Land

DMD9 Amenity space

DMD10 Distancing

DMD37 Achieving high quality and design-led development

DMD38 Design process

DMD44 Preserving Heritage Assets

DMD45 Parking standards and layout

DMD46 Vehicle Crossovers and Dropped Kerbs

DMD47 Access, new roads and servicing

DMD49 Sustainable Design and Construction Statements

DMD50 Environmental Assessment Methods

DMD51 Energy efficiency standards

DMD53 Low and Zero-Carbon Technology

DMD56 Heating and cooling

DMD58 Water efficiency

DMD59 Avoiding and reducing flood risk

DMD60 Assessing flood risk

DMD 61 Managing surface water

DMD 68 Noise

DMD78 Nature Conservation

DMD80 Trees on development sites

DMD81 Landscaping

8.11 Other Material Considerations

National Planning Policy Framework (NPPF), 2021

Nationally Described Space Standard (NDSS, 2015)

London Plan Housing, Supplementary Planning Guidance (2016)

Southgate Green Conservation Area Character Appraisals

Southgate Green Conservation Area Management Appraisals

Manual for Streets 1 & 2

Revised Technical Standards for Footway Crossovers 2013

Enfield 'Waste and Recycling Storage' Planning Guidance (2019)

Enfield Local Plan (Reg 18) (2021)

- 8.12 The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for several sites. It is Enfield's Emerging Local Plan.
- 8.13 As the emerging Local Plan progresses through the plan-making process, the draft policies within it will gain increasing weight, but at this stage it has relatively little weight in the decision-making process.
- 8.14 Key local emerging policies from the plan are listed below:

SE1 Responding to the climate emergency

SE2 Sustainable design and construction

SE4 Reducing energy demand

SE5 Greenhouse gas emissions and low carbon energy supply

SE6 Renewable energy development

SE7 Climate change adaptation and managing heat risk

SE9 Protection and improvement of watercourses

SE10 Sustainable drainage systems

BG2 Protecting nature conservation sites

BG3 Biodiversity net gain, rewilding and offsetting

BG7 Watercourses

BG8 Urban greening and biophilic principles

BG11 Blue and green infrastructure plans

DE1 Delivering a well-designed, high quality and resilient environment

DE13 Housing standards and design

D3: Inclusive design

T1: Promoting sustainable transport ENV1: Local environmental protection

D1: Securing contributions to mitigate the impact of development

9.0 Assessment

The main issues arising from this proposal to consider are:

- 1. Principle of development
- 2. Quality of accommodation
- 3. Character and appearance within the Conservation Area
- 4. Impact upon the amenity of neighbours
- 5. Parking and cycle parking
- 6. Trees
- 7. Biodiversity
- 8. SuDS

Principle of development

- 9.1 Paragraph 11(d) of the NPPF, and the application of the tilted balance means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, which also includes the Development Plan. Moreover, planning permission should be approved unless "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed". The NPPF and London Plan advise that local authorities should seek to deliver a wide choice of highquality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy GG1 of the current London Plan recognises the need for more homes in London to promote opportunity and choice in ways that meet their needs at a price that is affordable. Policy GG4 of the London Plan also encourages the Council to provide a range of housing choices in order to take account of the various groups. Housing should be provided across a range of different sizes and types taking account of the requirements of different user groups.
- 9.2 Policy CP 5 of the Core Strategy seeks to ensure that new developments offer a range of housing sizes to meet housing needs whilst ensuring that the quality and character of existing neighbourhoods is also respected. There is greatest need in the Borough for family sized housing with 3+ bedrooms, however the Borough requires housing of all sizes and six additional flats would add to the Borough's housing stock and would contribute to the strategic objectives of the Borough.

- 9.3 Policy DMD7 (Garden Land) specifies that all new residential development must meet the following criteria:
 - a. The development does not harm the character of the area;
 - b. Increased density is appropriate, taking into account the site context in terms of its location, accessibility and the provision of local infrastructure;
 - c. The original plot is of a sufficient size to allow for additional dwellings which meet the standards in DMD8 'General Standards for New Residential Development', (and other design policies);
 - d. The individual plot sizes, orientation and layout created are appropriate to, and would not adversely impact on the residential amenity within the development, or the existing pattern of development in that locality;
 - e. An adequate amount of garden space is retained within both of the individual plots in accordance with the minimum amenity space standards (DMD 9 'Amenity Space'), and the role of each space is enhanced to contribute towards other plan objectives such as biodiversity; green corridors and networks; flood risk; climate change; local context and character; and play space; and
 - f. The proposals would provide appropriate access to the public highway.
- 9.4 The proposed two storey residential development would sit at the rear garden of the four storey existing residential block at Ellington Court and the proposal would not be visible at the front street. This aspect of the proposal would accord with DMD6, DMD10, DMD37, DMD44 with no visual damage on the streetscene. The revised scheme features brickwork and fenestrations that would appear sympathetic to the character of the host property and therefore the proposal alongside with the reduced scale would not be conspicuous at this location in view of policy DMD6. The scheme would be well embedded at the rear elevation of the host residential block with no significant visual impact to the character of the Conservation Area, having regard to policy DMD44. Furthermore, the retained rear garden space at Ellington Court would be sufficient to provide communal amenity to both existing and future occupiers of the new development in view of policy DMD7 and in this regard, the proposal would not compromise amenity provision at the site. The other aspects of DMD7 will be discussed in more detail in other sections of this report.
- 9.5 Significant weight must be attributed to the presumption in favour of approving sustainable residential development and the planning merits of providing new homes. However, these planning merits must be balanced against all other relevant planning considerations which seek to ensure that appropriate regard is given to design, impact on the character of the area, residential amenity, traffic generation and highway safety and acceptability with regards to sustainability and flooding.

Housing Mix

9.6 The revised scheme features 4 x 3b units, 1 x 2b unit, 1 x 1bp unit respectively which would provide a mix of housing types at this location with a greater number of three bed family units which is welcomed and thereby contributing towards the Council's housing targets.

Unit sizes and quality of accommodation

9.7 Policy D6 of the London Plan (2021) Table 3.1 refers to the Technical Housing Standards - nationally described space standards, which stipulates the minimum space standards for new development. The proposed dwelling would be expected to meet and where possible exceed these minimum standards and those contained within the Housing Supplementary Planning Guidance SPG (March 2016).

Unit	Dwelling type (bedroom (b)/persons- bedspaces (p))	Required GIA (sq.m) in London Plan	GIA (sq,m)
Flat 1	3b5p	86	93
Flat 2	3b6p	95	96
Flat 3	2b4p	70	85
Flat 4	3b5p	86	93
Flat 5	3b6p	95	110
Flat 6	1b2p	50	56

9.8 The submitted plans indicate that the gross internal areas of the proposed units would accord with policies D6 of the London Plan (2021), CP4 of the Core Strategy and the Technical Housing Standards – Nationally Described Space Standard (March 2015). It should also be noted that any area with a headroom of less than 1.5 metres is not counted within the Gross Internal Area unless used solely for storage. A section drawing has been provided on the submitted plans which shows the internal height of the residential block would be 2.46m on both floors and therefore the stated head height would accord with the minimum requirement of 2.3m in line with policy D6. The submission shows that there would be reasonable space to stand in the main areas of the new dwelling, dual aspect units are proposed, and the habitable rooms would gain sufficient natural lighting. The proposal would therefore realise good quality accommodation that would contribute towards the Council's housing stock.

Amenity space

9.9 DMD9 of the Development Management Document seeks to ensure that new development retains sufficient amenity spaces. The submitted floorplans indicate that the proposed amenity space for the development would be the following:

Unit	Dwelling type	•	Poposed amenity
	(bedroom	amenity	space
	(b)/persons- bedspaces (p))	space in policy DMD 9 (sq,m)	(sq,m)
Flat 1	3b5p	8	31
Flat 2	3b6p	9	48

Flat 3	2b4p	7	31
Flat 4	3b5p	8	8
Flat 5	3b6p	9	10
Flat 6	1b2p	5	8

The above arrangement would accord with the minimum requirements under policy DMD9 of the DMD.

Design and Impact on Conservation Area

- 9.10 Policy DMD6 of the DMD provides standards for new development with regard to scale and form of development, housing quality and density. Policy DMD8 provides general standards for new residential development and reiterates the requirement for a development to be of an appropriate scale, mass and bulk, provide high quality amenity space and provide access to parking and refuse areas. DMD37 encourages achieving a high quality and design led development, which is reiterated within policies D4 and D8 of the London Plan (2021).
- 9.11 The existing development pattern on the streetscene features a variety of properties that generally maintain a uniformity in scale and character.
- 9.12 Earlier concerns were raised by the Heritage Advisor and Cllr Levy regarding the impact of the proposal on the Conservation Area. These concerns have now been addressed under the revised scheme through a reduction in the scale of the proposal from the initial three storey 9 unit development to a two storey six unit development and in this regard, the revised scheme would be more of a subservient addition to the rear garden of the host property at Ellington Court, thereby seamlessly assimilating into the existing development pattern within the Conservation Area and the revised proposal would accord with policies DMD6 and DMD44.
- 9.13 The proposed two storey residential development would sit at the rear garden of the four storey existing residential block at Ellington Court and the proposal would not be visible at the front street. This aspect of the proposal would accord with DMD6, DMD10, DMD37, DMD44 with no visual damage on the streetscene. The revised scheme features brickwork and fenestrations that would appear sympathetic to the character of the host property and therefore the proposal alongside with the reduced scale would not be conspicuous at this location in view of policy DMD6. The scheme would be well embedded at the rear elevation of the host residential block with no significant visual impact to the character of the Conservation Area, having regard to policy DMD44. Furthermore, the retained rear garden space at Ellington Court would be sufficient to provide communal amenity to both existing and future occupiers of the new development in view of policy DMD7 and in this regard, the proposal would not compromise amenity provision at the site.
- 9.14 Appropriate conditions relating to external materials will be attached to the permission to ensure that a high quality design is achieved on the site.

Impact upon the amenity of neighbours

9.15 Policies DMD8 and DMD10 of the Development Management Document refer to neighbouring amenities and distancing standards. DMD10 sets out minimum distances between rear windows however given the siting of the new building.

- However the most appropriate standard would be the minimum separation distance between windows and side boundaries of 11m.
- 9.16 The proposed east facing flank windows of the scheme would retain some 13-15m separation to the rear façade of the host property at Ellington Court and this would accord with policy DMD10 and would be sufficient spacing to ensure the proposal does exacerbate any impacts of overlooking, sense of enclosure or privacy at this location.
- 9.17 A daylight/sunlight report was submitted and assessed against the widely recognised standards set out in BRE's Daylight, Sunlight, and Overshadowing assessments to quantify the potential daylight and sunlight affect to the neighbouring residential properties in respect of the three storey building. The report has been undertaken by constructing a detailed 3D model of the existing and proposed development sites and surroundings, then using specialist computer software, daylight and sunlight simulations and numerical calculations are run within the 3D model environment.
- 9.18 The report concludes that the findings indicate that the development is not of an excessive scale for the immediate surrounding area in daylight and sunlight terms and will broadly meet the intentions of the BRE guide. It should be noted that the scale and massing of the building has been reduced by removing a storey so that the building comprises two stories rather than three which would further reduce any impact on the existing flats at Ellington Court. Consequently, it is considered that the proposal would meet the aims of the BRE Guidelines and would not impact on neighbouring properties in terms of loss of light.

Transportation, servicing and parking

- 9.19 The London Plan, Core Strategy and DMD policies encourage and advocate sustainable modes of travel and require that each development should be assessed on its respective merits and requirements, in terms of the level of parking spaces to be provided for example.
- 9.20 There are 33 existing car parking spaces on the site. The agent has clarified that only 22 of the existing 33 parking spaces are in use at the site. There are therefore 11 unallocated parking spaces at the site which could be utilised by the occupiers of the proposed development.
- 9.21 The PTAL of the site is 4, and it is a close to Southgate tube station (approx. 600m). This is an acceptable walking distance according to "Journeys on Foot" (Institute of Highways and Transportation) and therefore a relaxation of the parking standards could be permitted. The Transport Statement includes a parking survey on surrounding roads. It suggests that parking is approaching saturation with on average only five spaces being available over two nights. However, parking surveys were also undertaken and showed 11 spaces available in the existing car park out of 33 spaces. The Transportation team have confirmed that car parking provision is acceptable, and the agent has confirmed that the existing units could be redistributed to the new residential units. One disabled parking space is proposed and the exact location of this space will be conditioned.
- 9.22 A new pedestrian path is proposed which is welcomed to improve connectivity across the site. With regard to servicing the site can be serviced from within the existing site car park.
- 9.23 A total of 18 cycle spaces will be provided for the six units. There are also 48 spaces approved as retrospective provision for the existing units. This is welcomed and ensures cycle parking for both existing and proposed meets London Plan standards.

The location of cycle parking and refuse storage provision has been provided however full details have not been submitted and therefore this will be requested and secured through conditions.

Impact on trees at the site

- 9.24 The submitted details indicate that 5 individual trees and 2 groups of tress would be removed to facilitate the proposal and these trees are T3 (category U), T9 (category B1), T12 (category U), T13 (category U), T14 (category U) and group of trees G1 and G2 (category C), where category U refers to a tree that is Unsuitable for Retention, category C refers to a tree that is of Low Quality and Value whereas category B1 refers to a tree of Moderate Quality and Value. The submitted Tree Survey indicates that 14 individual trees would be retained at the site.
- 9.25 The initial proposal sought to retain tree T9, however, given that this tree would touch the proposed residential block, the Tree Officer recommended a removal of tree T9. The agent has agreed that this removed tree could be replaced elsewhere at the site by way of a tree condition and associated landscape condition. The Tree Officer has therefore recommended a condition to ensure that suitable replacement trees and landscaping are implemented at the site in line with policies DMD80 and DMD81.
- 9.26 The proposed loss of trees is not significant and clearly no significant or high value trees or quantity of trees are being removed. All other trees and vegetation can be retained. The Council's Tree Officer has reviewed the arboricultural report and is satisfied that the approach to the trees on the site is the correct one and has no objection.

Sustainable Drainage Systems (SuDS)

- 9.27 London Plan policies 5.12 and 5.13 require the consideration of the effects of development on flood risk and sustainable drainage respectively. Core Policy 28 ("Managing flood risk through development") confirms the Council's approach to flood risk, inclusive of the requirement for SuDS in all developments. Policy DMD59 ("Avoiding and reducing flood risk") confirms that new development must avoid and reduce the risk of flooding, and not increase the risks elsewhere and that planning permission will only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in unacceptable levels of flood risk on site or increase the level of flood risk to third parties.
- 9.28 DMD61 ("Managing surface water") requires the submission of a drainage strategy that incorporates an appropriate SuDS scheme and appropriate greenfield runoff rates. The scheme proposes a permeable pedestrian path and a green roof to the new two storey building. To fully ensure that the scheme accords with policy requirements a SuDS condition is recommended in view of policies DMD59 and DMD61 to ensure that the development is safe from flooding and does not increase the risk of flooding elsewhere.

Biodiversity

9.29 In accordance with policy requirements the scheme will need to incorporate biodiversity enhancements. If approved, conditions will be attached to ensure details

of ecological enhancements such as bat/bird boxes and appropriate landscaping are planted.

Sustainable Design and Construction

- 9.30 Policy DMD49 states all new development must achieve the highest sustainable design and construction standards and include measures capable of mitigating and adapting to climate change to meet future needs having regard to technical feasibility and economic viability. Policy DMD51 states further energy efficiency standards and that all developments will be required to demonstrate how the proposal minimises energy- related CO₂ emissions which must adhere to the principles of the energy hierarchy in the policy. This follows policy CP20 of the Core Strategy which states that the Council will require all new developments, to address the causes and impacts of climate change by:
 - minimising energy use;
 - supplying energy efficiently; and
 - using energy generated from renewable sources in line with the London Plan and national policy.
- 9.31 An energy statement has been submitted which sets out that a minimum of 35% reduction of carbon emissions will be achieved and an air source heat pump will be incorporated within the scheme. To ensure the scheme achieves no less than 35% reduction in carbon emissions a condition will be attached to any permission.

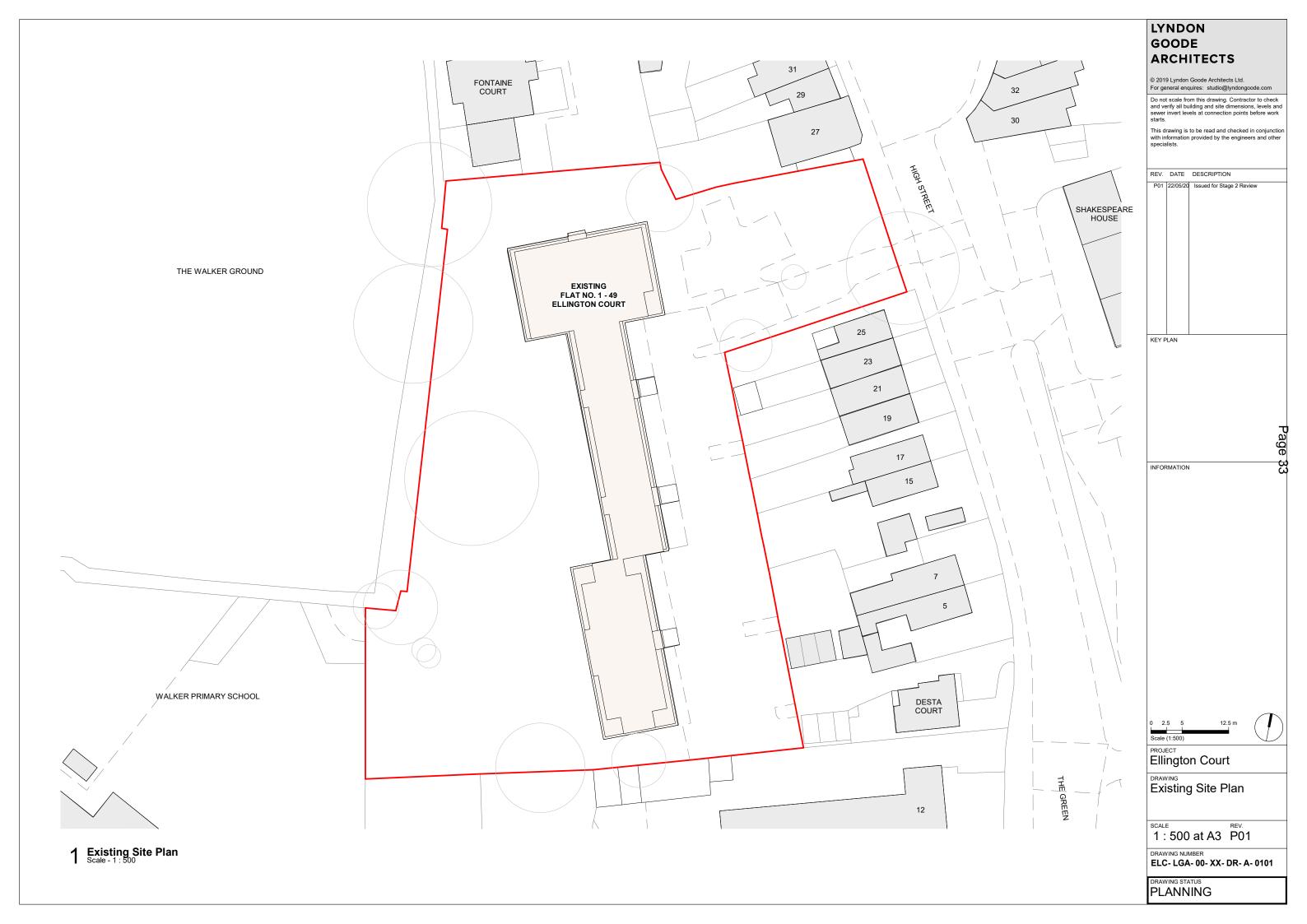
Accessibility

- 9.32 Internally each floor will be served by an easy rise staircase and passenger lift. All dwellings are proposed to be designed to meet building regulation Part M4(2), with 1 no. Ground floor unit (Unit 3) is designed to meet Part M4(3) wheelchair adaptable/accessible units which is in accordance with policy requirements and will be secured through conditions.
- 10.0 Community Infrastructure Levy (CIL)
- 10.1 The proposed development would create new residential units and would therefore be liable to pay CIL at borough and mayoral levels, the applicable borough CIL Zone is the Higher Rate Eastern Zone (£120 per sqm) and Zone 2 for Mayoral (MCIL2, £60 per sqm). The Enfield CIL will be approximately £73,863.60 and the Mayoral CIL will be £36, 931.80.
- 11.0 Public Sector Equalities Duty
- 11.1 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.
- 11.2 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).
- 11.3 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.
- 11.4 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.
- 11.5 In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impact has been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.
- 11.6 The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.
- 12.0 Conclusion and Recommendation
- 12.1 The starting point for the determination of any planning application is the development plan. Paragraph 11(d) of the NPPF, and the application of the tilted balance means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, which also includes the Development Plan. Moreover, planning permission should be approved unless "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed".
- 12.2 Having regard to the assessment in this report, the development would provide additional residential units at the site. This would contribute towards the Borough's

strategic objectives in terms of delivering new homes. The quality of accommodation that the proposed 6 unit residential block would provide is acceptable, based on the up-to-date housing quality standards outlined in The London Plan (2021). The development would not result in the harmful overlooking of neighbours nor would it result in harm to the amenity and living conditions of neighbours or the Southgate Green Conservation Area.

- 12.3 It is considered that the form, design and appearance of development would not be significantly dissimilar to host residential block at Ellington Court and thus the proposed scheme would acceptably relate with the character of the surrounding Conservation Area.
- 12.4 The above assessment against the development plan policies has produced the following conclusion:
 - The proposal would provide 6 new flats with an acceptable standard of accommodation that would contribute to the housing stock in the borough.
 - The proposed development is considered appropriate in form and design and would not result in detrimental harm to the character and appearance of the Conservation Area.
 - The proposal, by virtue of its form and small scale, would not harm the amenity of occupying and neighbouring residents.
 - There are no identified adverse effects on highway safety or traffic generation.
 - The reasons for the objections to the initial planning application have been acceptably overcome by the revised scheme.
- 12.5 Having regard also to the mitigation secured by the recommended conditions and the presumption in favour of sustainable development it is considered that the benefits of the development would outweigh any identified impacts. When assessed against the suite of relevant planning policies, it is considered that planning permission should be granted subject to conditions.





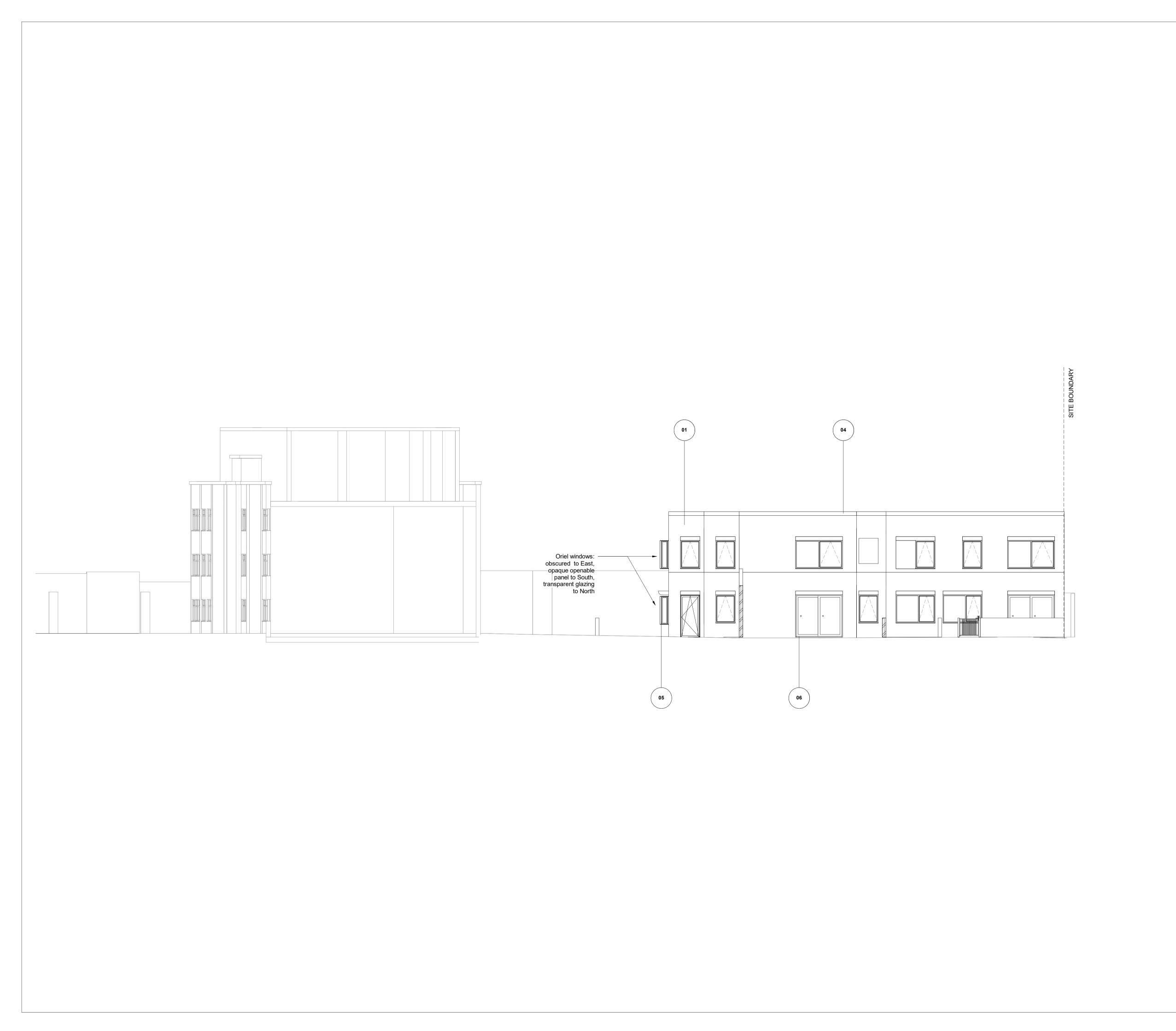
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REV.	DATE	DESCRIPTION	
P01 P02	22/05/20 02/06/20	Issued for Stage 2 Rollssued For Planning	eview
P03 P04	22/01/21 04/02/21	Issued For Review Updated to planners	
P05	13/02/23	comments Note to tree amende	
P06	03/05/23	Note to tree amende	d
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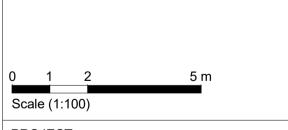
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REV.	DATE	DESCRIPTION
P01	22/05/20	Issued for Stage 2 Review
P02	02/06/20	Issued For Planning
P03	04/02/21	Updated to planners comments
P04	03/05/23	Note to tree amended
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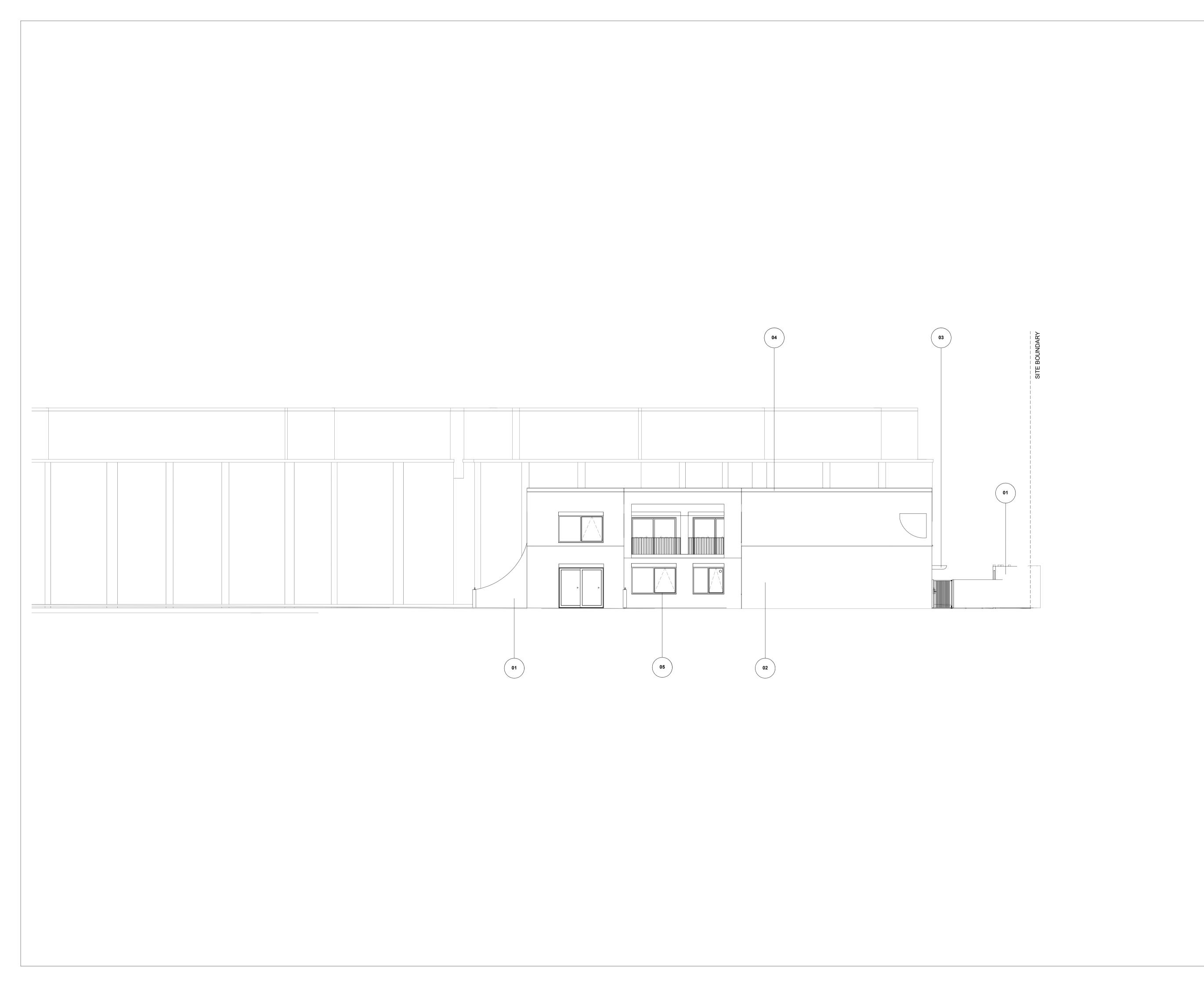
PROJECT
Ellington Court

Proposed North
Elevation

SCALE 1:100 @ A1 P04

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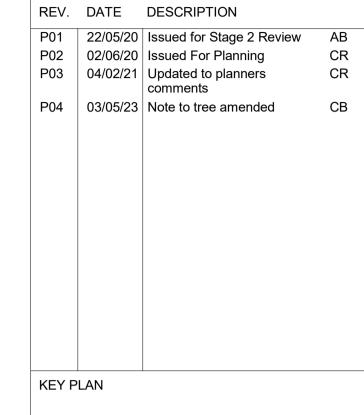


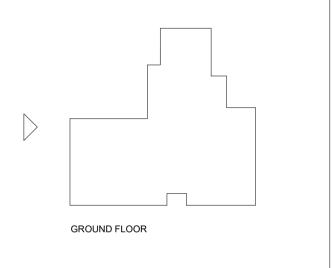


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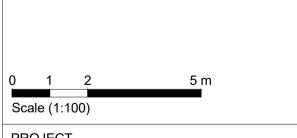
# INFORMATION

# **Material Key**

- Buff multi waterstruck brick with red/yellow tones in stretcher bond. Light colour mortar.
- Buff multi waterstruck brick with red/yellow tones in stretcher bond. Dark colour mortar.
- (03) Precast lintel in white/grey tone
- 04 Precast coping in white/grey tone
- (05) Powder coated metal frame window in brown-grey finish
- (06) Powder coated metal frame glazed door in brown-grey finish
- O7 Powder coated steel frame louvred door in brown-grey finish. Slim horizontal louvres.
- Powder coated metal frame glazed entrance door in brown-grey finish Powder coated metal balustrade – finish to match window/door frames
- O Obscured glazing

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PROJECT

Ellington Court

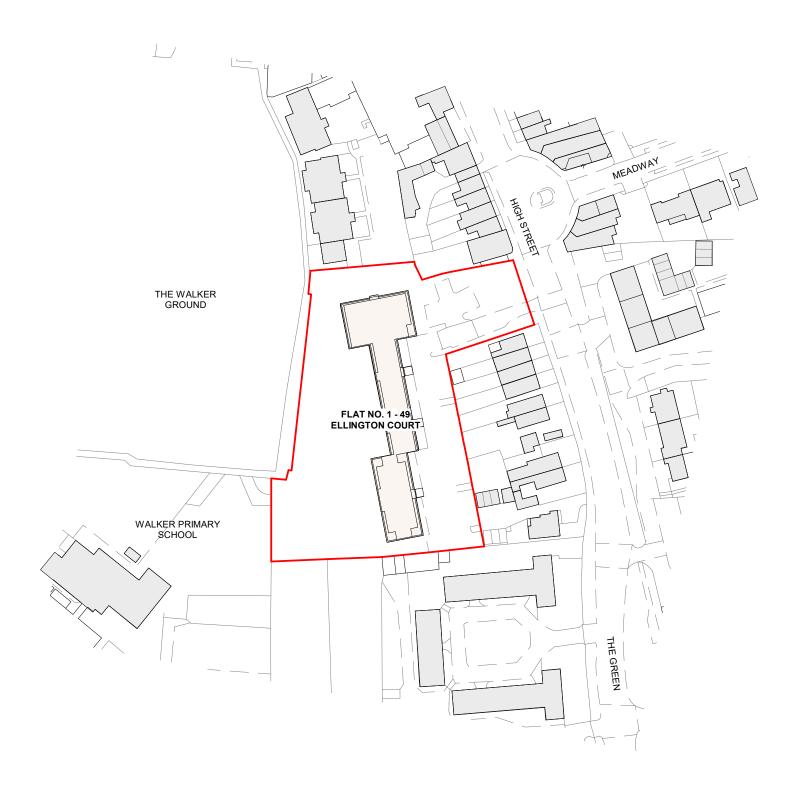
Proposed West Elevation

SCALE 1:100 @ A1

P04

DRAWING NUMBER ELC- LGA- 00- XX- DR- A- 0703





1 Existing Location Plan Scale -1: 1250

# LYNDON GOODE ARCHITECTS

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|   | REV.  | DATE                | DESCRIPTION               |               |
|---|-------|---------------------|---------------------------|---------------|
|   | P01   | 22/05/20            | Issued for Stage 2 Review |               |
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PROJECT Ellington Court

DRAWING Existing Location Plan

scale REV. 1: 1250 at A3 P01

DRAWING NUMBER
ELC- LGA- 00- XX- DR- A- 0100



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Do not scale from this drawing. Contractor to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work

This drawing is to be read and checked in conjunction with information provided by the engineers and other

| DATE                                           | DESCRIPTION                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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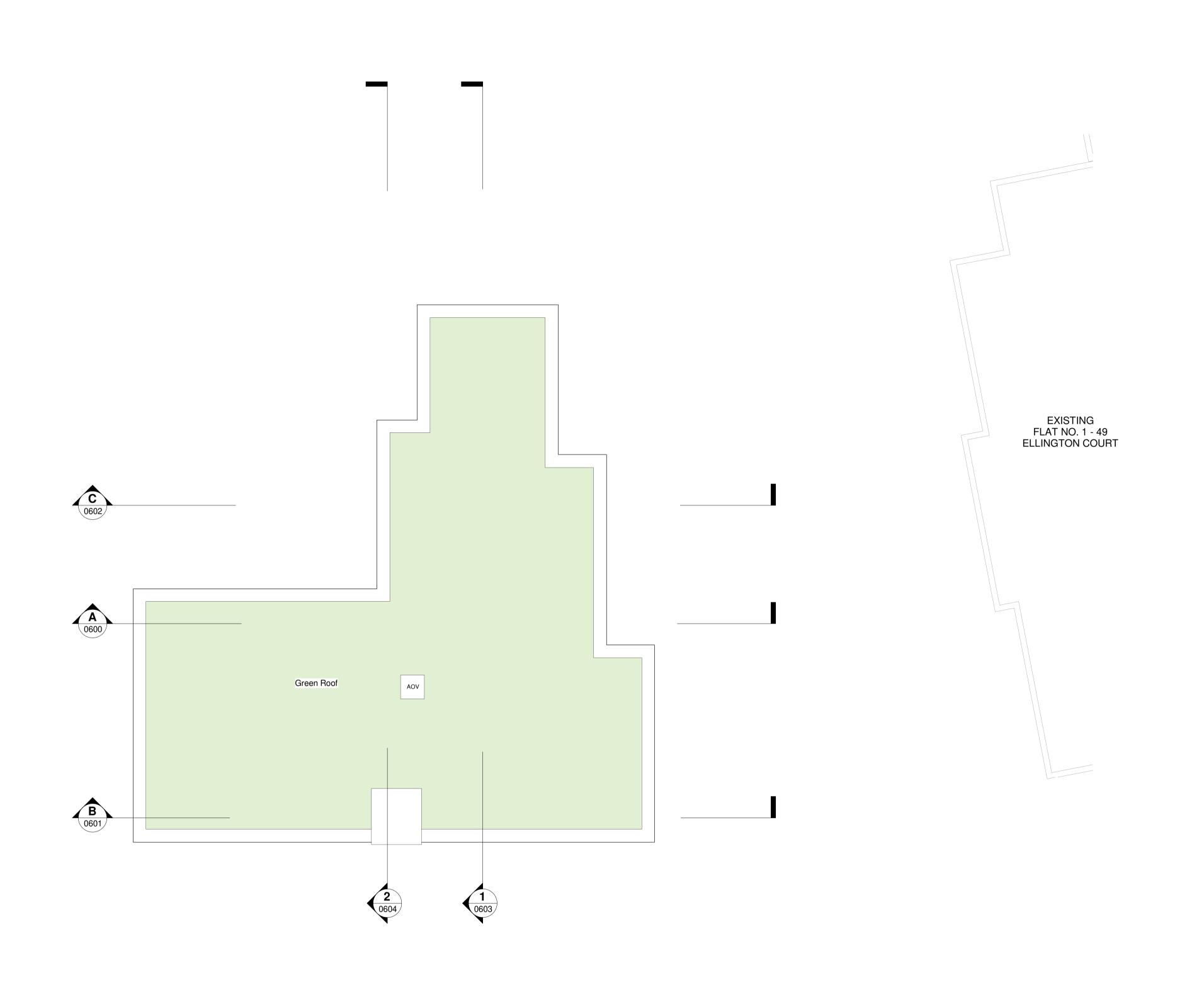
PROJECT
Ellington Court

Proposed First Floor
Plan

scale rev. 1: 100 at A1 P04

DRAWING NUMBER
ELC- LGA- 00- 01- DR- A- 0201

FOR INFORMATION



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Do not scale from this drawing. Contractor to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work

This drawing is to be read and checked in conjunction with information provided by the engineers and other specialists.

| REV.       | DATE                 | DESCRIPTION                                   |          |
|------------|----------------------|-----------------------------------------------|----------|
| P01<br>P02 | 22/05/20<br>02/06/20 | Issued for Stage 2 Review Issued For Planning | AB<br>CR |
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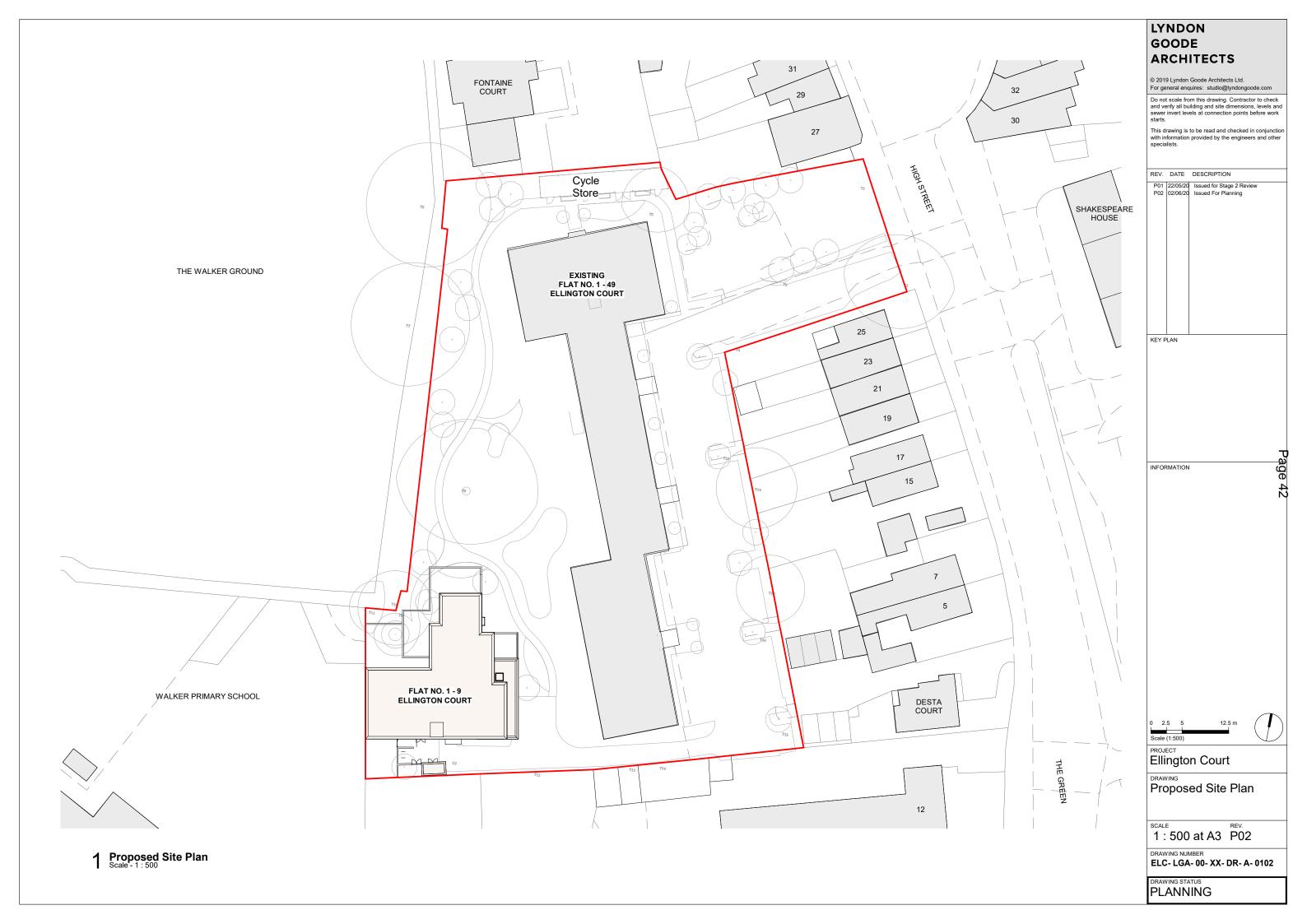
INFORMATION

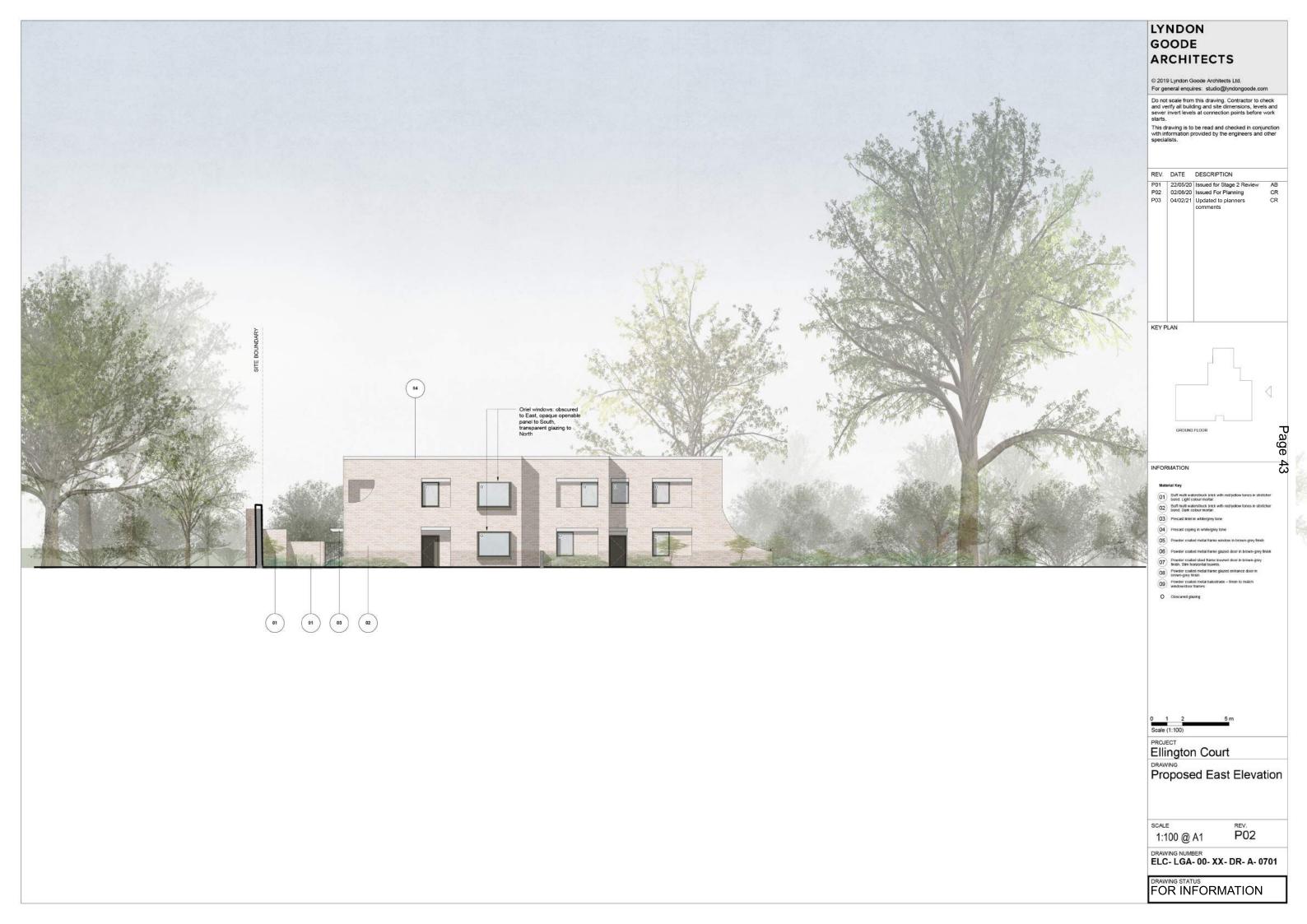
Scale (1:100)

PROJECT
Ellington Court

Proposed Roof Plan

DRAWING NUMBER
ELC- LGA- 00- 03- DR- A- 0203







| OUTLINE SPECIFICATION |
|-----------------------|

**PLANT SCHEDULE** 

Height/Girth Specification

5/linear m

| Abbreviation | Species                         | Number    | Height/Girth | Specification | Density    |
|--------------|---------------------------------|-----------|--------------|---------------|------------|
| AME LAM      | Amelanchier lamarkii            | 13        | 1.5-2m       | CG            | AS DWG     |
| BET JAQ      | Betula utilus Var. jacquemontii | 3         | 2-2.5m       | RB            | AS DWG     |
| BET PEN      | Betula pendula                  | 3         | 12-14cm      | RB            | AS DWG     |
| CAR BET      | Carpinus betulus                | 3         | 12-14cm      | RB            | AS DWG     |
| PRU AVI      | Prunus avium                    | 7         | 12-14cm      | RB            | AS DWG     |
| PRU CER      | Prunus cerasifera               | 4         | 12-14cm      | RB            | AS DWG     |
| SOR AUC      | Sorbus aucuparia 'Streetwise'   | 4         | 12-14cm      | RB            | AS DWG     |
| SYR VUL      | Syringa vulgare                 | 2         | 1.5-2m       | CG            | AS DWG     |
| SHRUBS       |                                 |           |              |               |            |
| Abbreviation | Species                         | Number    | Height/Girth | Specification | Density    |
| AUC VAR      | Aucuba japonica 'Variagata'     | 258       | 5L           | CG            | 4/m2       |
| BER PUR      | Bergenia purpurescens           | 167       | 3L           | CG            | 4/m2       |
| CEA REP      | Ceanothus 'Repens'              | 347       | 5L           | CG            | 4/m2       |
| CHO AZT      | Choisya 'Aztec Pearl'           | 191       | 5L           | CG            | 4/m2       |
| CHO SUN      | Choisya 'Sundance'              | 149       | 5L           | CG            | 4/m2       |
| COR ALB      | Cornus alba                     | 309       | 5L           | CG            | 4/m2       |
| EUO AUR      | <b>Euonymous 'Aureopictus'</b>  | 230       | 5L           | CG            | 4/m2       |
| EUO GOL      | Euonymous 'Emerald and Gold'    | 90        | 3L           | CG            | 4/m2       |
| HEB MET      | Hebe 'Mette'                    | 264       | 3L           | CG            | 4/m2       |
| HEB RAK      | Hebe rakaiensis                 | 34        | 3L           | CG            | 4/m2       |
| HYP HID      | Hypericum 'Hidcote'             | 20        | 5L           | CG            | 4/m2       |
| PHO JES      | Phormium 'Jester'               | 4         | 10L          | CG            | AS DWG     |
| ROS CAN      | Rosa canina                     | 78        | 5L           | CG            | 4/m2       |
| RUS ACU      | Ruscus aculeatus                | 105       | 3L           | CG            | 4/m2       |
| SAM NIG      | Sambucus nigra                  | 101       | 5L           | CG            | 4/m2       |
| SPI GOL      | Spirea japonica 'Goldflame'     | 73        | 5L           | CG            | 4/m2       |
| VIB DAV      | Viburnum Davidii                | 263       | 3L           | CG            | 4/m2       |
| HEDGES       |                                 |           |              |               |            |
| Native Hedge |                                 |           |              |               |            |
| Abbreviation | Species                         | Number    | Height/Girth | Specification | Density    |
| ACE CAM      | Acer campestre                  | 106       | 90-120cm     | BR            | 7/linear m |
| CAR BET      | Carpinus betulus                | 106       | 90-120cm     | BR            | 7/linear m |
| CRA MON      | Crataegus monogyna              | 106       | 90-120cm     | BR            | 7/linear m |
| LIG VUL      | Ligustrum vulgare               | 106       | 90-120cm     | BR            | 7/linear m |
| ROS CAN      | Rosa canina                     | 106       | 90-120cm     | BR            | 7/linear m |
| VIB OPU      | Viburnum opulus                 | 106       | 90-120cm     | BR            | 7/linear m |
| Formal Hedge |                                 |           |              |               |            |
| Abbroviation | Consins                         | Marinahau | Unimbt/Cirth | Considientien | Donaitu    |

**Abbreviation** 

**BUX SEM** 

Species

Buxus sempervirens

Existing trees and shrubs to be retained shall be protected in accordance with the current British Standard 'Trees in relation to construction', generally fencing shall be a 1.2m high cleft chestnut or 1.8m 'Herras' type fencing secured and maintained in position for the duration of construction.

All planting work & plants shall be in accordance with all approved current/relevant horticultural & British Standard specifications including 'Nursery stock', 'Landscape Operations', 'Trees in relation to Design, Demolition & Construction', 'Tree Work' and the latest National Building Specification, National Plant Specification & HTA 'Handling & Establishing Landscape Plants. Herbicides, pesticides and other chemicals may only be used with the approval of the CA. Use of chemicals shall be in accordance with all relevant guidelines and the manufacturers recommendations. Imported topsoil shall be a minimum specification of General purpose grade, unless otherwise instructed. 1 cu.m approved compost/organic material/soil ameliorant per 20 sq m shall be cultivated into topsoil before planting. Peat shall not be used. Following planting all shrub beds shall be treated with an approved granular fertiliser at rates recommended by the manufacturer. All ornamental planting beds shall be mulched with 50mm depth medium grade ornamental bark mulch. All hedge and native planting shall be mulched with 75mm depth mushroom compost.

Existing topsoil should be stripped before building works begin. Imported topsoil shall be a minimum specification to current British Standard Multi purpose grade from an approved source in accordance to the above specification, unless otherwise instructed. 1 cu.m approved compost/organic material/soil ameliorant per 20 sq m shall be cultivated into topsoil before planting. Peat shall not be used.

The defects liability period for planting shall be 12 months from completion of the works, to the current British Standard. During this period, any plant which is found to be dead, dying or otherwise defective shall be replaced at the expense of the contractor during the next planting season. The contractor shall make maintenance visits as required to ensure the successful establishment of the planting and maintain all shrub areas in a weed free condition. Regular visits (minimum 8 No.) required, to maintain all planted areas in a weed and litter free condition using a combination of chemical spray and hand weeding to be agreed with the CA. Maintenance to include watering, pruning, pest and disease control and re-mulching as required to current British Standard. Final visit to be immediately prior to handing over and to include a fertiliser treatment of Enmag (6:20:10) at 100g/m2 and 25mm depth bark mulch top up to all ornamental planted area. Amenity grass mowing at two week intervals during growing season, meadow grass maintained in accordance with seed suppliers recommendation. Maintenance to be carried out in years 2-5 to be agreed.

Trees - Trees planted into tree pits 75mm deeper than the root system and wide enough to accommodate roots when fully spread. Root balled trees to be dug 500mm wider and same depth as the rootball. If the site is on an uncultivated site or where clay soils could get waterlogged the tree pits should be 2-3 times the size of the rootball. Hedges = Planted into 450mm depth topsoil. Specimen Shrubs - Planted into 450mm depth topsoil. Ornamental Shrubs / Groundcovers - Planted into 450mm depth topsoil. Climbers -Planted into 450mm depth topsoil as indicated. Support to be provided as required. Grass area - 100mm depth topsoil TREE PLANTING

All trees are to be planted as shown ensuring a minimum of 5 metres from buildings and 3 metres from drainage. Tree pits to have suitable topsoil to the current British Standard to a suitable depth, with irrigation, drainage, root protection, aeration, root cells as required to suit ground conditions, as approved by CA

PLANT MATERIAL TREATMENT

NB: All to be British grown stock and fully hardened off. Root Dip - Proprietary Root Dip applied to all bare rooted stock (1) at time of lifting at nursery and (2) prior to planting. Anti-Desiccant - Proprietary anti-desiccant to be applied to foliage of all containerised / root balled material in leaf, specimen conifers and evergreen etc., (1) prior to transportation and (2) during any delay in planting. Pruning - Allow for pruning of all deciduous trees and shrubs by 1/3rd following planting at Landscape Architects instruction or as indicted in the planting schedule. Tree stakes and ties stakes to be pressure treated, round, smooth and peeled larch or chestnut, not less than 100mm in diameter. Advanced nursery stock - double staked with cross bar.

Rev C, Updated to comments received, LB Rev B, 31/03/2020, updated with new buildings, LB Rev A, 21.11.2019, updated for tender queries, LB

revision / date / description / drawn

Gloucester House 399 Silbury Boulevard Milton Keynes MK9 2AH T 01908 303701



| client                            |            |
|-----------------------------------|------------|
| Brooks Murray Architects          |            |
| project                           | scale      |
| Ellington Court, Southgate        | 1:250 @ A  |
| London, N14 6LB                   | date       |
| London, N14 OLB                   | 08.09.2018 |
| title                             | drawn      |
| Datailed Coff                     | LB         |
| Detailed Soft Landscape Proposals | checked    |
| Lanuscape Froposais               | RH         |
| drawing number                    | revision   |
| 06-807-701                        |            |



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| LONDON BOROUGH OF ENFIELD                             |                                                        |                          |  |  |
|-------------------------------------------------------|--------------------------------------------------------|--------------------------|--|--|
| PLANNING COMMITTEE                                    | Date: 19 <sup>th</sup> September 2023                  |                          |  |  |
| Report of Director of Planning & Growth - Brett Leahy | Contact Officers:<br>Eloise Kiernan<br>Claire Williams | <b>Category</b><br>Major |  |  |
| Ward Southbury                                        | Councillor Request No                                  |                          |  |  |

LOCATION: Moorfield Family Centre, 2 Moorfield Road, Enfield, EN3 5PS

**APPLICATION NUMBER: 20/03011/FUL** 

**PROPOSAL:** Demolition of the existing building and the erection of a new residential development (Class C3) with associated works including hard and soft landscaping, car and cycle parking and amenity space. (Revised Description)

## **Applicant Name & Address:**

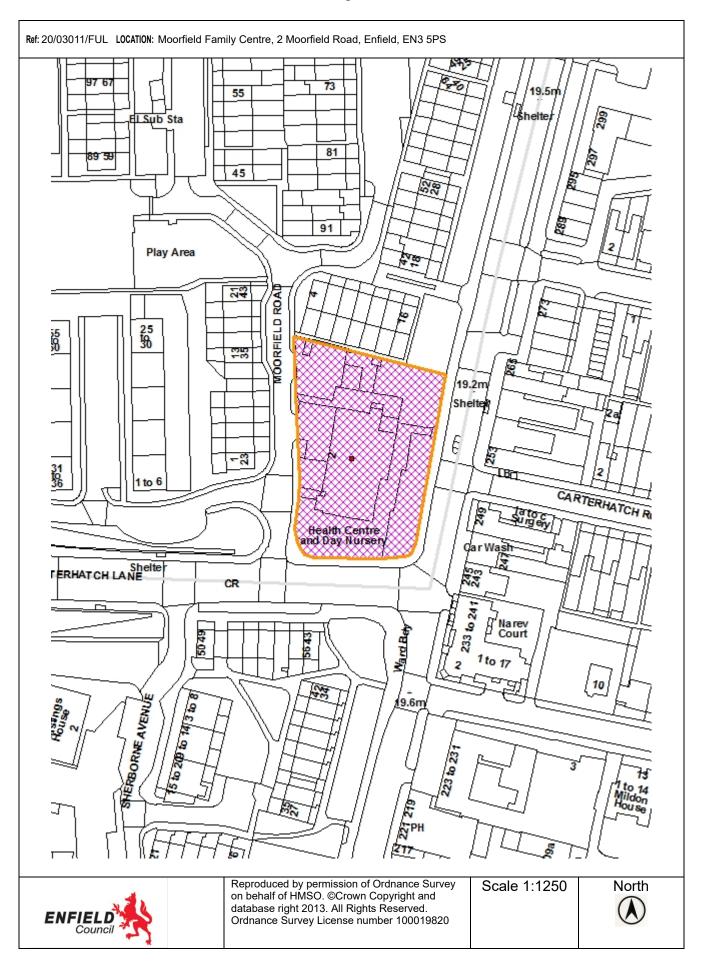
Social Housing plus Moorfield Road 71-75 Shelton Street Covent Garden London WC2H 9JQ

#### **Agent Name & Address:**

Mr Matthew Lloyd-Ruck Savills, 33 Maragret Street London W1G 0JD

# **RECOMMENDATION:**

- 1. That planning permission be **GRANTED** subject to conditions and the completion of a S106 legal agreement
- 2. That the Head of Development Management be granted delegated authority to finalise the wording of the S106 Agreement and agree the final wording of the conditions to cover the matters in the Recommendation section of this report.



#### 1. Note for Members

- 1.1 This application was first considered by the Planning Committee on 29 March 2022. Members supported the officer's recommendation to refuse planning permission for the reasons set out below. Following the March 2022 planning committee, the applicant has sought to address the four reasons for refusal and has held extensive discussions with the Local Planning Authority on a revised scheme.
  - 1. The development by virtue of its size, bulk, massing, proximity and siting to neighbouring occupiers would give rise to an unneighbourly loss of sunlight and daylight and unneighbourly sense of enclosure, as perceived from neighbouring properties including Nos.4 16 Moorfield Road, 1 to 43 Moorfield Road and 253 to 273 Hertford Road, causing harm to the occupiers residential amenity, which having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance would not be outweighed by the public benefits of delivering new residential accommodation including affordable residential accommodation, contrary to Policies D3 of the London Plan (2021), CP4 and CP30 of the Enfield Core Strategy (2010), DMD8, DMD10 and DMD11 of the Enfield Development Management Document (2014) and the policies of the National Planning Policy Framework 2021 taken as a whole.
  - 2. The proposed development, by virtue of its siting, bulk, mass, lack of defensible space, poor quality outlook and proximity to existing and proposed replacement trees represents an overdevelopment of the site and having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance, fails to satisfactorily integrate with its surroundings negatively impacting on the enjoyment, function and safety of surrounding spaces, detrimental to and out of keeping with the character and appearance of the surrounding area which would not be outweighed by the public benefits of delivering new residential accommodation including affordable residential accommodation. would cumulatively result in substandard accommodation and be harmful to the amenities of future occupiers, contrary to Policy D6 of the London Plan 2021, the Nationally Described Space Standards 2015, Policies CP4 and CP30 of the Enfield Core Strategy 2010, Policy DMD6, DMD8 and DMD37 of the Enfield Development Management Document 2014.
  - 3. The proposed development, in the absence of a legal agreement securing contributions to the extension of the controlled parking zone, would contribute unacceptably to parking congestion in the surrounding area which would give rise to conditions prejudicial to the free flow and safety of vehicular traffic and pedestrians, and promote the use of non-sustainable modes of transport, contrary to Policies T6 of the London Plan 2021, Policy CP25 of the Enfield Core Strategy 2010, Policies DMD45, DMD47 and DMD48 of the Enfield Development Management Document 2014.
  - 4. The proposed development, by reason of its impact upon the preserved trees and the loss of B category trees at southern end of the application site would result in harm to amenity which having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance would not be outweighed by the public benefits of delivering new residential accommodation including affordable residential accommodation contrary to Policies DMD37 and DMD80 of the Enfield Development Management Document (2014), CP30 of the Enfield Core Strategy (2010), G7 of the London Plan (2021), the National Planning

Policy Framework 2021 as a whole and the British Standard for Trees in relation to design, demolition and construction (BS 5837:2012).

# 2. **Executive Summary**

- 2.1 This report seeks approval from Members for the demolition of the existing building on the site, a former NHS practice, and redevelopment of the site to provide a part 3, part 8 and part 12 storey building (including ground floor), delivering 100 residential units at social rent, equivalent to 60% of market rent.
- 2.2 Compared to the previous scheme, the revised development has a slightly lower number of units (100 instead of 106), continues to provide 100% affordable housing, addresses the loss of existing trees, and includes 9 car parking spaces. The number of car parking spaces has not been changed compared to the previous scheme. However, the appearance and height of the building has changed significantly.
- 2.3 The scheme presented to committee in 2022 was a monolithic 9 storey building, whilst the revised building, with its staggered approach, is of higher design quality and, on balance, does not unduly harm the townscape character of the locality, sufficient to outweigh the benefits of the proposal.
- 2.4 Overall, the bulk and massing of the building has improved. The staggered approach gives interest to the design, while ensuring that there will not be harm to the residential amenity of neighbouring occupiers, with regards to loss of sunlight and daylight, and sense of enclosure. This is a significant improvement on the 2022 scheme and addresses reason for refusal no. 1.
- 2.5 The 3 and 8 storey elements are considered appropriate and make a positive contribution to the townscape. The 12 storey element, when viewed in the wider context, complements the height of Hastings House without appearing overly tall. Closer views show that this element will inevitably be perceived as prominent in the local context, especially since this is a corner location. However, the constraints of the site do not allow a larger set back from Carterhatch Lane without negatively affecting the scheme.
- 2.6 The siting of the building has been re-positioned to the south-west to address officers' concerns raised with the previous scheme. The applicant has demonstrated that, due to the physical constraints of the site, an alternative footprint that retains the existing trees on Carterhatch Lane and with a larger buffer from the site's boundaries, would result in significantly fewer residential units, an increased percentage of small units, no M4(3) compliant units and no 2 bed units (4 people) that would comply with the Nationally Described Space Standards. For this reason, and in the context of the 100% affordable housing offer, which is given significant weight, the 12 storey element of the proposal is considered acceptable, on balance. This addresses reason for refusal no.2.
- 2.7 Should Members be minded to pass a resolution to grant planning permission, a legal agreement will be signed to secure an extension of the controlled parking zone in the area, as well as contributions towards the local public transport and cycling infrastructure, and other items. This addresses reason for refusal no.3 of the previous scheme.
- 2.8 The siting of the building leads to the loss of several category B trees fronting Carterhatch Lane. Whilst this is regrettable and was a reason of concern in the 2022 scheme, the applicant has been able to demonstrate that an alternative siting would not be desirable. The Arboricultural Officer confirmed that, subject to conditions, they

are satisfied that the proposed footprint of the building will protect the retained trees (including 5 TPOs) and that the replacement provision is satisfactory. This addresses reason for refusal no.4 of the previous scheme.

- 2.9 This is a brownfield site which has been vacant for the past 6 years. It is now boarded up, to avoid instances of vandalism and anti-social behaviour. The 2022 Committee Report confirmed that, taking into account both the housing need of the Borough together with the track record of delivery against target, the Council must seek to optimise development on brownfield sites, particularly those that are currently underused and not delivering any benefit to the wider area, such as 2 Moorfield Road.
- 2.10 The delivery of housing on underutilised brownfield sites in sustainable locations (despite the low PTAL rating, the site is well connected to bus services) and within close proximity to a designated local centre (in this case, Enfield Highway Local Centre), has strong planning policy support and is afforded substantial weight in the planning balance.
- 2.11 Developing existing brownfield land can help in safeguarding greenfield and greenbelt land, thus preserving this important characteristic of Enfield and is supported at all planning policy levels, nationally, London-wide and within Enfield's adopted development plan policies.
- 2.12 The proposal would support London Plan policies, which seek to increase housing supply and optimise site capacity. Although the site has a PTAL score of 2, the site is considered to be in a location suitable for delivery of new high-quality housing.—.
- 2.13 The proposed development includes 100 new residential units, 100% social rent (equivalent to 60% market rent), with a unit mix which is supported by the Housing Officer. This would contribute high quality housing stock to the Borough to meet housing need, which continues to rise in the Borough.
- 2.14 There is a pressing need for housing, including affordable housing, within the Borough, and Enfield has an extremely challenging 10-year housing delivery target. Past delivery against housing targets accentuates this need and taking account of the presumption in favour of approving sustainable development and the tilted balance which currently applies, it is considered that the proposed development would deliver a high quality residential development on existing brownfield land,— in a location suitable for the proposed use.
- 2.15 Overall, the proposal would make a meaningful contribution towards Borough and wider London housing needs, helping Enfield to support its growing population.

#### 3. Recommendation

3.1 That planning permission be **GRANTED** subject to conditions and the completion of a S106 legal agreement.

#### Conditions:

- 1. Time limit 3 years
- 2. Approved plans
- 3. Materials drawings, samples and sample panels
- 4. Boundary Treatment/s
- 5. Playspace Design
- 6. Landscaping details and management plan

- 7. Public realm strategy
- 8. Biodiversity enhancements
- 9. Rainwater harvesting details
- 10. Secure by Design
- 11. Inclusive Design M4(2) and M4(3) include percentage 90% and 10%
- 12. Sustainable Drainage Strategy
- 13. Sustainable Drainage Strategy Verification Report
- 14. Lighting Details / Plan (Building & Communal Amenity Space)
- 15. Site Waste Management Plan
- 16. Acoustic Report
- 17. Noise Mitigation Measures (future occupants)
- 18. Disabled Parking
- 19. Car Park Management Plan (Final)
- 20. Details of Cycle Parking
- 21. Delivery and Servicing Management Plan (operational)
- 22. Construction Logistics Management Plan (CLMP)
- 23. Construction Resource Management Plan (CRMP)
- 24. Arboricultural Method Statement with Tree Protection Plan
- 25. Habitat Survey (Phase 1)
- 26. Contaminated Land Remediation
- 27. Contaminated Land Verification
- 28. Energy Statement management and maintenance
- 29. Thermal Comfort further details of wind effects and related mitigation
- 30. Green Procurement Plan details for how the procurement of materials for development will promote sustainability
- 31. Details of any Rooftop Plant, Extract Ducts and Fans incl. Plant Ac. Report
- 32. Details of any rooftop plant, extract ducts and fans (appearance)
- 33. Fire evacuation lift (details / management)
- 34. Electric vehicles
- 35. Taxi stand details
- 36. PD restriction on satellite equipment
- 37. No plant equipment to be fixed to external face of building
- 38. No roller shutters to be fixed to external face of buildings
- 3.2 That the Head of Development Management be granted delegated authority to finalise the wording of the Section 106 Agreement and agree the final wording of the conditions to cover the matters listed above.

#### 4. Site & Surroundings

- 4.1 The site occupies a prominent position at the junction with Hertford Road, Carterhatch Lane and Moorfield Road. The site comprises a two-storey rectangular building, set back from Hertford Road and Carterhatch Lane with a car park to the rear off Moorfield Road.
- 4.2 The existing site building is rectangular in form and utilitarian in appearance, with several recessed elements and a central lightwell.
- 4.3 The existing building is now vacant, having previously been occupied by the Barnet, Enfield and Haringey Mental Health Trust, a local authority children services team and a GP Practice, all likely within Use Class E(e) Commercial, Business and Service. The site was sold by the NHS as surplus to requirements.
- 4.4 The site is now boarded up, to avoid instances of vandalism and anti-social behaviour. Prior to the building being closed off to the public, the building was largely obscured

from public view, given its siting set back from the road and the presence of trees, several of which are the subject of tree preservation orders (TPO), and vegetation located on boundary, particularly along Hertford Road and Carterhatch Lane. Vehicular access to the site is via Moorfield Road, whilst pedestrian access is primarily via Carterhatch Lane.

- 4.5 The site has a Public Transport Accessibility Level (PTAL) rating of 2 (poor). It is located a 20 minute walk to Brimsdown railway station to the east and Southbury Overground station to the south. Despite the low PTAL rating, the site is well connected to bus services that serve the local area, and provide links to Central London. There are bus stops within 100m of the site on Hertford Road and Carterhatch Lane, with buses running every 3-5 minutes. There are also bus stops further to the west, on Great Cambridge Road, some 900m from the site.
- 4.6 The building is located within a busy mixed-use area, north-west of the Enfield Highway Local Centre, on Hertford Road (A1010). Despite the current poor PTAL level, it is noted that Hertford Road is becoming increasingly urban in character, being a main thoroughfare running north to south, where local centres and concentrations of activity, including a range of social and community uses such as schools, GP surgeries, open space and small parades of shops are located surrounded by built up neighbourhoods.
- 4.7 To the north of the site are the neighbouring properties of Nos. 4 -16 Moorfield Road, a two storey row of dwellings, the rear elevations and gardens of which, face onto and are contiguous with the full extent of the site.
- 4.8 To the east of the site is Hertford Road, beyond which are Nos. 233 249 Hertford Road (set to the north of Carterhatch Lane) and 253 273 Hertford Road (set to the south of Carterhatch Lane), a variety of building typologies from single to four storeys in height, primarily consisting of commercial activities at ground floor level with residential activities at upper floor levels, except No.241 Hertford Road, a purpose built residential block on the corner with Cedar Avenue.
- 4.9 To the south of the site is Carterhatch Lane, beyond which is No.43 45 Carterhatch Lane, one of several four to five storey purpose built residential blocks, along with a greened apex, consisting of several trees, at the junction with Hertford Road Carterhatch Lane.
- 4.10 To the west of the site is Moorfield Road, beyond which is No.1 43 Moorfield Road, one of several four to five storey purpose built residential blocks.
- 4.11 It is also worth noting that there is a 14 storey building to the south-west of the site, built in the 1980s, known as Hastings House. The building, located on 2 Sherbourne Avenue, is set back from Carterhatch Lane and is a prominent feature in the local townscape. Further towers can be found on Eastfield Road, some 10 minutes' walk to the north-east of the site and on Ordnance Road further to the north.
- 4.12 The site is neither located in or adjacent to a conservation area. The site is neither statutorily nor locally listed.
- 4.13 The following policy designations / characteristics apply to the site/adjacent to the site:
  - Southbury Ward.
  - Flood Defence 100 year 1000m.
  - North East Enfield Area Action Plan.
  - Tree Preservation Order (TPO) (ref:403/2018): there are five trees sited along

the boundary with Moorfield Road and Hertford Road.

Enfield Highway Local Centre.

# 5. **Proposal**

# 5.1 The description of development is:

'Demolition of the existing building and the erection of 100 new affordable residential development (Class C3) with associated works including hard and soft landscaping, car and cycle parking and amenity space.'

# 5.2 The proposal seeks the following:

- The demolition of existing two storey centre for the provision of medical and/or health services (1300sqm).
- The redevelopment of the site to form a part 3, 8 and 12-storey residential block (including ground floor, height 41.90m / 28.40m / 12.15m respectively) consisting of 100 flats in the following arrangement:
  - o 42 x 1 Bedroom 2 Person (of which 12 would be WC)
  - o 2 x 2 Bedroom 3 Person
  - o 38 x 2 Bedroom 4 Person
  - o 18 x 3 Bedroom 5 Person

# 5.3 The redevelopment would include:

- 100 flats which would be 100% Affordable Housing at social rent, equivalent to 60% market rent
- 9,262sqm of residential floorspace (GIA)
- 51.8sqm for the internal refuse facility at ground floor level (18 x 1100 litre Eurobins)
- 108.2 sqm for the internal plant/servicing facilities at ground floor level
- 140.5 sqm for the internal cycle parking facilities at ground floor level (180 cycle spaces)
- 5 external Sheffield stands to the west of the site (10 cycle spaces)
- 2 car parking areas to the west of the site, accessed via Moorfield Road provide space for 9 vehicles.
- The north and south rooftop (12<sup>th</sup> and 3<sup>rd</sup> floor level) would provide 2 separate communal amenity spaces, including play areas for children below the age of 5, for approximately 720sqm.
- Private communal amenity space of circa 499sqm is proposed along Hertford Road, in addition to policy compliant balconies for each apartment.
- The middle roof (8<sup>th</sup> floor level) will include air source heat pump plant, whilst PVs will be located on the top roof, above the lift overrun and adjacent pergola.
- Access to the building would be via two entrances, on Carterhatch Lane and Hertford Road, each set within canopies.

## 5.4 The detailed design of the building comprises three elements:

- A 3 storey block located to the north of the site, facing 4 to 16 Moorfield Road and 253 to 273 Hertford Road.
- An 8 storey element sitting in centre of the building, narrower than the 3 and 12 storey blocks.
- A 12 storey element located to the south of the site fronting Carterhatch Lane and Hertford Road.
- 5.5 The building would be clad in red brickwork with green accent details, to reflect those surrounding buildings that have been used for design cues. The ground and first floor,

and the top floors will be clad in darker brick, whilst the central floors will be a slightly lighter tone brick, adding definition to the appearance of the building. There will also be complementary muted green projecting balconies and window frames, along with light grey metal copings.

- 5.6 The site contains 23 trees in total (five of which are covered by a TPO (T1, T3, T14, T15 and T20 as referenced in the Arboricultural Report). The proposal would require the removal of 16 trees (including one grouping), with 7 trees requiring pruning, reducing and lifting crowns, including all trees covered by a TPO.
- 5.7 It is proposed to plant 20 new trees along the western, northern and eastern boundaries of the site. Perennials, shrubs and grass comprise the soft landscaping across the site, with ornamental planting specifically located along the southern boundary (Carterhatch Lane) where a number of trees will be lost.

# 6. Relevant Planning History

# Application site

- 6.1 TP/03/0128 Demolition of existing Health Centre and construction of Primary Care Resource Centre (Outline Application). Granted with Conditions on 20.06.2003.
- 6.2 TP/94/0911 Alterations to ground floor envisaging infilling existing open ground floor space, to provide additional health centre facilities. Granted with Conditions on 20.12.1994.

# 7. Consultation

## Statutory and Non-Statutory Consultees

#### Highways

- 7.1 The provision of 9 car parking spaces could be a problem if there is demand for the full 10% of dwellings to have a disabled parking space. However, the London Plan requires only 3% of the dwellings with a Disabled Parking Bay (DPB) at the outset but the applicant ought to provide a parking management plan that addresses how up to 10% of dwellings can be provided with DPBs onsite if required.
- 7.2 The officer has a concern that the cycle stands are now located to the rear of the site, remote from the site entrances, whereas in the previous proposal, they were on the Hertford Road frontage next to the main entrance, in a well overlooked area accessible to visitors, which was much more appropriate and in accordance with London Cycle Design Standards (LCDS) requirements.
- 7.3 Regarding Controlled Parking Zones (CPZ), there are now more comprehensive costings for CPZs. A larger CPZ that would cover 10 streets or 1000 homes would costs £56500. The scope of the CPZ would need to be discussed. The CPZ would be essential to this scheme as without it, significantly more car parking would be required.
- 7.4 It is not appropriate to have just one of the three areas with non racked spaces. Each cycle parking area should have at least two Sheffield stands, appropriately located so that a minimum of four modified cycles can be parked in each cycle store. It should also be noted that where racked spaces are provided, they need to have a minimum

of 2m behind each racked space in order for the top row of spaces to be able to be accessed.

## Flood risk

- 7.5 The design flood event that needs to be assessed is the 1 in 100 year + (17%) climate change event. The pluvial flood extent for this event covers much of the western half of the site. Based on the design flood event, the following information is still required.
- 7.6 Finished floor level (FFL) must be at least 150mm above the 1 in 100 year (plus climate change) surface water flood depth. The Flood Risk Assessment (FRA) must be updated to assess the site with the latest climate change allowances. These levels must be reflected on the plans and sections for the site.
- 7.7 The development must not reduce flood storage on site therefore level for level flood compensation will be required where land is being raised and /or buildings are located in the areas that flood. The FRA references raising FFL but no flood compensation has been provided.
- 7.8 A Flood Management/Evacuation Plan must be provided demonstrating that the evacuation route is in the "Very Low Hazard Level" according to FD2320.
- 7.9 Flood resistant and resilient measures must be incorporated where relevant.

# Drainage

- 7.10 The greenfield runoff rates calculated for the site have used the whole site area (0.295ha) whereas they should be calculated with the contributing impermeable area for the proposed development. The proposed discharge rate is therefore above the correct greenfield QBAR rate for the site.
- 7.11 Source control SuDS measures must be used extensively for the hardstanding and roof areas. It appears much of the hardstanding areas are not drained via source control SuDS measures.
- 7.12 RWPs must discharge on the surface of source control SuDS feature rather than into the sub-base, as this will cause siltation.
- 7.13 Cross sections, sizes and specifications of the proposed SuDS features must be provided.
- 7.14 Overland flow routes for exceedance events including spot levels must be included on the drainage plan or more detail.

#### **Commercial Waste**

- 7.15 The walking distance from where the bin is sited on a property and the nearest practicable position that the refuse collection vehicle can stop must not exceed 10 metres.
- 7.16 Bins must be stored on a hard surface or in a storage cupboard.
- 7.17 Footpaths between the container housing and the nearest vehicular access should be free from steps or kerbs, have a solid foundation, have a smooth solid surface, be level ad have a gradient no more than 1:12 and a minimum width of 2 meters.
- 7.18 The Council is to be indemnified against any damage to road surface and under ground apparatus before bin delivery and collections if roads are not adopted.

7.19 Access and turning circles, length, width, height and weight of the vehicles need to be considered at the design stage. Turning circle 18.5 m to 21 m; length 9.25 m plus 1m for bin lift; width 2.53m, height 3.4m and gross weight 26 tonne.

# **Designing out Crime**

- 7.20 The Metropolitan Police note that the intention to construct a housing development within an area that is a crime hotspot, is a concern particularly because there has not been consultation with them in regards to how safety, security and crime prevention will be designed into the build nor does the Planning statement or the DAS mention these points.
- 7.21 The Metropolitan Police Service is not able to support the development as it been presented and they have concerns that the design could contribute to and may increase the opportunity for crime and Anti-Social Behaviour at this location, putting the new and existing residents at risk, They question how lone women, vulnerable people, children & young people are being protected from high harm offences, and the lack of compartmentation assists with the free movement through the communal parts which is a key factor in domestic violence offences. They encourage the Design team to contact them so that crime preventative mitigation can be reviewed.
- 7.22 In summary they have site specific comments in relation to the following items. This list is not exhaustive and acts as initial observations from the Plans. Site specific advice may change depending on further information or site limitations as the project develops:
  - Door/window specifications
  - Access Control- type, UL 293 rated
  - Postal/Parcel Strategy
  - Landscaping- inc street furniture
  - Boundary Treatments
  - Emergency Services Egress
  - Refuse Storage
  - Bicycle Storage
  - Car Parking
  - Roof access
  - Climbing Aids/Balcony details
  - Airlock/Compartmentation
  - Lighting
  - CCTV
- 7.23 However, they advise that should the project receive planning permission they would recommend a Secured by Design condition be applied. If the Conditions are applied, we request the completion of the relevant Secured by Design application forms at the earliest opportunity.

Officer comment: The issues highlighted by the Police are matters that are covered by planning conditions as recommended above.

#### **Public**

#### **Pre-Submission**

7.24 Prior to submission of the revised scheme, the applicant distributed fliers on 14<sup>th</sup> July to local residents and businesses, covering an area up to approximately 160m to the west (up to the railway tracks), 220m to the east, 115m to the south. During the consultation, the consultation area was increased in the northern direction up to Crest Drive (approximately 550m) at the request of officers. The fliers include a summary of the proposal, a phone number and email address to contact for queries and feedback, and details of a website with additional information about the proposal.

#### Planning Application

Re-consultation letters dated 16 August 2023 were sent to 694 neighbouring and nearby properties. Notice was also displayed at the site (dated 06/10/2020) and published in the local press (dated 14/10/2020).

In response 2 representations were received which in summary, raise the following points.

#### Summary of responses

- Neighbourhood re-consultation failed to provide any detail of the proposed construction.
- Local schools and NHS services do not have the capacity for this development.
- The maintenance of the properties and the safety of the area is poor and the development will worsen the situation.
- More investment should be made into the existing community.
- Some residents did not receive the consultation letters and therefore were not informed of the development.
- There is an insufficient amount of parking and residents of the development will park their cars in front of the development.
- There is only one access to the estate which will cause more problems.
- Having so many more people will cause a strain on the local schools and surgeries.

# Officers' response

The matters raised are assessed in the 'Analysis' section of this report.

## 8. Relevant Planning Policies

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the Committee 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. National Planning Policy Framework 2021
- 8.2 The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable development. In this respect, sustainable development is identified as having three dimensions an economic role, a social role and an environmental role. For decision taking, this presumption in favour of sustainable development means:
  - a) an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right

places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.3 The NPPF recognises that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making.
- 8.4 In relation to achieving appropriate densities, paragraph 124 of the NPPF notes that planning policies and decisions should support development that makes efficient use of land, whilst taking into account:
  - a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
  - b) local market conditions and viability;
  - c) the availability and capacity of infrastructure and services both existing and proposed as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
  - d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
  - e) the importance of securing well-designed, attractive and healthy places.
- 8.5 Paragraph 48 of the NPPF details when weight may be given to relevant emerging plans. This guidance states that the stage of preparation, the extent to which there are unresolved objections and the degree of consistency of relevant policies to the Framework are relevant.

#### Housing Delivery Test / Presumption in Favour of Sustainable Development:

- 8.6 The NPPF sets out at paragraph 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 (8), granting permission unless:
    - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7); 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."
- 8.7 Footnote (8) referenced here advises "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 (with the appropriate buffer, as set out in paragraph 74); 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."
- 8.8 In summary, the presumption in favour of sustainable development applies in two situations where a Council is unable to demonstrate a five-year housing land supply, and when a Council fails to achieve 75 per cent or more in the Housing Delivery Test.
- 8.9 Enfield Council currently fails against both criteria and is therefore subject to the most severe government sanctions which impact the Council's consideration of housing-led planning applications.
- 8.10 5-year housing land supply: Members will be aware of the need to be aware of the Council's housing land supply and how it impacts on decision making. When there is not an up-to-date Local Plan and 5-year housing land supply cannot be demonstrated then this has a significant impact on the weight given to material planning considerations. The NPPF presumption, or 'tilted balance', applies in Enfield due to the Council's inability to demonstrate the required five-year housing land supply. The Council is unable to demonstrate a 5-year supply of deliverable housing sites and this impacts on the status of its Local Plan policies.
- 8.11 Housing delivery test: The NPPF presumption, or 'tilted balance', also applies in Enfield because Enfield is one of 51 Councils which have achieved below 75 per cent against the Housing Delivery Tests it is therefore also subject to the Housing Delivery Tests most severe government sanction, the NPPF's presumption in favour of sustainable development.
- 8.12 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.
- 8.13 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".
- 8.14 The Council's recent housing delivery has been below our housing targets. This has translated into the Council being required to prepare a Housing Action Plan in 2019 and being placed in the "presumption in favour of sustainable development category" by the Government through its Housing Delivery Test. This status has recently been confirmed for the period 2022-23.
- 8.15 The Department for Levelling Up, Housing and Communities has not published the latest Housing Delivery Test measurement for 2022. Based on the Enfield Authority Monitoring Report 2021/22 published in February 2023, betweeen 1st April 2019 and 31 March 2022, Enfield delivered 2,350 homes of the 3,216 required, achieving 73% of its homes target. The Council therefore remains in the "presumption in favour of sustainable development".
- 8.16 Based on the Enfield Authority Monitoring Report 2021/22 published in February 2023, there is an estimated supply of 5,676 net new homes in the next five years. This is

equivalent to 3.80 years housing land supply when measured against the London Plan requirement and taking into account backlog need and a 20% buffer due to the failure of Housing Delivery Test.

- 8.17 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.
- 8.18 Under the NPPF paragraph 11(d) where the most important development plan policies for the application are deemed to be 'out of date', planning permission should be granted. That does not mean out of date policy can be disregarded, but it means that less weight can be applied to it, and applications for new homes should be given weight by the Planning Committee when undertaking their assessment taking account of the "tilted" balance that applies. 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 2004 requires, in accordance with the development plan unless material considerations indicate otherwise.

#### The London Plan 2021

- 8.19 The London Plan together with Enfield's Local plan forms the Development Plan for this application. It is the overall strategic plan for London setting out an integrated economic, environmental, transport and social Framework for the development of London for the next 20-25 years. The following policies of the London Plan are considered particularly relevant:
  - GG1 Building strong and inclusive communities
  - GG2 Making the best use of land
  - GG3 Creating a Healthy City
  - D1 London's form, character and capacity for growth
  - D2 Infrastructure requirements for sustainable densities
  - D3 Optimising site capacity through the design-led approach
  - D4 Delivering good design
  - D5 Inclusive design
  - D6 Housing quality and standards
  - D7 Accessible housing
  - D8 Public Realm
  - D11 Safety, Security and Resilience to Emergency
  - D12 Fire safety
  - D13 Agent of Change
  - D14 Noise
  - H1 Increasing housing supply
  - H4 Delivering Affordable Housing
  - H6 Affordable housing tenure
  - H10 Housing size mix
  - G1 Green Infrastructure
  - G5 Urban greening
  - G6 Biodiversity and access to nature
  - G7 Trees and woodlands
  - S4 Play and Informal Recreation
  - SI 1 Improving air quality
  - SI 2 Minimising greenhouse gas emissions

- SI3 Energy Infrastructure
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI6 Digital Connectivity Infrastructure
- SI7 Reducing Waste and Supporting the Circular Economy
- SI 8 Waste capacity and net waste self-sufficiency
- SI12 Flood Risk Management
- SI13 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
- DF1 Delivery of the Plan and Planning Obligations

# Local Plan - Overview

8.20 Enfield's Local Plan comprises the Core Strategy, Development Management Document, Policies Map and various Area Action Plans as well as other supporting policy documents. Together with the London Plan, they form the statutory development plan for the Borough. Enfield's Local Plan sets out planning policies to steer development where they align with the NPPF and the London Plan 2021. Whilst many of the policies do align with the NPPF and the London Plan, it is noted that these documents do in places supersede the Local Plan in terms of some detail and as such the proposal is reviewed against the most relevant and up-to-date policies within the Development Plan.

Enfield Core Strategy: 2010

- 8.21 The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable.
  - CP 2 Housing Supply and Locations for New Homes
  - CP 3 Affordable Housing
  - CP 4 Housing Quality
  - CP 5 Housing Types
  - CP 9 Supporting Community Cohesion
  - CP 17 Town Centres
  - CP 20 Sustainable Energy Use and Energy Infrastructure
  - CP 21 Delivering Sustainable Water Supply, Drainage Sewerage Infrastructure
  - CP 24 The Road Network
  - CP 25 Pedestrians and Cyclists
  - CP 26 Public Transport
  - CP 28 Managing Flood Risk Through Development
  - CP 29 Flood Management Infrastructure
  - CP 30 Maintaining and Improving the Quality of the Built and Open Environment
  - CP 32 Pollution

- CP 34 Parks, Playing Fields and Other Open Spaces
- CP 36 Biodiversity

## <u>Development Management Document (2014)</u>

- 8.22 The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy.
- 8.23 The following local plan Development Management Document policies are considered particularly relevant:
  - DMD 1 Affordable Housing on Sites Capable of Providing 10 units+
  - DMD 3 Providing a Mix of Different Sized Homes
  - DMD 6 Residential Character
  - DMD 8 General Standards for New Residential Development
  - DMD 9 Amenity Space
  - DMD10 Distancing
  - DMD 28 Large Local Centres, Small Local Centres and Local Parades
  - DMD 37 Achieving High Quality and Design-Led Development
  - DMD 38 Design Process
  - DMD 43 Tall Buildings
  - DMD 45 Parking Standards and Layout
  - DMD 47 New Road, Access and Servicing
  - DMD 48 Transport Assessments
  - DMD 49 Sustainable Design and Construction Statements
  - DMD 50 Environmental Assessments Method
  - DMD 51 Energy Efficiency Standards
  - DMD 52 Decentralized Energy Networks
  - DMD 53 Low and Zero Carbon Technology
  - DMD 54 Allowable Solutions
  - DMD 55 Use of Roof Space / Vertical Surfaces
  - DMD 56 Heating and Cooling
  - DMD 57 Responsible Sourcing of Materials, Waste Minimisation
  - DMD 58: Water Efficiency
  - DMD 59: Avoiding and Reducing Flood Risk
  - DMD 60: Assessing Flood Risk
  - DMD 61: Managing surface water
  - DMD 62: Flood Control and Mitigation Measures
  - DMD 64: Pollution Control and Assessment
  - DMD 65: Air Quality
  - DMD 66: Land Contamination and instability
  - DMD 68: Noise
  - DMD 69: Light Pollution
  - DMD 70: Water Quality
  - DMD 71: Protection and Enhancement of Open Space
  - DMD 72: Open Space Provision
  - DMD 73: Child Play Space
  - DMD 77: Green Chains
  - DMD 79: Ecological Enhancements
  - DMD 80: Trees on Development Sites
  - DMD 81: Landscaping

#### Other Material Considerations

- 8.24 The following guidance is also considered particularly relevant:
  - National Planning Practice Guidance (NPPG)
  - North East Area Action Plan
  - Enfield Climate Action Plan (2020)
  - Enfield Housing and Growth Strategy (2020)
  - Enfield Intermediate Housing Policy (2020)
  - Enfield Biodiversity Action Plan
  - Enfield Characterisation Study (2011)
  - Enfield Local Heritage List (May 2018)
  - Enfield S106 SPD (2016)
  - Enfield Decentralised Energy Network Technical Specification SPD (2015)
  - Making Enfield: Enfield Heritage Strategy 2019-2024 SPD (2019)
  - The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3, Historic England (2017)
  - London Councils: Air Quality and Planning Guidance (2007)
  - TfL London Cycle Design Standards (2014)
  - GLA: Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)
  - GLA: Shaping Neighbourhoods: Character and Context SPG (2014)
  - GLA: The Control of Dust and Emissions during Construction and Demolition SPG (2014)
  - GLA: London Sustainable Design and Construction SPG (2014)
  - GLA: Accessible London: Achieving an Inclusive Environment SPG (2014)
  - GLA: Social Infrastructure SPG (2015)
  - GLA: Housing SPG (2016)
  - GLA: Homes for Londoners: Affordable Housing and Viability SPG (2017)
  - Mayor's Transport Strategy (2018)
  - GLA Threshold Approach to Affordable Housing on Public Land (2018)
  - Healthy Streets for London (2017)
  - Manual for Streets 1 & 2, Inclusive Mobility (2005)
  - Report of the Examination in Public of the London Plan (2019)
  - National Design Guide (2019)

#### Enfield Local Plan (Reg 18) 2021

- 8.25 The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for several sites. It is Enfield's Emerging Local Plan.
- 8.26 As the emerging Local Plan progresses through the plan-making process, the draft policies within it will gain increasing weight, but at this stage it has relatively little weight in the decision-making process.
- 8.27 Key local emerging policies from the plan are listed below:
  - Policy DM SE2 Sustainable design and construction
  - Policy DM SE4 Reducing energy demand
  - Policy DM SE5 Greenhouse gas emissions and low carbon energy supply
  - Policy DM SE7 Climate change adaptation and managing heat risk
  - Policy DM SE8 Managing flood risk
  - Policy DM SE10 Sustainable drainage systems
  - Strategic Policy SPBG3 Biodiversity net gain, rewilding and offsetting
  - Policy DM BG8 Urban greening and biophilic principles

- Policy DM DE1 Delivering a well-designed, high-quality and resilient environment
- Policy DM DE2 Design process and design review panel
- Policy DM DE6 Tall buildings
- Policy DM DE7 Creating liveable, inclusive and quality public realm
- Policy DM DE10 Conserving and enhancing heritage assets
- Policy DM DE11 Landscape design
- Policy DM DE13 Housing standards and design
- Policy DM H2 Affordable housing
- Policy DM H3 Housing mix and type
- Policy DM T2 Making active travel the natural choice
- Strategic Policy SP D1 Securing contributions to mitigate the impact of development

# 9. **Analysis**

- 9.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 seek to establish that planning decisions are taken in accordance with the Development Plan unless material considerations indicate otherwise. Furthermore, paragraph 11 (c) of the NPPF goes on to state that development proposals that accord with the development plan should be approved without delay.
- 9.2 As explained at Section 8, the Council is subject to 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'. 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 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 2004 requires, in accordance with the development plan unless material considerations indicate otherwise.
- 9.3 This report sets out the analysis of the issues that arise from the proposal when assessed against the development plan and the NPPF.
- 9.4 This application has been subject to extensive negotiation to address the concerns raised by officers and local residents through the consultation process.
- 9.5 The main considerations of the development are the following:
  - Principle of Development
  - Land Use
  - Housing Need, Mix and Delivery
  - Affordable Housing
  - Character and Design
  - Neighbouring Residential Amenity
  - Quality of Accommodation
  - Trees and Landscaping
  - Biodiversity
  - Access, Traffic and Parking

- Flood Risk and Drainage
- Carbon Emissions and Sustainability
- Health
- Environmental Considerations
- Education
- Fire Safety
- Secure by Design
- Community Infrastructure Levy (CIL)
- S106 Heads of Terms
- Public Sector Equality Duty

# 10. <u>Principle of Development</u>

- 10.1 The principle of development had already been established with the original submission, where officers acknowledged that the redevelopment of the site would contribute substantially to the Council's housing delivery targets, which is welcomed and supported.
- 10.2 2 Moorfield Road is a brownfield site located in a residential area, close to amenities and abutting a major thoroughfare: Hertford Road. Optimising a brownfield site for residential site, in a suitable location, is considered appropriate.
- 10.3 The following paragraphs set out the planning policy context relevant to the principle of development.
- 10.4 The NPPF and London Plan advise that local authorities should seek to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.5 The Borough's current target for the plan period is for a minimum of 12,460 net housing completions between 2019/20 2028/29, as set out in the London Plan 2021. In the event that the proposed development was acceptable in all other respects, the proposed 100 new dwellings would make a positive contribution towards meeting the strategic housing needs of Greater London and increasing the housing stock of the Borough in accordance with the National Planning Policy Framework (NPPF) and the Policy CP5 of the Enfield Core Strategy (2010).
- 10.6 As was the case in 2022, the Council has failed the most recent Housing Delivery Test and, therefore, residential development is subject to the presumption in favour of sustainable development. The tilted balance therefore has to be applied in assessing and weighing up the benefits of the scheme and whether on balance the impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.7 To conclude, not only is the principle of development considered acceptable and policy compliant, but it will also contribute to alleviating the housing shortage experienced by the Council.

# 11. Land Use

11.1 The proposed change of use was addressed as part of the original submission. Officers confirmed that the proposed change of use is acceptable, as explained below.

- 11.2 Policy S1D of the London Plan indicates that "Development proposals that seek to make best use of land, including the public-sector estate, should be encouraged and supported. This includes the co-location of different forms of social infrastructure and the rationalisation or sharing of facilities." The proposal and the evidence submitted appears to meet the aims of making best use of land.
- 11.3 Policies (DMD17) seek to resist the loss of existing social infrastructure while DMD17 sets out the approach to protection of community facilities. Taking each part of DMD17 in turn, part (a) indicates that proposals involving the loss of community facilities will not be permitted unless "a suitable replacement facility is provided to cater for the local community that maintains the same level of public provision and accessibility".
- 11.4 The former medical facility on the site was closed in 2017, and the site sold for alternative development. This followed a decision by the local NHS on the future delivery of health care facilities in the Borough and the transfer of services to Riley House. However, while it is noted that the former practice boundary is not covered in its entirety by the practice boundary of the new facility at Riley House, given the wider evidence provided by the NHS with respect to the need for consolidation of buildings, the accessibility of the alternate facility to the local community and the surgery at Brick Lane having spare capacity for c. 1,200 additional patients, it is considered this alternative methodology is acceptable to justify the loss of the existing medical facility.
- 11.5 It is accepted the new facility appears to be served by the same bus links and officers are also satisfied that disabled car parking levels are as a minimum the same as provided at the former facility. Consequently, while there is a change in accessibility, and Part A of DMD17 is not fully met, with reference to housing need and the tilted balance, it is considered this issue given the overall availability of health care services is not of sufficient concern to justify a ground for refusal.
- 11.6 Part B of DMD17 requires evidence to be submitted that demonstrates "there is no demand for the existing use or any alternative community use" if part A cannot be met. 3.1.1 sets out a range of alternative community facilities which could include:
  - Recreation, leisure, culture and arts facilities, including theatres;
  - Libraries; adequate justification
  - Outdoor and indoor sports facilities;
  - Schools and other educational and training institutions;
  - Facilities for early years provision; -
  - Health facilities;
  - Day centres vulnerable adults and carers;
  - Community halls and centres;
  - · Places of Worship;
  - Emergency service and policing facilities, accessible to the public.
- 11.7 Part G of the London Plan also indicates that "Redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan (see Part F2)."
- 11.8 At the time of first submission, the applicant suggested that the marketing through ePIMS to other public sector bodies demonstrates there is no demand for alternative community uses. However, officers noted that some of the facilities listed above would not be exclusively provided by public sector landowners, (i.e. places of worship).

- 11.9 A Social Infrastructure Needs Assessment, including a letter from Allsop, was then submitted to demonstrate that the site has been considered for use as other forms of social infrastructure, which would not be suitable on this site or required in the local area. It should also be noted that the originally submitted scheme did include community space at ground floor but following negotiations as to review viability and maintain housing numbers, it was accepted that the ground floor community space could be removed from the scheme.
- 11.10 For the reasons considered above, applying weight to the fact that the health facility was relocated in 2017, and in the context of the Council's most recent Housing Delivery Test results, on balance the proposed development would be acceptable. The proposed development would therefore be acceptable when balanced against Policies DMD17 of the Development Management Document 2016 and S1 of the London Plan 2021.

# 12. Housing Need, Mix and Delivery

- 12.1 The current London Plan sets a target for the provision of 52,287 new homes each year. In addition, the London Plan identifies a need for a minimum of 1,246 dwellings per year to be delivered over the next 10-years in the Borough, based on the Strategic Housing Market Assessment (SHMA): an increase over the current target of 798. Whilst Enfield's 2019 Housing Action Plan recognises that the construction of more affordable, high-quality homes is a clear priority, only 51% of approvals in the Borough have been delivered over the previous 3-years.
- 12.2 Enfield's Housing and Growth Strategy (2020) was considered by Cabinet in January 2020 and approved at February's Council meeting (2020) and sets out the Council's ambition to deliver ambitious adopted London Plan targets.
- 12.3 Policy CP5 outlines that the Council will seek a range of housing types in the intermediate sector and that the mix of intermediate housing sizes will be determined on a site by site basis. It should also be noted that the evidence base to support Core Policy 5 dates from 2008. The Local Housing Needs Assessment 2020, which informs the emerging draft Local Plan for Enfield, is a more up to date evidence base. Hence, it carries weight in the assessment.
- 12.4 The Local Housing Needs Assessment (LNHA) 2020 identifies that among those on the Council's housing register waiting list, 14.7% need one-bedroom, 35.3% need two bedroom, 42.3% need three-bedrooms, and 7.7% need four or more bedrooms.
- 12.5 The LNHA (2020) has informed emerging Policy H3 of the Draft Local Plan for Enfield (2021). Table 1 below is an extract from Policy H3, which outlines priority types for different-sized units across different tenure. The focus of affordable ownership provision (social/affordable rented) should be on two-bedrooms and 3 bedrooms units. It is noted that the Draft Reg 18 Local Plan was published in June 2021 and is at an early stage of preparation. Although this draft policy in the emerging plan carries limited weight now, it is used to illustrate the most up-to-date housing need in Enfield.

|                              | Studio/bedsit | One-<br>bedroom    | Two-<br>bedrooms   | Three-<br>bedrooms | Four-<br>bedrooms<br>or more |
|------------------------------|---------------|--------------------|--------------------|--------------------|------------------------------|
| Social/afford<br>able rented | Low priority  | Medium<br>priority | High<br>priority   | High<br>priority   | Low priority                 |
| Intermediate                 | Low priority  | High<br>priority   | High<br>priority   | Medium<br>priority | Low priority                 |
| Market                       | Low priority  | Low priority       | Medium<br>priority | High<br>priority   | High<br>priority             |

Table 1 - Extract from Policy H3, Table 8.4: Dwelling size priorities, Enfield Local Plan (Reg 18) 2021

- 12.6 The 2022 Committee Report confirmed that, taking into account both the housing need of the Borough together with the track record of delivery against target, it is clear that the Council must seek to optimise development on brownfield sites such as this, particularly those that are currently underused and not delivering any benefit to the wider area, such as 2 Moorfield Road.
- 12.7 The current scheme proposes 100 residential units. Compared to the previous scheme, the proposed amendments have resulted in a reduction in number of units from 106 to 100. Although this is regrettable, it has also resulted in a number of improvements that help make the proposal acceptable, on balance.
- 12.8 Table 2 below shows a comparison between the housing mix of the current and previous schemes.

| Comparison of Dwelling Size Mix |                 |            |                 |            |  |
|---------------------------------|-----------------|------------|-----------------|------------|--|
|                                 | Proposed Scheme |            | Previous Scheme |            |  |
| Dwelling Size                   | Number of Units | Percentage | Number of Units | Percentage |  |
| 1B2P                            | 42              | 42%        | 41              | 38%        |  |
| 2B3P                            | 2               | 2%         | 0               | 0%         |  |
| 2B4P                            | 38              | 38%        | 51              | 48%        |  |
| 3B5P                            | 18              | 18%        | 14              | 13%        |  |
| TOT                             | 100             | 100%       | 106             | 100%       |  |

Table 2 - Proposed and Previous Schemes, Unit Mix

- 12.9 As already explained, the offer is for 100% social rent units, which is supported by the Housing Officer and well above policy requirements.
- 12.10 Officers welcome the increase in 3 bed units from 13% to 18%. However, as was the case for the previous scheme, the proposed mix is significantly weighted towards 1 and 2 bedroom units (82%) and the number of family units (18%) falls short of the Council's preferred unit mix, as set out in Policy CP5, Policy H3 of the Draft Local Plan for Enfield and London Plan Policy H10.
- 12.11 Nonetheless, the Housing Officer has commented that whilst the demand remains for family housing, the priority is for supply across all bedroom sizes. In the case of this highly constrained site, the Officer noted that an increase in family housing will not only

- reduce the footprint and quantum of units, but may impact further on social infrastructure.
- 12.12 Family units are provided at ground floor to the seventh floor, which is supported as family housing as height creates less quality accommodation for young children and occupants in the block. The majority of the 3bed+ units are provided at ground floor which allows for access to outdoor space/garden, which is also supported.
- 12.13 The provision of 38% of 2b4p, and only 2% 2b3p, is welcomed as it would provide quality accommodation for a couple with children. The space standards would be appropriate and not overcrowded at first let.
- 12.14 Taking into account the Housing Officer's comments, the housing delivery test, the presumption in favour of approving sustainable development and the balance in favour of approving schemes for residential development, it is considered the low percentage of family housing can be accepted, but only in the context of the location and the 100% social rent (equivalent to 60% market rent) affordable housing offer which would be secured through a legal agreement. The current offer of 100% affordable housing at social rent is significant and can be attributed significant weight in the assessment.

#### 13. Affordable Housing

- 13.1 The NPPF must be taken into account in the preparation of local plans and is a material consideration in planning decisions. The NPPF defines Affordable Housing as "housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)". London Plan Policy H4 sets out a strategic target for 50% of all new homes delivered across London to be genuinely affordable.
- 13.2 Enfield sets a Borough-wide affordable housing target of 40% in Core Policy 3 but acknowledges the appropriate figure will need to take into account site-specific land values, grant availability and viability assessments, market conditions, as well as the relative importance of other planning priorities and obligations on the site.
- 13.3 DMD 1 supporting text notes that affordable housing comprises three tenures: social rent, affordable rent, and intermediate housing. Enfield's Development Management Document Policy DMD 1 (Affordable Housing) states that development should provide the maximum amount of affordable housing with an appropriate mix of tenures to meet local housing need.
- 13.4 The proposal includes 100 residential units, 100% affordable housing with all the units available at social rent in excess of policy requirements.
- 13.5 Due to the 100% affordable offer, Policy H5 (Threshold approach to applications) identifies this as a fast track application. Fast tracked applications are not required to provide a viability assessment at application stage.
- 13.6 A qualifying criterion does require the local planning authority to be satisfied regarding the tenure mix with Policy H5 stating: "Developments which provide 75 per cent or more affordable housing may follow the Fast Track Route where the tenure mix is acceptable to the Borough or the Mayor where relevant".
- 13.7 Policy H6 of the London Plan (Affordable Housing Tenures) advises that the following split of affordable products should be applied to residential development: 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 a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership 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.

- 13.8 The 2017 SHMA shows London's significant need for low-cost rental housing which is reflected in priorities for our own Borough. There is therefore presumption that the 40 per cent to be decided by the Borough will focus on Social Rent and London Affordable Rent given the level of need for this type of tenure across London.
- 13.9 In this instance, the tenure mix of 100% social rent is acceptable. The London Plan is committed to delivering genuinely affordable housing and within the broad definition of affordable housing, the Mayor's preferred affordable housing tenures includes London Affordable Rent.
- 13.10 LAR is for households on low incomes where the rent levels are based on the formulas in the Social Housing Regulator's Rent Standard Guidance. The rent levels for Social Rent homes use a capped formula and London Affordable Rent homes are capped at benchmark levels published by the GLA. Rents are significantly less than 80 per cent of market rents, which is the maximum for Affordable Rent permitted in the NPPF.
- 13.11 The proposal provides social rent with an equivalent to 60% of market rent (i.e discount of 40%).

#### 14. <u>Character and Design</u>

- 14.1 According to Section 12 of the NPPF (2021) the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development. Paragraph 126 confirms that "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve" and that "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". London Plan Policy D3 expects "all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity".
- 14.2 Policy CP30 of the Core Strategy requires new development to be of a high-quality design and in keeping with the character of the surrounding area. This is echoed in Policy DMD8 which seeks to ensure that development is high quality, sustainable and has regard for and enhances local character.

#### Character and Townscape

14.3 The application site is rectangular in shape and located to the north of the Enfield Highway Local Centre. It is evident there is a variety of buildings in age, design and materiality within the vicinity of the site. It is bounded by Carterhatch Lane, Hertford Road and Moorfield Road. The site is located on a prominent corner of a busy junction. The trees around the perimeter largely obscure views into the site. The site itself is covered by a large rectangular two storey building and single storey ancillary structure. Although large, it has a relatively low-key appearance within the townscape. The site

also has specific constraints, most notably in terms of its narrow shape and tree Root Protection Areas. This site-specific constraint has influenced the form of the development, from inception through the design changes that led to the current proposal.

- 14.4 The Enfield Characterisation Study identifies that the buildings in linear centres also lack the cohesiveness of the more mannered 'Metroland centres'. Enfield Highway Local Centre has elements which were built as part of interwar redevelopment. It is evident the centre features a variety of building types and periods. This gives considerable variety in scale, materials and details, within proximity to the application site. The Study notes that there are some areas of modern development around Enfield Highway Local Centre, including clusters of towers at Eastfield Road and the western end of Ordnance Road. Therefore, taller buildings are an architectural feature already present in this character area, albeit in the form of 1980s blocks with little design merit.
- 14.5 The existing buildings on the site are considered post war and of little architectural merit. These buildings are not designated heritage assets (neither being listed). There is no objection to their demolition and replacement, subject to appropriate design.
- 14.6 The proposal would involve the redevelopment of the site and the construction of a building comprising 3 elements, that would be 3, 8 and 12 storeys high (including ground floor). The staggered approach will add interest to the appearance of the new building and is considered an improvement on the previous proposal, a monolithic 9 storey block.
- 14.7 By breaking down the mass and appearance of the building, the relationship between neighbouring properties has been improved. The 3 and 8 storey elements are more appropriate in the local context than the previous 9 storey block, and will make a positive contribution to the local townscape. Their height complements that of neighbouring buildings on Moorfield Road and Hertford Road without appearing overbearing, thanks to a series of set-backs which ensure sufficient distance from all sides.
- 14.8 The smaller, 3 storey element has been located to the north of the site, facing 4 to 16 Moorfield Road and 253 to 273 Hertford Road, who are some of the most sensitive neighbours in terms of potential daylight, sunlight and overshadowing impact.
- 14.9 The 8 storey block sits in centre of the building and is narrower than the 3 and 12 storey blocks. The same approach to setting back the central part of the building was adopted in the previous scheme; the proposed lower height protects the residential amenity of 1 to 43 Moorfield Road.
- 14.10 The 3 and 8 storey elements are considered appropriate in the local context and are supported. The proposed design is high quality and will make a positive contribution to a local townscape, already characterised by a variety of scales, materials and details.
- 14.11 The section of the proposed building fronting Carterhatch Lane will be 12 storeys high. A comparison between the current and previously proposed elevations show that 2 to 4 storeys (depending on the elevation viewpoint) have been added on Carterhatch Lane, in order to redistribute the massing of the building and ensure that the number of units is not significantly reduced.
- 14.12 The visualisations provided within the Design and Access Statement (DAS) show that the proposed 12 storey element, when viewed in the wider context, appears to complement the height of Hastings House without appearing overly tall. Closer views

- show that this element will inevitably be perceived as prominent in the local context, especially since this is a corner location. However, the constraints of the site don't allow for a larger set back from Carterhatch Lane, without negatively affecting the scheme.
- 14.13 The proposed 12 storey element will therefore change the local townscape character. This is addressed in the following paragraphs, which analyse the implications of the proposed siting of the building; of an alternative footprint; and delivering a taller element in the local context.

# Proposed siting of the building

- 14.14 The siting of the building has been subject to extensive discussion with officers prior to the submission of this revised scheme.
- 14.15 As was the case of the previous proposal, the siting of the building has been adjusted to facilitate continuation of a green buffer along roads to minimise the impact on the existing trees. As a result, the building does not align with the existing street pattern and sits at an angle compared to the buildings along Hertford Road.
- 14.16 The DAS shows a comparison between the siting of the previously proposed building and the current scheme, showing how the proposed footprint has been shifted in a south-west direction.
- 14.17 Whilst the 50cm shift of the south-east corner and western building line is a negligible distance, the proposed 2.28m shift along the eastern boundary is welcomed, as it increases the distance between the proposed building and 253 to 273 Hertford Road, sensitive neighbours in terms of potential daylight, sunlight and overshadowing impact. This also allows the building to avoid impacting on the Hertford Road Root Protection Areas (RPAs) and tree crowns.
- 14.18 The central element of the proposal is narrower than the other two blocks. The same approach to setting back the central part of the building was adopted previously, however, the proposed lower height now protects the residential amenity of 1 to 43 Moorfield Road.
- 14.19 The proposed building will be located 2.1m to 3.2m from the red line boundary to the south, and 4.78m to 6m from the kerb. This relationship is not unusual in the locality and would have possibly raised no concerns on a different site. It is acknowledged that Carterhatch Lane is wider than Hertford Road, which offers a small degree of visual mitigation in the local townscape. However, this is a prominent corner site and a further set back from Carterhatch Lane would have been preferable, as it could have softened the impact of the proposed building on the townscape.
- 14.20 Officers discussed this at length with the applicant's team. Prior to re-submission, a plan (ref. SK230602 Footprint Study) was produced which demonstrates that it would not be possible to achieve a smaller footprint without a significant reduction in housing numbers, with a higher percentage of small units. The plan also shows that it would not be possible to deliver 2 bed units (4 people) that comply with the Nationally Described Space Standards, or to deliver M4(3) compliant units.
- 14.21 To conclude, taking into account the benefits resulting from the proposed footprint alterations and the tilted balance in favour of approving schemes for residential development, it is considered that the proposed building footprint is acceptable and in line with Policies CP30 and DMD8, but only in the context of the location and the 100% social rent affordable housing offer which would be secured through a legal agreement.

#### Considerations on Height and Tall Buildings

- 14.22 The proposed building includes:
  - A tall element: 12 storeys. This measures 41.90m at the lift overrun, and 39.50 at the parapet.
  - A lower element, still taller than the average in the local area: 8 storeys. This measures 28.40 at the plant enclosure, and 26.30 at the parapet.
  - A low element: 3 storeys. This measures 12.15 at the plant enclosure, and 10.60 at the parapet.
- 14.23 The proposed 12 storey element is clearly a tall building within the context of adopted policy and would represent a significant addition to the built environment. The 8 storey element falls short of the definition of tall buildings, but still needs careful consideration.
- 14.24 The NPPF at Para 119 states that "Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions ....., in a way that makes as much use as possible of previously-developed or 'brownfield' land". Para 124 of the NPPF also states that planning decisions should support development that makes efficient use of land, taking into account:
  - a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
  - b) local market conditions and viability;
  - c) the availability and capacity of infrastructure and services both existing and proposed as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
  - d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
  - e) the importance of securing well-designed, attractive and healthy places."
- 14.25 The London Plan advises that while high density does not need to imply high rise, tall buildings can form part of a plan-led approach to facilitating regeneration opportunities and managing necessary future growth, contributing to new homes and economic growth, particularly in order to make optimal use of the capacity of sites which are well-connected by public transport and have good access to services and amenities. Tall buildings can help people navigate through the city by providing reference points and emphasising the hierarchy of a place such as its main centres of activity, and important street junctions and transport interchanges. It is also considered that tall buildings that are of exemplary architectural quality and in the right place, can make a positive contribution to London's cityscape. Many tall buildings have become a valued part of London's identity. However, they can also have detrimental visual, functional and environmental impacts if in inappropriate locations and/or of poor quality design.
- 14.26 London Plan Policy D9 states that Boroughs should determine through their local plan if there are locations where tall buildings may be appropriate and proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Tall buildings should only be developed in locations that are identified as suitable in Development Plans. The current development plan for the Borough does not identify suitable locations for tall buildings pursuant to the requirements of London Plan Policy D9. It can be noted that the Council's draft Reg18 local plan does not identify this land as an appropriate location for tall buildings.
- 14.27 Policy DMD 43 classifies a tall building as over 30m as does the London Plan. The proposed development would rise up to 12 storeys with a maximum height of 41.90m

(lift overrun). DMD Policy 43 (Tall Buildings) is a criteria-based policy for considering tall buildings, which justifying text (para. 6.4.1) defines as those "that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor". It states that tall buildings will not be acceptable in areas classified as inappropriate unless it can be demonstrated how the proposal avoids the negative impacts associated with the sensitive classification.

- 14.28 Paragraph 130 of the NPPF states that "Planning policies and decisions should ensure that developments are, C) are sympathetic to local character and history, including the surrounding built environment and landscape setting...; and d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit".
- 14.29 Both the London Plan and DMD tall building policies are relevant to the proposed development. As was the case for the previous scheme, the policies can be distilled into two questions:
  - a) is the proposal in the right location?
  - b) is it of high quality?
- 14.30 These questions are addressed in the following paragraphs.
- 14.31 Acceptability of a taller building in a particular location will be dependent on the detailed local context, including the design of the building, the relationship to neighbouring properties, the relationship with any heritage assets and the impact on any views including those to and from historic buildings over a wide area. This requires careful consideration that should be given to the potential negative impact introducing a taller building might have. As always, it is necessary to assess and evaluate the merits of individual proposals and exceptionally it may be possible for an applicant to demonstrate that an exemplary designed taller building is acceptable within or close to nationally or locally designated heritage assets.
- 14.32 Importantly, recent case law indicates that, notwithstanding the plan led approach of London Plan Policy D9, the land does not have had to be identified as appropriate for tall buildings, as long as it is appropriate for its location in terms of its design.
- 14.33 The previous Committee Report noted that the site is not located in a town centre but on the edge of a local centre, and has reasonable public transport accessibility. The Urban Design Officer raised concerns previously as to whether this location for a tall building is appropriate, questioning the justification on the basis of townscape legibility and its role as a focal point for development at this junction. In this regard, the balance is whether the benefits of the proposal in terms of housing delivery and provision of affordable housing, outweigh the visual concerns associated with the 12 storey height of the development as proposed, and whether this would have a negative impact on the legibility of the locality, when experienced as part of the Borough's existing townscape.
- 14.34 The predominant height in the locality is 4 storeys. The 2012 Report on Tall Buildings (which forms the evidence base for DMD policy) assesses Hastings House as "Inappropriate Location, Inappropriate Building" (No. 30 Existing Tall building assessment map, pp 11.). However, Hastings House clearly forms part of the visual context for development when viewed from both Hereford Road and Carterhouse Lane.

- 14.35 It should be noted that since 2012, Hertford Road has become increasingly urbanised, public transport links have improved, and the Enfield Highway Local Centre increased the shops and services. Therefore, this is an appropriate location for a taller residential building, in the context of the pressing local housing need.
- 14.36 The 2022 Committee Report concluded that the resultant bulk and massing of the development, particularly to the northern end, resulted in unacceptable impacts to the residential amenities of neighbouring properties.
- 14.37 By reconfiguring the design into three elements of varying heights, the applicant has addressed concerns raised previously. The staggered building heights represent an important improvement in both the impact on the local townscape and residential amenity. The proposed shift of the building footprint to the south-west also improves the impact on neighbouring residential amenity.
- 14.38 Specifically, the bulk and massing to the northern end has been significantly reduced, from 9 to 3 storeys. This element is representative of the height and scale of local buildings, with no detrimental impact on the residential amenity of 4 to 16 Moorfield Road and 253 to 273 Hertford Road.
- 14.39 Officers would prefer a slightly lower height building, with a greater set back from Carterhatch Lane, which would have lessened the impact on local views and on pedestrians' visual experience. The applicant has submitted information to demonstrate this would result in a series of drawbacks, including and a reduction in number of units and non-policy compliant floorplans. Given the local housing need, the tilted balance and the requirement to deliver high standard homes, an alternative proposal would not be desirable.
- 14.40 The Wind Microclimate Report confirms that wind conditions within the surrounding areas at ground level are expected to remain suitable for at least leisurely strolling along thoroughfares and for short periods of standing at entrances, conditions therefore remain suitable for existing and proposed pedestrian users.
- 14.41 To conclude, whilst London Plan Policy D9 and Policies DMD 43 and 8 are noted, on balance the proposed improvements to the scheme, the tilted balance in favour of approving schemes for residential development, it is considered that the proposed height is acceptable, in the context of the location and the 100% social rent affordable housing offer (which would be secured through a legal agreement.)
- 14.42 Overall, the 100% affordable housing at London Affordable Rent is attributed significant weight in the assessment.

# Detailing and materials

- 14.43 Amendments to the colour and details of the scheme have been sought, with the brickwork cladding changed to a darker terracotta colour, with green accent details, referencing the local buildings of the highest architectural quality, such as the Enfield Highway Carnegie Library and Southbury Overground Station. A similar brick colour can also be found along the Hertford Road Local Centre.
- 14.44 The ground and first floors; the top floors of the south and central blocks will be clad in darker brick. The central floors will be clad in a lighter brick, adding definition to the appearance of the building. This will be complemented by muted green projecting balconies and window frames, along with light grey metal copings.

- 14.45 The quality of brickwork, balcony detailing windows and surrounding lintels appears to be of a high quality and appropriate in the surrounding context. Officers support the proposed material palette, in line with Policies DMD8, DMD 37 and CP30. A condition has been attached that requires materiality details to be submitted to the Council for approval.
- 14.46 The previous scheme proposed 2no. main entrances, both fronting onto Hertford Road. The revised scheme proposes one on Carterhatch Lane and one on Hertford Road, activating both frontages of the site and promoting pedestrian activity. This is supported and is a welcome improvement.
- 14.47 The Carterhatch Lane entrance has been revised to include a protruding canopy; lighter brick at ground and first floors, with distinctive paving and signage to provide visible legibility to pedestrians.
- 14.48 The Hertford Road entrance is more modest in size and detailing, replicating the architectural style of this elevation. This is an appropriate approach for a secondary entrance.
- 14.49 The Wind Microclimate Report advises that the two entrances to the site are recessed and sheltered from prevailing winds channelling along Hertford Road and Carterhatch Lane. As such, these entrances are expected to be suitable for standing and thus for comfortable pedestrian ingress / egress. The proposed entrances are considered to comply with Policies DMD8, DMD 37 and CP30.
- 14.50 The proposed route between the lobbies is well designed. The building adopts a 2-core approach which is welcomed. It allows for a lower number of homes per floor / core, and a greater sense of security and ownership, and contributes to fire safety.

# Conclusion of Character and Design

- 14.51 The character and design of the proposal have been subject to extensive discussion with officers, given that the previous proposal was considered to represent an overdevelopment of the site, which led to reason for refusal no. 2.
- 14.52 The proposed building, with its staggered approach, is of higher design quality and, on balance, does not unduly harm the townscape character of the locality sufficient to outweigh the benefits of the proposal. The current offer of 100% affordable housing at London Affordable Rent is significant and is attributed considerable weight in the assessment. Reason for refusal no.2 is considered successfully addressed.

# 15. Neighbouring Residential Amenity

#### BRE Guidance - Daylight and Sunlight

15.1 London Plan Policy D6 notes that development proposals should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. Policy CP30 of the Local Plan seeks to ensure that new developments have appropriate regard to their surroundings, and that they improve the environment in terms of visual and residential amenity. Lastly Enfield Policies DMD 6 and 8 seek to ensure that residential developments do not prejudice the amenities enjoyed by the occupiers of neighbouring residential properties in terms of privacy, overlooking and general sense of encroachment.

- 15.2 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 15.3 BRE Guidelines paragraph 1.1 states: "People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by". Paragraph 1.6 states: "The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...".

# BRE Guidance - Daylight and Sunlight to Existing Surrounding Buildings

- 15.4 The BRE Guidelines stipulate that... "the diffuse daylighting of the existing building may be adversely affected if either: the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value". (No Sky Line / Daylight Distribution).
- 15.5 At paragraph 2.2.7 of the BRE Guidelines it states: "If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times is former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time".
- 15.6 The 'Comparative Impacts and Overshadowing to Neighbouring Assessment' has suggested that a reduced measure of VSC, as opposed to 27%, should be used when considering this scheme, citing two recent appeal decisions. Officers agree that VSC results in the mid-high teens and low twenties are frequently considered to be acceptable in an urban context with neighbouring buildings in close proximity.
- 15.7 Officers also agree, in principle, that the site is uncharacteristically underdeveloped for this urban location, and that the VSC method would tend to over-emphasise the scale of changes. Nonetheless, the impact of the proposed development should not be detrimental to the amenity of existing residents.
- 15.8 In making assessments, a judgement is made as to the level of impact on affected windows. Where there is a less than 20% change in VSC the effect is judged as to not be noticeable. Between 20-30% it is judged to be minor adverse, 30-40% moderate adverse and over 40% major adverse. All these figures will be impacted by factors such as existing levels of daylight and sunlight and on-site conditions. The judgements that arise from these percentages do not form part of the BRE Guide and have become part of an industry standard utilised by Daylight and Sunlight specialists. It is for the Local Planning Authority to decide whether any losses result in a reduction in amenity which is or is not acceptable, depending on a number of circumstances.
- 15.9 The Comparative Impacts and Overshadowing to Neighbouring Assessment confirms that all windows that are flush with facades in the surrounding buildings achieve values within this range (late teen/ early twenty). Where VSC values are dropped below these levels, they are all located within overhanging walkways (50-56 Carterhatch Lane and

- 23-43 Moorfield Road), next to projecting wings and/or under balconies (Narev Court). These windows already have VSC values around or below 10% because of their location within the building.
- 15.10 The BRE acknowledges that existing windows with balconies above them typically receive less daylight, as a balcony and/or overhang cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. The Assessment concludes that in these instances, it is the overhang, rather than the proposed scheme, that is resulting in low VSC values. Officers agree with this statement.
- 15.11 The Assessment and the additional 'Moorfield Road daylight, sunlight and the level of VSC change for neighbouring buildings' note submitted during the pre-submission discussion, confirm that 14 windows (8%) will experience a change of 40% or more, considered as 'major adverse, and 12 windows (7%) will experience a change of 30 to 40%, considered as 'moderate adverse'. However, a number of these windows are located beneath an access deck, whilst the remaining windows serve dual aspect rooms, or bedrooms and kitchens where it is acknowledged that daylight is of less importance.
- 15.12 Even when the VSC change will be beyond 30%, the rooms will retain VSC levels of late teen/ early twenty as a minimum.
- 15.13 To conclude, it is considered that the impact of the proposal on the daylighting of the existing buildings is acceptable taking into account the following circumstances:
  - The urban nature of the location.
  - The uncharacteristically underdeveloped nature of the application site.
  - The degree of flexibility afforded by BRE Guidance when assessing windows with balconies or under overhangs.
  - The tilted balance in favour of approving schemes for residential development.
- 15.14 With regards to sunlight, the proposed scheme will result in full BRE compliance and thus the sunlight to adjoining properties will not be adversely affected by the construction of the Proposed Scheme.
- 15.15 Loss of sunlight and daylight and unneighbourly sense of enclosure, as perceived from neighbouring properties, was part of the reason for refusal no.1. Therefore, the current proposal is a significant improvement on the previous scheme from a daylight and sunlight perspective.

# BRE Guidance - Overshadowing to Existing Surrounding Buildings

- 15.16 BRE guidance recommends that for it to appear adequately sunlit throughout the year, at least half (50%) of a garden or amenity area should receive at least two hours of sunlight on 21 March. If, as a result of new development, an existing garden or amenity area does not meet the above and the area which can receive 2 hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 15.17 All gardens at 4-16 Moorfield Road will achieve BRE compliance for overshadowing. This is a significant improvement on the former scheme, where the gardens of nos.8, 10 and 12 would have seen losses of 100% of their former value.

# Overlooking / Loss of Privacy / Overbearing

- 15.18 The Mayor of London's Housing SPG does not support adhering rigidly to visual separation measures as they can limit the variety of urban spaces and housing types in the city. Standard 28 of the Mayor of London's Housing SPG states that design proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces.
- 15.19 Adopted Enfield Policies DMD 6 and 8 seek to ensure residential developments do not prejudice the amenities enjoyed by the occupiers of neighbouring residential properties and Policy CP30 of the Local Plan seeks to ensure that new developments have appropriate regard to their surroundings, and that they improve the environment in terms of visual and residential amenity. Adopted Enfield Policies DMD 6 and 8 seek to ensure that residential developments do not prejudice the amenities enjoyed by the occupiers of neighbouring residential properties in terms of privacy, overlooking and general sense of encroachment. Adopted Enfield Policy DMD10 is silent on this type of relationship, but requiring that development not compromise adjoining sites.
- 15.20 This new proposal has been designed to minimise issues of overlooking and loss of privacy, which, to certain extent, are typical of an urban environment. Thanks to the staggering approach and the proposed set backs, the relationship between the proposed building and neighbouring properties has improved.

#### Noise and Disturbance

- 15.21 Guidance relevant for the assessment of noise affecting new developments is given in the National Planning Policy Framework (NPPF). Paragraph 185 sets out that that new development should be appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should seek to a) 'mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life'.
- 15.22 Meanwhile Policy D14 of the London Plan sets out that in order to reduce, manage and mitigate noise to improve health and quality of life, residential... development proposals should manage noise by, amongst other things: '3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise generating uses', and '4) improving and enhancing the acoustic environment and promoting appropriate soundscapes...'. Lastly, the London Plan introduces the concept of 'Agent of Change' which places the onus on the new development to ensure adequate noise mitigation measures are in place if their development will be close to a noise generating use.
- 15.23 The proposed residential development is consistent with the existing prevailing residential use in the area, and it is therefore unlikely that any unacceptable levels of noise will be generated as result of the residential element of the development.

# Conclusion on Neighbouring Residential Amenities

15.24 The relationship between the proposed building and neighbouring properties, in terms of daylight and sunlight, overlooking and privacy has significantly improved, compared to the 2022 scheme.

- 15.25 Some level of overlooking remains, but this is considered inevitable in an urban location, and especially since the previous NHS building was of a small scale.
- 15.26 Taking into account the high quality design that makes a positive contribution to the area, the improvements compared to the 2022 proposal, and the tilted balance in favour of approving schemes for residential development, it is considered that the proposal's impact on the neighbouring residential amenity is acceptable.

#### 16. Quality of Accommodation

#### Compliance with Nationally Described Space Standards

- 16.1 The NPPF (Section 12) identifies good design as a key aspect of sustainable development, stating that "the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve".
- 16.2 Policy D6 of the London Plan sets out housing quality and design standards that housing developments must take into account to ensure they provide adequate and functional spaces; sufficient daylight and sunlight; avoid overheating; and maximise the provision of outside space.
- 16.3 The Policy notes that design must not be detrimental to the amenity of surrounding housing. Table 3.1 sets out the internal minimum space standards for new developments and Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments. Despite the adoption of the London Plan 2021, the Housing Supplementary Planning Guidance Document (2016) remains an adopted document and a material consideration in decision making. The DMD contains several policies which also aim to ensure the delivery of new housing of an adequate quality, namely Policy DMD8 (General Standards for New Residential Development), DMD9 (Amenity Space) and DMD10 (Distancing).
- 16.4 The table below illustrates the compliance of the proposed units with national floorspace standards.

| Unit Size | Floorspace provision range | Minimum expected | Accordance with criteria |
|-----------|----------------------------|------------------|--------------------------|
| 1B2P      | 51.1 to 62.3               | 50sqm            | Υ                        |
| 2B3P      | 69.2                       | 61sqm            | Υ                        |
| 2B4P      | 70.2 to 74.1               | 70sqm            | Υ                        |
| 3B5P      | 88.1 to 92.6               | 86sqm            | Υ                        |

Table 3 – Compliance with national floorspace standards.

16.5 The plans submitted confirm that the proposed units will also comply with national floorspace in terms of bedroom and storage size, and floor to ceiling height.

#### **Dual Aspect**

16.6 Dual aspect accommodation in the interests of outlook and ventilation should be sought for all accommodation as a minimum, and this scheme fails to provide it in this instance, as was the case for the 2022 proposal. Instead, the scheme utilises the same approach as the previous proposal, by providing 'enhanced' single aspect accommodation by virtue of large windows and balconies.

- 16.7 The level of dual aspect accommodation is 64%, a slight improvement on the previous 62.2%, which is welcomed. There is no minimum number specified in London Plan Policy D6, which requires the provision of dual aspect homes to be maximised in developments. Although it would be desirable to have a higher number of dual aspect accommodation, this would result in fewer units, due to the constraints of the site. Therefore, given the tilted balance that applies, it is considered the scheme is acceptable and no grounds to refuse planning permission could be sustained on this point alone.
- 16.8 The table below shows the analysis of dual aspect through the scheme.

| Floor | Dual Aspect | Single Aspect | Total |
|-------|-------------|---------------|-------|
| GF    | 4 (57%)     | 3 (43%)       | 7     |
| 1F    | 7 (50%)     | 7 (50%)       | 14    |
| 2F    | 7 (50%)     | 7 (50%)       | 14    |
| 3F    | 6 (67%)     | 3 (33%)       | 9     |
| 4F    | 6 (67%)     | 3 (33%)       | 9     |
| 5F    | 6 (67%)     | 3 (33%)       | 9     |
| 6F    | 6 (67%)     | 3 (33%)       | 9     |
| 7F    | 6 (67%)     | 3 (33%)       | 9     |
| 8F    | 4 (80%)     | 1 (20)        | 5     |
| 9F    | 4 (80%)     | 1 (20)        | 5     |
| 10F   | 4 (80%)     | 1 (20)        | 5     |
| 11F   | 4 (80%)     | 1 (20)        | 5     |
| Total | 64 (64%)    | 36 (36%)      | 100   |

Table 4 - Dual aspect analysis.

#### **Accessibility**

- 16.9 Policies D5 and D7 of the London Plan set out that new developments are required to support mixed and inclusive communities, which includes provision for wheelchair accessible and wheelchair adaptable units, as well as an environment that is welcoming and accessible by all. Policy D7 of the London Plan sets out that in order to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:
  - 1) 1. At least 10% of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings',
  - 2) 2. all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings.'
- 16.10 Local Plan DMD Policy 8 has similar policy objectives.
- 16.11 The proposal includes 12% Wheelchair Adaptable units of which 10% are Wheelchair Accessible part M4(3) compliant. All other units will be designed in accordance with Building Regulation Standards M4(2), 'Accessible and adaptable dwellings'. to provide for other types of access needs and potential future requirements. A condition will be attached that requires the proposed development to comply with the above outlined standards.

#### Private amenity space

- 16.12 Local Plan Policy DMD 9 outlines minimum private outdoor amenity space provision standards. London Plan Policy D6 states that, where there are no higher local standards, a minimum of 5sqm should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The London Plan Housing SPG indicates that where it is not possible to provide private outdoor amenity, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.
- 16.13 The proposal includes policy compliant balconies for all the upper floors, and policy compliant ground floor amenity spaces.
- 16.14 Previously concern was expressed about the lack of defensible space and possible requirement for privacy screens (1.8m) and obscure glazing. The revised scheme has increased the provision of soft landscaping, includes higher quality ground floor private amenity (to include paved and green areas) and defensible space around the residential units, which is welcomed.

#### Communal Amenity Space and Play Area

- 16.15 The applicant is proposing to deliver approximately 499sqm communal amenity space on ground level, fronting Hereford Road. This is an improvement on the 364sqm previously proposed, which is welcomed and supported by officers.
- 16.16 The Wind Microclimate Report confirms that wind conditions at all thoroughfares within the site are expected to be suitable for at least leisurely strolling throughout the year and thus for comfortable pedestrian access to and passage through the site.
- 16.17 Policy S4 of the London Plan seeks to ensure that development proposals include suitable provision for play and recreation, and incorporate good-quality, accessible play provision for all ages, of at least 10 square metres per child. Core Policy 34 and Policy DMD 73 state that development with an estimated child occupancy of ten children or more will be required to incorporate on-site play provision to meet the needs arising from the development.
- 16.18 To meet policy requirements play space on the two green roofs (3<sup>rd</sup> and 12<sup>th</sup> storeys) that will be aimed at ages 0-4, with adjacent seating space for carers, is included. The roof terraces will have around 720sqm of playable area that will be designed on the theme of sensory play. Older children will also be able to use the space informally.
- 16.19 This supplements the existing play space to the north-west of Moorfield Road, to the north-west of Lambard Avenue, to the north of St George's Field and to the southern side of Carterhatch Lane. These four sites offer play space to a range of age groups and are all within a 10 minute walk from the site. The GLA population yield calculator indicates that 34 children below the age of 5 will live at the development. the proposed play area comfortably exceeds policy requirements.
- 16.20 TA Wind Microclimate Report accompanies this submission, which confirms that the presence of the 1.1m tall and 1.6m tall parapets around the terraces would be expected to result in comfortable wind conditions for short-term sitting or better throughout the terraces from spring to autumn; conditions are thus expected to be suitable for proposed recreational use.

- 16.21 The wind conditions at the balconies throughout the proposed development are expected to be suitable for at least short periods of sitting in summer and thus for the intended use.
- 16.22 Whilst officers would have preferred suitability for sitting for longer periods of time in all seasons, the constraints of the site are such that larger balconies would appear inappropriate, and there is no alternative location for play space. In light of these considerations and the tilted balance which currently applies, it is considered that this element of the proposal is appropriate. Details of hard and soft landscaping will need to be submitted for approval in writing.

# Internal Daylight and Sunlight

- 16.23 The Internal Daylight, Sunlight and Overshadowing Report shows that 226 (82%) of the 276 rooms assessed will achieve the minimum levels of spatial Daylight Autonomy (sDA) recommended within the UK National Annex for residential buildings. The Report comments that compliance would reach 91%, should the 150 lux recommended for living rooms be considered acceptable, instead of a higher level for combined Living/Kitchen/Dining rooms.
- 16.24 Officers consider that, taking into account the housing delivery test, the presumption in favour of approving sustainable development and the tilted balance in favour of approving schemes for residential development, it is acceptable to use the lower lux level suggested in the Report.
- 16.25 The rooms that experience lower levels of light are either located on the lower floors and provided with balconies, have good access to sunlight, or fall short only marginally of the daylight levels suggested for living rooms or bedrooms. Therefore, the proposed internal level of daylight and sunlight is considered acceptable.
- 16.26 Officers also note that 99% of the windows that qualify for sunlight assessment will meet BRE Guidance. The only unit falling short of guidance does so only marginally and, owing to its north-west orientation, has a naturally lower expectation for direct sunlight in mid-season.
  - Overshadowing: Public and Communal Amenity Areas (Sunlight on the Ground)
- 16.27 An overshadowing assessment has demonstrated that the communal area will meet BRE Guidance.

#### Outlook

- 16.28 The 2022 Committee Report expressed concern about the outlook afforded to a number of flats facing onto trees, as this relationship would not be beneficial for functioning residential accommodation and would place future pressure on the trees' retention. The flats that were most affected by this relationship were the ones facing the eastern boundary of the site.
- 16.29 There is a 2.28m shift in the building footprint to the south-west direction, thus these apartments will enjoy a larger gap with the existing trees to be retained along Hertford Road. This is welcomed by officers.

- 16.30 Although a larger distance between the building and the retained trees would have been preferable, Officers acknowledge that this cannot be delivered without significantly affecting the design and the delivery of affordable homes.
- 16.31 With regards to future pressure on the trees' retention, this could be addressed as part of the Landscape Management Plan, to be secured via condition. The Plan will need to ensure, among other points, that the trees are pruned at appropriate intervals (see Tree section in this Report) and the ground floor communal area is cleaned regularly.
- 16.32 Given the above considerations and the tilted balance that applies, it is considered the outlook for prospective residents is acceptable and no grounds to refuse planning permission could be sustained on this point alone. This positively addresses reason for refusal 2.

#### **Noise**

- 16.33 With regards to noise impact to future occupiers of the Development, the 2022 submission documents include an Environmental Noise Assessment. This is also relevant to this scheme, and it recommends mitigation measures are implemented to address ground borne noise and vibration impact, including suitable glazing. In order for noise and vibration levels to remain at an acceptable level, a planning condition has been recommended to secure this, in line with relevant policy and guidance as outlined above.
- 16.34 With regards to occupier amenity, it is recognised that most developments in urban areas will be subject to noise levels above the BS8233 recommended levels for balconies. However, it is reasonable to assume that future occupiers would prefer the option to have a noisier balcony as opposed to having no balcony at all.
- 16.35 Furthermore, it is acknowledged that there are no other noise mitigation measures available for balconies other than fully enclosing them (i.e. 'winter gardens'), which essentially changes the balconies into internal rooms. On this basis the development is considered acceptable in relation to noise levels in external to private amenity areas.

# Air Quality / Pollution

16.36 This submission is accompanied by an updated Air Quality Assessment, which demonstrates that the proposed development is suitable for this site, and that the scheme has been assessed as air quality neutral. The mitigation measures detailed within the report have been conditioned, to ensure that impacts to sensitive receptors are minimised during the construction stage.

# Conclusion on Quality of Accommodation

- 16.37 The proposed quality of accommodation has significantly improved, compared to the 2022 scheme. Whilst both buildings would comply with Nationally Described Space Standards, the current proposal benefits from improved private and communal amenity provision, defensible space and outlook. Daylight and sunlight levels and overshadowing have been tested, and are considered acceptable.
- 16.38 Taking into account the improvements compared to the 2022 proposal, and the tilted balance in favour of approving schemes for residential development, it is considered that the proposal's quality of accommodation is acceptable.

# 17. Trees and Landscaping

- 17.1 Policy DMD 80 requires the retention and protection of trees of amenity and biodiversity value on a site and in adjacent sites that may be affected by proposals. Policy DMD 81 ensures development must provide high quality landscaping that enhances the local environment.
- 17.2 The site contains 23 trees in total (five of which are covered by a TPO (T1, T3, T14, T15 and T20 as referenced in the Arboriculture Report), with prominent trees along both Carterhatch Lane and Hertford Road. The proposal would require the removal of 16 trees (2no. Category B trees, 11no. Category C trees, 1no. Category C tree group and 2no. Category U trees), with 7 trees requiring pruning, reducing and lifting crowns of trees including all trees covered by a TPO.
- 17.3 It is proposed to fell two Category B trees fronting Carterhatch Lane, T8 and T12. As part of the discussion for the previous scheme, the applicant was advised that the felling of these two trees was cause of concern, due to the visual impact upon the local street scene. However, the applicant's team has now been able to demonstrate that, although their loss is regrettable, a scheme that retains the Category B trees would not be desirable.
- 17.4 The updated Arboricultural Impact Assessment confirms that the proposed amendments to the footprint of the building will ensure that the impact of pruning required has now lessened. The root protection areas of the retained trees will be protected, thanks to the erection of protective fencing and the creation of a Construction Exclusion Zone. 'No-dig' construction methods will also be utilised and, where necessary, arboricultural supervision will be employed when construction activities may impact on trees and their root protection areas.
- 17.5 20 new trees are proposed, along the western, northern and eastern boundaries of the site. The trees chosen include flowering and fruiting varieties which will benefit local biodiversity.
- 17.6 As the impact on trees was considered unacceptable in the previous scheme, leading to reason for refusal no. 4, the Arboricultural Officer has liaised closely with the applicant's team to ensure that the proposed felling, replacement trees, and impact of the proposed works on the retained trees is acceptable.
- 17.7 The Arboricultural Officer confirmed the proposed footprint of the building will protect the retained trees (including 5 TPOs) and that the replacement provision is satisfactory, subject to conditions. This addresses reason for refusal no.4 of the previous scheme.
- 17.8 With regards to landscaping, a revised strategy has been submitted, which is an improvement. More soft landscaping is now proposed, and the proposed Planting Strategy shows a variety of species that will deliver a high quality environment for future residents.
- 17.9 Perennials, shrubs and grass comprise the soft landscaping across the site, with ornamental planting specifically located along the southern boundary (Carterhatch Lane) where a number of trees will be lost.
- 17.10 A Landscape Management Plan will be secured via condition. The Plan will need to ensure, among other points, that the trees are pruned at appropriate intervals and the ground floor communal area is cleaned regularly.

# 18. <u>Biodiversity</u>

- 18.1 The London Plan, the Core Strategy, and the DMD seek to protect and enhance biodiversity. Policy DMD 79 states that developments resulting in the creation of 100m2 or more, or the creation of one or more net dwellings should provide on-site ecological enhancements and Policy DMD 81 states that development must provide high quality landscaping that enhances the local environment. Most developments can provide ecological enhancements to improve the biodiversity offer on that site. Enhancements could range from anything such as bird boxes to wildlife friendly landscaping or green roofs, but enhancements should be scaled to reflect the size and scale of the proposed development.
- 18.2 Policy DMD 55 requires all major developments to use as much roof space and vertical surfaces as technically and economically feasible for the installation of zero carbon technologies, green roofs, and living walls. Such measures will also contribute to flood risk management. Any proposal should also demonstrate how it conforms to the Drainage Strategy.
- 18.3 This submission is accompanied by an updated Preliminary Ecological Appraisal and Bat Survey, which confirms that the site is not subject to any statutory or non-statutory nature conservation designations. No impacts are envisaged on statutory or non-statutory designated sites due to the scale of the proposed works.
- 18.4 Furthermore, no evidence of roosting bats was recorded within any of the buildings on site during the inspections or emergence survey. The report concludes that the proposals are unlikely to impact the low numbers of foraging bats using the site, provided sensitive artificial lighting is employed during the construction and operational phase of development.
- 18.5 The DAS explains that the scheme has been designed to make use of the existing mature trees and will incorporate opportunities for habitat creation, with bird and bat boxes as well as the introduction of bug hotels and log piles. There is a diagram showing the locations of new biodiversity clusters across the site, and further details will be secured via condition.
- 18.6 The Proposed Development will not result in the disturbance of any existing habitats biodiversity gain.

# 19. Access, Traffic and Parking

# **Trip Generation**

19.1 A Transport Addendum has been submitted, which confirms that the movements generated by the proposed development would be slightly lower than those generated by the 2022 proposal. Overall, the anticipated trip generation is not considered to be significant and would not have a material impact on the operation of the surrounding highway network or public transport loading.

#### Car and Cycle Parking

19.2 London Plan Policy T1 and the Mayor's Transport Strategy set out an ambition for 80% of journeys to be made by sustainable transport modes – that is by foot, cycle or public transport – by 2041. In keeping with this approach, it is accepted that proposed development should support this aim by making effective use of land, reflective of

- connectivity and accessibility by sustainable travel modes. Meanwhile, the Mayor's 'Healthy Streets' driver looks to reduce car dominance, ownership and use, whilst at the same time increasing walking, cycling and public transport use.
- 19.3 London Plan Policy T2 requires development to facilitate and promote short, regular trips by walking or cycling and reduce car dominance. Policy T6 sets out the requirement for car-free development to be the starting point for all sites well connected by public transport. Policy T9 notes that where development is car free, provision must be made for disabled persons parking and adequate space for deliveries and servicing and, in instances where a car-free development could result in unacceptable impacts off-site, these should be mitigated through planning obligations.
- 19.4 Core Strategy (2010) policies aim to both address the existing deficiencies in transport in the Borough and to ensure that planned growth is supported by adequate transport infrastructure that promotes sustainable transport choices. Specifically, Core Policy 25 requires development to prioritise pedestrian and cycle public realm improvements that contribute to quality and safety; Core Policy 24 requires development to deliver improvements to the road network, and Core Policy 26 requires development to ensure a safe, accessible, welcoming and efficient public transport network. The underlying approach is to ensure that travel choice across the Borough is enhanced so as to provide everyone with the opportunity to decide how they choose to travel, be that by car, public transport or walking and cycling. Development Management Document (2014) Policy DMD 45 Parking Standards and Layout states that the Council aims to minimise car parking and to promote sustainable transport options.
- 19.5 The site is located on the corner of Carterhatch Lane and Hertford Road, and was previously in use as a medical centre, but this has since closed. Vehicular access is currently and is proposed to remain from Moorfield Road, which is an adopted unclassified road accessed from Carterhatch Lane. This was also the case for the previous proposal.
- 19.6 Hertford Road and Carterhatch Lane are both classified roads with double yellow lines preventing parking at any time, and there is a zebra crossing to the immediate south of the site on Carterhatch Lane.
- 19.7 The site has a PTAL of 2, which is low. There are double yellow lines along much of Moorfield Road at the London Fire Brigade request, as there was already an issue with parked vehicles blocking access. This has further reduced the available on-street space for any off-site parking or servicing.
- 19.8 The Transport Addendum and Car Park Management Plan that support the scheme confirm the provision of 9 car parking spaces, which include:
  - 3 disabled bays.
  - 1 car club bay.
  - 2 electric vehicle charging bays (the other 8 would have passive electric charging capabilities).
  - 3 standard parking bays.
- 19.9 The 9 car parking spaces would mean that this development would be considered as 'car free'.
- 19.10 Given the low PTAL of this site, a car-free development would only be suitable in this location if a Car Parking Zone (CPZ) was implemented, and occupants of the new development are exempted from being eligible for residential permits for that or any

future CPZ. In order to establish the CPZ, the Council would require £56,500 towards consultation and implementation of a CPZ. The Transport Assessment submitted in support of the previous scheme states that the CPZ would be created and funded by the applicant, which is still the case. The scope of the CPZ will need to be agreed with officers.

- 19.11 The proposed car free development can only be supported with the CPZ, improvements to the local cycling offer and general Sustainable Transport contributions in line with our contributions calculator. This is expected to equal £43,371, to be paid towards sustainable transport measures.
- 19.12 The Car Park Management Plan submitted states:
  - Parking spaces would be leased to those with the most genuine need and demand for each type of bay would be monitored.
  - The car park would be managed by an external management company to prevent any misuse of parking bays, with all necessary signage and lining maintained in perpetuity.
  - Additional disabled car parking provision could be achieved through the conversion of other parking bays in the future, if there was an identified need.
- 19.13 The number of car parking spaces is reduced from 10 to 9, to avoid detrimental impacts to root protection areas. Therefore, an updated Car Park Management Plan has been requested via condition to reflect this.
- 19.14 The proposal provides 180 long-stay and 10 short-stay cycle parking spaces, which exceeds the London Plan requirement of 179 long-stay and 4 short-stay spaces.
- 19.15 As explained in the 2022 Committee Report, due to the low PTAL there would also be an expectation that significant improvements to the cycling offer to the local community, further our Healthy Streets team stated that there is an ambition to improve the crossing opposite the site on Carterhatch Lane, as well as the cycle lane width on the northern side adjacent to the development. Since the standard contributions expected from a scheme of this size towards Cycle Enfield would be in the region of £31,460 (based on our contributions calculator) this could take the form of a sliver of land on the Carterhatch Lane / Hertford Road frontages being contributed, and money towards the works required.
- 19.16 Officers have raised concerns about the design of the cycle parking spaces. Therefore, a condition will request the detailed design of all cycle parking areas, to address officers' comments.

#### Delivery and servicing

- 19.17 The proposal includes a lay-by and is supported by a Delivery and Servicing Plan (DSP) submitted for the previous scheme.
- 19.18 With regards to servicing, we are concerned that the development places the burden of this onto Moorfield Road, by creating an on-street servicing layby on the public highway. Again, it is considered that in order to avoid disbenefit to the public, we would require that land to the front of the site on Carterhatch Lane / Hertford Road is passed to the Healthy Streets team to allow for further improvements to the highway and cycle infrastructure around the site.
- 19.19 If an on-street bay is created, it is important to maintain the footway around it, which does appear to encroach into the red line of the site. Officers require the applicants to

fund the construction of the bay and the required orders for the double yellow line markings that would ensure the bay could only be used for loading and drop off / pick up.

#### Waste Management

- 19.20 London Plan policy SI 7 seeks to promote a more circular economy that improves resource efficiency, recycling and reductions in waste going for disposal. Referable applications should promote circular economy outcomes and aim to be net zerowaste. Core policy 22 of the Core Strategy states that the Council will:
  - encourage on-site reuse and recycled materials,
  - encourage on site reuse and recycling of construction, demolition and excavation waste;
  - require appropriate provision to be made for on site waste treatment, storage and collection throughout the life time of the development.
- 19.21 The plans submitted show that refuse and recycling will be located at ground floor level. Adequate storage space for refuse bins will be available. A condition has been attached requiring details of refuse storage to be submitted to the Council and approved in writing. The applicant would need to demonstrate that the capacity of the refuse bins to meets the requirements of ENV08/162.
- 19.22 The applicant updated the Circular Economy Statement, which demonstrates that the proposed development has applied circular economy principles in line with the above London Plan policy. Officers are satisfied with the findings of this report.
- 19.23 A Waste Management Plan has been submitted, in line with Policy DMD 57, setting out the following:
  - Suitable waste storage arrangements are incorporated within the site and would be maintained in perpetuity. These provide sufficient storage capacities and convenient access routes;
  - An 11.0m refuse vehicle represents the largest vehicle anticipated at the site, which would be used infrequently (once per week) and could safely and conveniently access the site within 10m of the bin store;
  - Waste would be collected by the Council as part of an existing route;
  - The building management company would have overall responsibility for enforcing this Management Plan and would liaise accordingly with relevant stakeholders;
  - The bin store would be maintained in a clean and clear manner, with separate waste and recycling streams clearly labelled.

#### 20. Flood Risk and Drainage

- 20.1 This submission is accompanied by an updated Flood Risk Assessment and Drainage Strategy.
- 20.2 Policy DMD59 states that new development must avoid and reduce the risk of flooding, and not increase the risk elsewhere. Policy DMD 61 states that a drainage strategy will be required for all development to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan. The policy requires that a development such as the one proposed must achieve greenfield run off rates and must maximise the use of SuDS by including several treatment phases.

- 20.3 It is proposed that surface water runoff from the block will discharge via a green roof with permavoid storage to the proposed surface water network, and on to the existing Thames Water surface water network. All surface water runoff from the parking and access routes will be discharged via permeable paving, and sub base storage will provide online attenuation for large storm events, up to and including the 1 in 100 year + 40 climate change. This SuDs scheme takes in to account the Pluvial flood risk and mitigates the affects the development may have on the surrounding area.
- 20.4 Peak foul flow rate from the proposed site is predicted to be 4.63 l/s. Wastewater from the block will be collected and conveyed via gravity to the existing foul sewer in north west of the site. An agreement with Thames Water will need to be in place prior to a connection being made to their network.
- 20.5 SUDs Officers advised that the design flood event that needs to be assessed is the 1 in 100 year + (17%) climate change event, and that the proposed discharge rate is above the correct greenfield QBAR rate for the site.
- 20.6 Accordingly, additional information has been requested, including:
  - Re-calculating finished floor level (FFL), to be at least 150mm above the 1 in 100 year (plus climate change) surface water flood depth.
  - Further details of level flood compensation.
  - Further details of SuDS measures.
- 20.7 Officers noted that, in principle, a suitable flood risk and drainage scheme can be achievable on this site. A condition will be attached to request a detailed drainage strategy for approval pre-commencement of any development.
- 20.8 The applicant confirmed that officers' comments can be addressed and that this will be done as part of a Flood Risk and Drainage Strategy Update. Officers will review the Update and their comments will be reported to the Planning Committee as an Addendum to this Report before the meeting. Furthermore, conditions will be added, as required, to ensure that the proposed flood risk and drainage strategy is acceptable and that it is implemented in accordance with the submitted details.
- 20.9 Existing surface water sewers which cross the site will need to be protected or diverted in accordance with Thames Waters requirements.
- 20.10 Thames Water have confirmed that they have no objections to this updated proposal.

#### 21. Carbon Emissions and Sustainability

#### Operational carbon emissions

21.1 Policy DMD 49 states all new development must achieve the highest sustainable design and construction standards and include measures capable of mitigating and adapting to climate change to meet future needs having regard to technical feasibility and economic viability. Policy DMD51 states further energy efficiency standards and that all developments will be required to demonstrate how the proposal minimises energy- related CO2 emissions which must adhere to the principles of the energy hierarchy in the policy. This follows policy CP20 of the Core Strategy which states that the Council will require all new developments, and where possible via retrofitting process in existing development to address the causes and impacts of climate change by: minimising energy use; supplying energy efficiently; and using energy generated from renewable sources in line with the London Plan and national policy. The adopted

- policies require that new developments achieve the highest sustainable design and construction standards having regard to technical feasibility and economic viability. A 35% CO2 reduction is required for new residential units.
- 21.2 An updated Energy Strategy Report demonstrates the use of passive design measures, provision of energy efficient servicing systems and specification of low and zero carbon energy sources would result in a significant reduction in regulated domestic carbon dioxide emissions for the proposal. There will be an overall improvement in emissions over the Building Regulations Part L standards for regulated emissions of 72%, which exceeds policy requirements and is supported by officers. A condition requires the development to be implemented in accordance with the submitted Energy Strategy Report.
- 21.3 Two forms of renewable technology are proposed for the scheme Air Source Heat Pumps (ASHPs) and photovoltaics (PVs). A communal ASHP system will serve the thermal loads of the apartments. A 17.75kWp PV installation is also proposed on the roof of the development.
- 21.4 A communal heat network is proposed as part of the development proposals to facilitate the future connection of the scheme to any potential future district heating network in the vicinity of the development.

#### Overheating

- 21.5 The Energy Strategy Report explains that passive overheating mitigation measures have been implemented, including but not limited to sensible glazing provisions, solar control glazing and recessed windows.
- 21.6 The strategy applies to both apartments that will be able to open their windows to mitigate overheating risk and for apartments that won't, because of acoustic constraints.

#### Water efficiency

21.7 As noted in the 2022 Committee Report, details of water efficiency measures would also need to be provided to demonstrate water consumption per person per day equal to or less than 105 litres. A condition requiring compliance with these details has been imposed.

## Climate Change

21.8 The updated Whole Life Carbon Assessment demonstrates that the proposed development would be consistent with GLA standards.

#### 22. Health

22.1 The proposed development would be expected to result in the provision of housing, additional local spending by residents of the new development, and the provision of private amenity space. Taking the above into consideration, overall it is considered that some positive environmental effects on socio-economics would arise as a result of the development.

#### 23. Environmental Considerations

- 23.1 Environmental Health have reviewed the application and have no objections subject to conditions pertaining to noise from plant and Non-Road Mobile Machinery (NRMM).
- 23.2 The officer also confirmed that there are no concerns regarding contaminated land and air quality subject to the attachment of conditions.

#### 24. Education

24.1 The scheme will be liable for education and childcare contributions for the net increase of units on site, in accordance with the adopted s106 SPD. These contributions will be secured via an s106 legal agreement.

### 25. Fire Safety

- 25.1 In accordance with Policy D12 'Fire safety' of the Mayor's London Plan, the applicant has submitted a Fire Statement addressing Building Regulations and London Plan Policies, and the requirements of Planning Gateway One, produced by a third party suitable qualified assessor. Information is provided on means of escape, features to reduce risk to life such as sprinklers and access for fire service personnel.
- 25.2 The building is served via three stairs that are non-accessible to each other on the upper floors. One set of stairs is located within the 3 storey block, whilst the other two are in the 12 storey block. Meeting regulations, one of two stairs will be a dedicated firefighting stair, and the other a protected scape stair.
- 25.3 There will also be three passengers lift, one will be a dedicated firefighting lift (within the 12 storey block) and the other two are dedicated evacuation lifts.
- 25.4 The design of Moorfield Road residential development, with regard to fire safety, has been developed to exceed the minimum requirements of Part B of the Building Regulations 2010 (as amended) and the London Plan Policies D5(B5) and D12.
- 25.5 A detailed review of the external wall details proposed has been undertaken, and the major components have been specified to exceed the minimum required by Building Regulation 7(2).
- 25.6 All apartments are to be provided with fire detection, alarm systems and sprinkler systems. Ground floor ancillary spaces will also have dedicated fire detection and alarm systems installed.
- 25.7 Fire service access into the building will be from the outside of the building via one of the two stairs from Moorfield Road. The maximum horizontal distances from the fire service vehicle parking position on Moorfield Road are well within the limits provided in BS 9991.

# 26. Secure by Design

26.1 The Designing Out Crime Officer is unable to support the scheme, raising concerns that the design could contribute to and might increase the opportunity for crime and anti-social behaviour at this location, putting the new and existing residents at risk, if further information is not provided. In order to manage this risk, a prior to occupation condition has been suggested, that requires Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards

submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police.

# 27. Community Infrastructure Levy (CIL)

#### Mayoral CIL

- 27.1 Mayoral CIL is collected by the Council on behalf of the Mayor of London. The amount that is sought for the scheme is calculated on the net increase of gross internal floor area multiplied by an Outer London weighting (increased to £60per sqm as of 1st April 2019).
- 27.2 Although the proposal would be Mayoral CIL liable, as all the units proposed are social housing it would benefit from relief and no CIL would be payable.

#### **Enfield CIL**

- 27.3 The Council introduced its own CIL on 1st April 2016. Enfield has identified three residential charging zones, and the site falls within the lower rate charging zone (£40/sqm).
- 27.4 As explained above, although the proposal would also be Enfield CIL liable, as all the units proposed are social housing it would benefit from relief and no CIL would be payable.

#### 28. Public Sector Equality Duty

28.1 In accordance with the Public Sector Equalities Duty, an equalities impact assessment has been undertaken. It is considered the proposal would not disadvantage people who share one of the different nine protected characteristics as defined by the Equality Act 2010 compared to those who do not have those characteristics.

#### 29. Conclusion

- 29.1 2 Moorfield Road is a brownfield site which has been vacant for the past 6 years. It is now boarded up, to avoid instances of vandalism and anti-social behaviour. Despite the low PTAL rating, the site is well connected to bus services, within 20 minutes walk from the nearest railway and Overground stations, and at the edge of Enfield Highway Local Centre.
- 29.2 The principle of development, demolition of the former NHS building and redevelopment of the site for residential use, was established with the previous proposal and is fully supported by officers.
- 29.3 This is the second time a scheme for this site is presented before Planning Committee. The first proposal was recommended for refusal as it was considered overdevelopment of the site, providing poor amenity standards to future and neighbouring residents, as well as unacceptable impacts on the trees.
- 29.4 The scheme proposes 100 residential units, 100% affordable (social rent). There is a small reduction in units from 106 to 100. Although this is regrettable, it has also resulted in several improvements that, on balance, result in the proposals being acceptable.

- 29.5 The housing need in the borough is even more pressing than in March 2022. Therefore, the current offer of 100% affordable housing at social rent is significant and is attributed significant weight planning balance.
- 29.6 The revised design creates improved quality of accommodation, minimal negative impact on trees, and an aesthetically pleasing design, with a stepped approach to the height, creating visual interest. overall a better design.
- 29.7 Daylight and sunlight levels within the development and neighbouring properties are now acceptable. Where levels of change in daylight are more pronounced, this occurs in properties where windows are located beneath an access deck, or where there are double aspect rooms, or in bedrooms and kitchens (where BRE guidance confirms daylight is of less importance). Even in these instances, the retained daylight levels are considered appropriate in an urban context, and taking into account the tilted balance in favour of approving schemes for residential development.
- 29.8 Therefore, considering the important benefits of the scheme in the form of 100 affordable units, the numerous improvements on the previous scheme, the presumption in favour of approving sustainable development and the balance in favour of approving schemes for residential development, it is considered the 12 storey element can be accepted, in the context of the location and the 100% social rent affordable housing offer which would be secured through a legal agreement.
- 29.9 Redeveloping this underused brownfield site provides an opportunity to make a positive contribution towards Borough and wider London housing needs helping Enfield to support its growing population.
- 29.10 To conclude, all the reasons for refusal of the previous scheme have been positively addressed and, subject to conditions and a satisfactory legal agreement being signed, the proposal is recommended for approval.









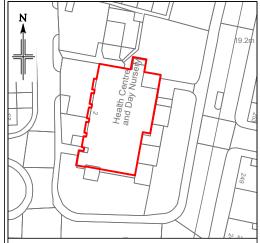
Approximate Direction North



# **CAD EXERCISE ONLY**

drawings supplied by NHS Property Services.

Plowman Craven accept no responsibility for floor plan inaccuracies. This floor plan has not been verified by on-site measurements.



# **Location Plan**

Scale 1:1250

**Building Outline** 

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Comments



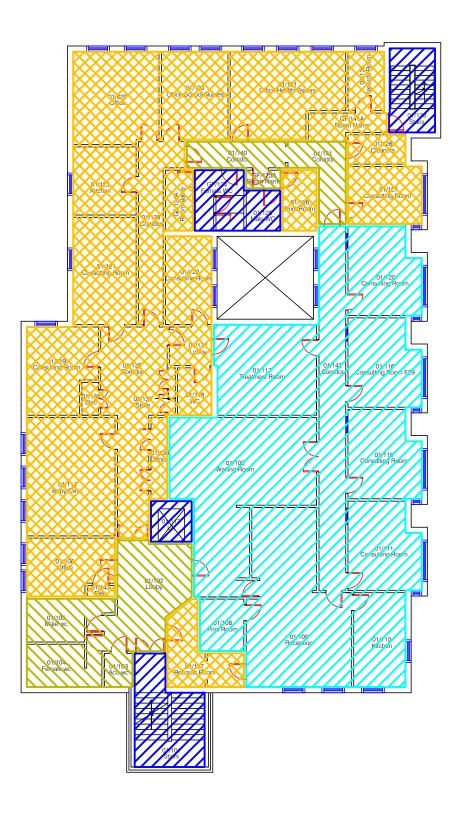
# Property Services

# Site Address

MOORFIELD ROAD HEALTH CENTRE MOORFIELD ROAD ENFIELD EN3 5TU

| Site      | Orig. | Role | Level | Type | Rev. |
|-----------|-------|------|-------|------|------|
| MRHC01B01 | PC    | CAD  | 01    | FP   | R04  |
| ·         |       |      |       |      |      |

| Floor/Level | FIRST FLOOR  |  |  |
|-------------|--------------|--|--|
| Scale       | 1:200 @ A3   |  |  |
| Date        | OCTOBER 2018 |  |  |
| Date        | OCTOBER 2016 |  |  |



First Floor GEA 690.90 m<sup>2</sup> GIA 645.11 m<sup>2</sup> NIA 592.88 m<sup>2</sup>

Approximate Direction North



NHSPS Common Parts

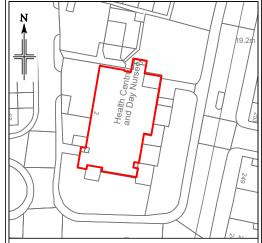
NHSPS Retained Area GIA 26.84 m<sup>2</sup>

# **CAD EXERCISE ONLY** NIA 537.1 sq m

GIA 75.11 m<sup>2</sup>

drawings supplied by NHS Property Services.

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**Building Outline** 

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Comments



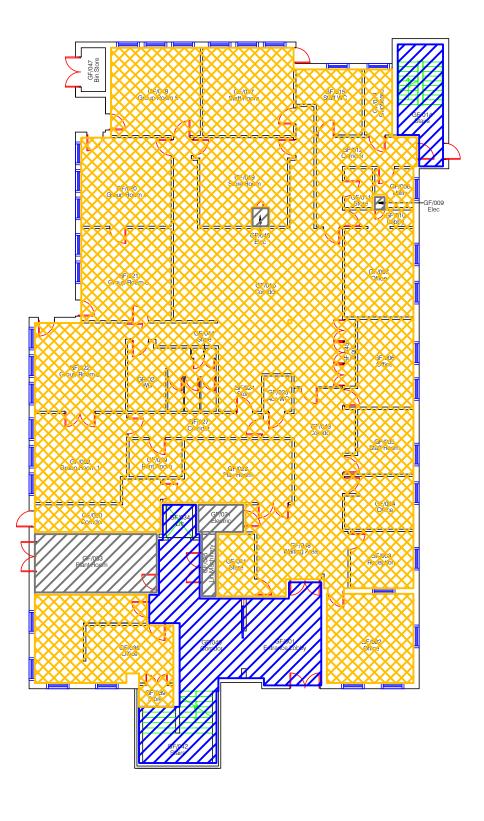
# Property Services

# Site Address

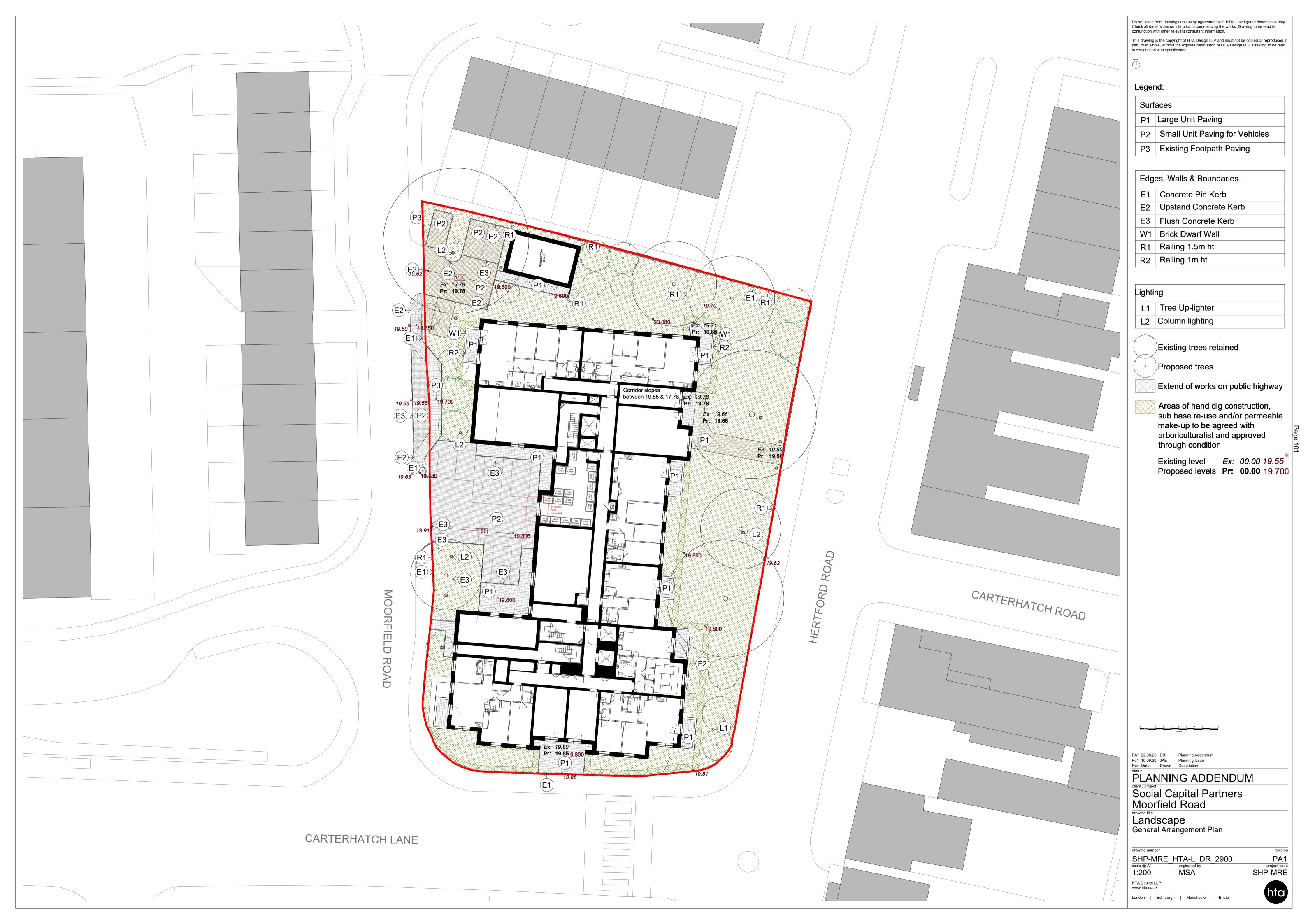
MOORFIELD ROAD HEALTH CENTRE MOORFIELD ROAD ENFIELD EN3 5TU

| Site      | Orig. | Role | Level | Туре | Rev. |
|-----------|-------|------|-------|------|------|
| MRHC01B01 | PC    | CAD  | GF    | FP   | R02  |

| Floor/Level | GROUND FLOOR |  |  |
|-------------|--------------|--|--|
| Scale       | 1:200 @ A3   |  |  |
| Date        | OCTOBER 2018 |  |  |
|             |              |  |  |



Ground Floor GEA 690.96 m<sup>2</sup> GIA 654.83 m<sup>2</sup> NIA 537.07 m<sup>2</sup>









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Parapet +/- 200mm

4 - Dark Buff soldier course brickwork 5 - Powder coated aluminium windows - grey/green 6 - Powder coated metal balustrade - off white

| Ea     | ast Elevation (AA)                     | AE250                                                 |                        | В                    |
|--------|----------------------------------------|-------------------------------------------------------|------------------------|----------------------|
| drawi  | ng title                               | drawing number                                        |                        | revision             |
| client | SOCIAL CAPITAL PARTNERS MOORFIELD ROAD | 1:100<br>scale @ A1                                   | SHP-MRE project number | JWF<br>originated by |
| F(     | OR PLANNING                            | HTA Design LLP<br>www.hta.co.uk<br>London   Edinburgh | Manchester   Bristol   | hta                  |







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Proposed Long Elevations
drawing title West + North

SOCIAL CAPITAL PARTNERS
MOORFIELD ROAD

1:20
scale @

AE257
drawing number

1:200
scale @ A1

SHP-MRE
project number

JWF
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Proposed Long Elevations
drawing title West + North

SOCIAL CAPITAL PARTNERS
MOORFIELD ROAD

1:20
scale @

AE257
drawing number

1:200
scale @ A1

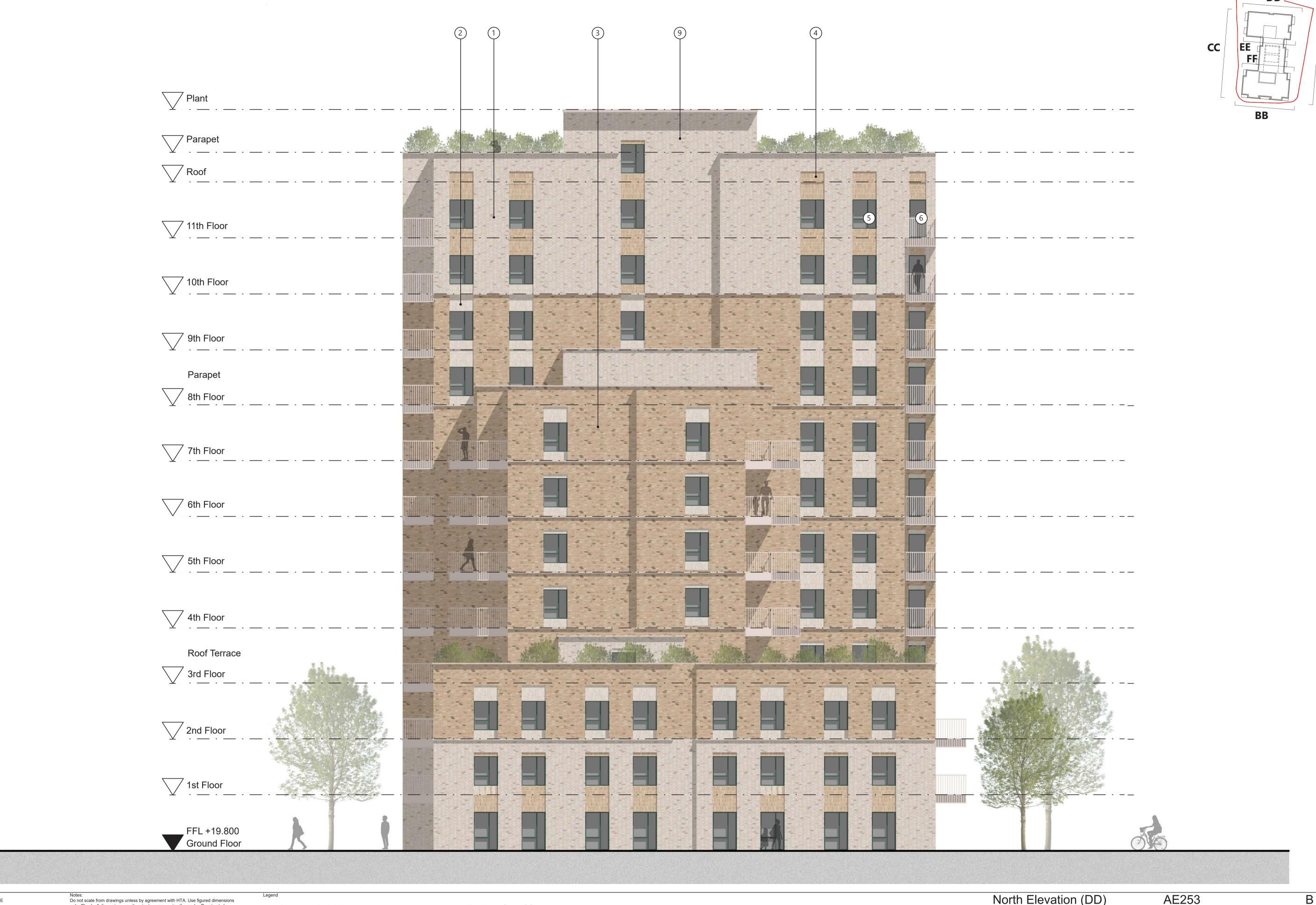
SHP-MRE
project number

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Parapet +/- 200mm

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1 - Light Buff stretcher brickwork 2 - Light Buff soldier course brickwork

7 - Grey/green louvred doors 8 - Grey/green metal panel 9 - Plant

| North            | Elevation (DD)                            | AE253                                                 |                        | В                    |
|------------------|-------------------------------------------|-------------------------------------------------------|------------------------|----------------------|
| drawing title    | ,                                         | drawing number                                        |                        | revision             |
| client / project | SOCIAL CAPITAL PARTNERS<br>MOORFIELD ROAD | 1:100<br>scale @ A1                                   | SHP-MRE project number | JWF<br>originated by |
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1 - Light Buff stretcher brickwork 2 - Light Buff soldier course brickwork 3 - Dark Buff stretcher brickwork

4 - Dark Buff soldier course brickwork 5 - Powder coated aluminium windows - grey/green 6 - Powder coated metal balustrade - off white

7 - Grey/green louvred doors 8 - Grey/green metal panel 9 - Plant

| South Elevation (BB)                   | AE251                                                 |                        | В                    |
|----------------------------------------|-------------------------------------------------------|------------------------|----------------------|
| drawing title                          | drawing number                                        |                        | revision             |
| SOCIAL CAPITAL PARTNERS MOORFIELD ROAD | 1:100<br>scale @ A1                                   | SHP-MRE project number | JWF<br>originated by |
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Parapet +/- 200mm

3 - Dark Buff stretcher brickwork

4 - Dark Buff soldier course brickwork 5 - Powder coated aluminium windows - grey/green 6 - Powder coated metal balustrade - off white

| o - Greyz green metat panet             |
|-----------------------------------------|
| 9 - Plant                               |
| 10 - Brick Colour-matched Service doors |
|                                         |
|                                         |

| West Elevation (CC)                    | AE252                                                 |                        | В                    |
|----------------------------------------|-------------------------------------------------------|------------------------|----------------------|
| drawing title                          | drawing number                                        |                        | revision             |
| SOCIAL CAPITAL PARTNERS MOORFIELD ROAD | 1:100<br>scale @ A1                                   | SHP-MRE project number | JWF<br>originated by |
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Rev Date Drawn Description P01 24.02.20 LSM Initial Issue

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Parapets allow a tolerance of +/- 250mm on every elevation.

0 10 20 30 40 50 60 70 80

Metres



| Site Location Plan                                            | 0001                 |                           | P01                  |
|---------------------------------------------------------------|----------------------|---------------------------|----------------------|
| drawing title                                                 | drawing number       |                           | revision             |
| Social Capital Partners<br>Moorfield Road<br>client / project | 1:1250<br>scale @ A3 | SHP-MFC<br>project number | LSM<br>originated by |

Concept London | Edinburgh | Manchester | Brist



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| LONDON BOROUGH OF ENFIELD                       |                                            |                  |  |  |
|-------------------------------------------------|--------------------------------------------|------------------|--|--|
| PLANNING COMMITTEE Date: 19 September 2023      |                                            |                  |  |  |
| Report of                                       | Contact Officers:                          | Category         |  |  |
| Director of Planning &<br>Growth<br>Brett Leahy | Karolina Grebowiec-Hall<br>Claire Williams | Full Application |  |  |
| Ward                                            | Councillor Request                         |                  |  |  |
| Town, Whitewebbs,<br>Southbury                  | No                                         |                  |  |  |

**LOCATION:** Land Adjacent to The New River Extending from Tenniswood Road to Bullsmoor Lane

#### **APPLICATION NUMBER: 22/04095/RE3**

**PROPOSAL:** Provision of a new shared pedestrian and cycle path alongside the New River and associated hard and soft landscaping. Works to the Grade II Listed Bridge at Turkey Street.

# **Applicant Name & Address:**

Turley

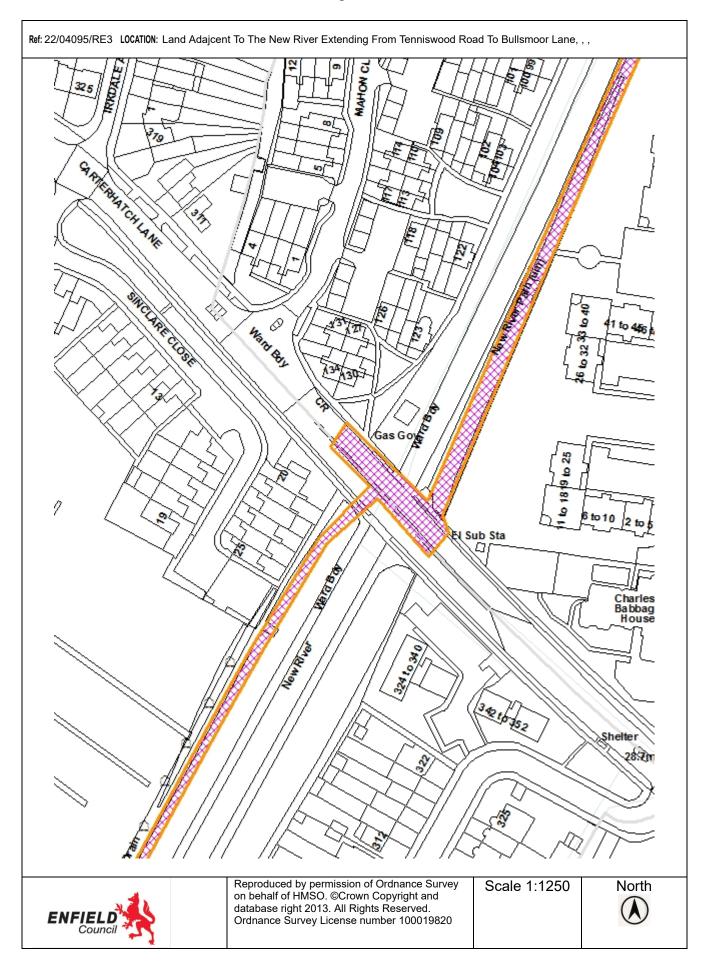
London Borough of Enfield, Journeys and Places

Brownlow Mews 12 Roger Street London WC1N 2JU

Agent Name & Address:

#### **RECOMMENDATION:**

- 1. That in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 the Head of Development Management be authorised to **GRANT** planning permission subject to conditions.
- 2. That the Head of Development Management be granted delegated authority to finalise the wording of the conditions to cover the matters in the Recommendation section of the original report dated 18 April 2023.



#### 1. Note for Members

- 1.1. This application was presented to Planning Committee on 18 April 2023. The Committee voted to defer a decision on the application in order to allow:
  - a. A site visit by Committee members to the site, particularly the section between Tenniswood Road and Carterhatch Lane;
  - b. An exploration by the applicant of mitigation of any loss of privacy to properties between Tenniswood Road and Carterhatch Lane, and the rerouting of the path along Ladysmith Road; and
  - c. A report on progress of discussions between the applicant and St. Ignatius College with respect to the steeply-graded section of path adjacent to the school.
- 1.2. A site visit was held on 20 June 2023. The site visit was attended by LPA officers, members of the Enfield Journeys & Places team (the applicant) and Planning Committee members.
- 1.3. This report is an update to the 18 April 2023 Committee report in satisfaction of reasons for deferral items b. and c., above. In summary, the applicant has submitted information and proposed revisions to the application as follows:
  - A discussion of the benefits and challenges of re-routing the path from the river bank between Tenniswood Road and Carterhatch Lane to Ladysmith Road (these are detailed in sections below)
  - Along the river bank between Tenniswood Road and Carterhatch Lane:
    - o Removal of benches and rest stops from this section of the path
    - Increased screening at the southern-most end of the path to the gardens of property fronting Tenniswood Road with the addition of three trees and 12 metres of hedgerow
    - o Computer-generated imagery to demonstrate the proposed planting
  - Minor changes to the location of a number of benches between Tenniswood Road and Bullsmoor Lane following detailed design of the earthworks.
  - Minor updates to the red line boundary to ensure that all land required for the proposals (including rest stop areas), as well as potential land required for any future-proofing amendments (i.e. land at St Ignatius College discussed in paragraph 3.6) is included.
- 1.4. Officers are satisfied that the revisions to the application made since 18 April 2023 are minor and are not material changes to the application. These revisions are enhancements of the original proposal the red line is rectified to capture all areas of improvement and future-proofed to include land belonging to St. Ignatius College, and the planting is additional to what was proposed.

### 2. Design

# Amenity and privacy

- 2.1. At the Committee Meeting and at the Committee's site visit, members discussed the potential for including species of trees that would provide year-round foliage. Foliage was considered a mitigative measure to provide additional screening and privacy to adjacent properties, particularly along Sinclare Close and Tenniswood Road. Residents of Sinclare Close and Ladysmith Road raised concerns about visibility by users into their gardens and rear windows at the Committee meeting.
- 2.2. Upon review of options, the applicant is maintaining the proposal for deciduous native trees while also providing evergreen hedgerow that can be grown to the height of an adult person. Thirteen trees are proposed along the boundary with Sinclare Close (this is unchanged) and three trees are proposed nearest Tenniswood Road (these trees are additional to original proposal).
- 2.3. To reinforce the height and growth of the proposed deciduous trees, native holly hedgerow, which is evergreen, is proposed for the length of the residential properties along the boundary with Sinclare Close and 12 metres of hedgerow are added to the boundary with Tenniswood Road rear gardens.
- 2.4. The applicant has provided the following computer-generated imagery (verified visuals) that demonstrate the extent and growth of the proposed trees in the summer and winter periods at year 5.

### Sinclare Close



Existing Sinclare Close, looking south



Proposed Sinclare Clare, looking south, summer at year 5



Proposed Sinclare Clare, looking south, winter at year 5



Existing Sinclare Close, looking north



Proposed Sinclare Close, looking north, summer at year 5



Proposed Sinclare Close, looking north, winter at year 5

# Tenniswood Road



Existing Tenniswood Road, looking south



Proposed Tenniswood Road, looking south, summer at year 5



Proposed Tenniswood Road, looking south, winter at year 5



Existing Tenniswood Road, looking north



Proposed Tenniswood Road, looking north, summer at year 5



Proposed Tenniswood Road, looking north, winter at year 5

- 2.5. Within the 18 April 2023 report to Committee, officers were satisfied that the applicant had adequately considered neighbour amenity, and that the proposed planting was sufficient to safeguard neighbour privacy.
- 2.6. The addition of trees and hedges along the boundary with Tenniswood Road property gardens is supported. This planting provides further screening from private residences. Although the computer-generated imagery is indicative, it does provide a useful approximation of the extent of growth of the proposed trees and hedges. The graphics evidence generous screening of properties on Sinclare Close by the proposed planting. While these images are only indicative, planting plans with the number, species and location of plants that these images reflect, will be approved. Officers are satisfied that the planting provides good screening of properties along the stretch of riverbank path between Tenniswood

- Road and Carterhatch Lane. At the height of growth at five years, the plants provide privacy to residents.
- 2.7. The proposed mitigation is reasonable and minimises impact to neighbours. Any remaining unforeseen impact, or impact in the early years of plant growth, is significantly outweighed by the benefit of the provision of a pedestrian and cycle path along the New River.

### 3. Transport

### Path alignment

- 3.1. Planning Committee had requested that the applicant explore the re-routing of the path from the western riverbank between Tenniswood Road and Carterhatch Lane to Ladysmith Road. This was requested to understand the potential for the alternative route to mitigate privacy concerns of residents bordering this section of the New River. The potential to resolve concerns about visibility by planting are addressed in the preceding section of this report.
- 3.2. The applicant has undertaken an assessment and does not suggest revision of the original alignment. The proposal is to maintain the path on the riverbank.
- 3.3. The applicant has weighed up the decision as follows, with the benefits and challenges of each option set out in respective columns:

|     | Along the New River                                                                                                                                                                                                                                                                                                                                                                                            |     | Along Ladysmith Road                                                                                                                                                                                                                                                                                                                                                              |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pro | Providing access to a key green space and Green Chain Corridor in the borough, in accordance with London Plan Policy G1 and Enfield Policy DMD77.                                                                                                                                                                                                                                                              | Pro | Retention of current arrangement of<br>New River Path in this section as<br>inaccessible enabling the amenity<br>situation to remain the same as<br>existing for neighbouring residents.                                                                                                                                                                                          |
| Pro | Delivering on the Council's aspirations set out in the Council's recently adopted Blue and Green Strategy (2021-2031) which identifies the New River (including this section) as a Green Link (in accordance with its designation as a Green Chain Corridor in the Local Plan)- a strategic link between Broxbourne and Enfield Town to expand the cycle and pedestrian network and establish green corridors. | Con | Does not deliver on policy aspirations to provide key pedestrian and cycle links along Green Chain Corridors and the New River, or provide access to open space (London Plan Policy G1 and Enfield Policy DMD77 and Enfield's Blue and Green Strategy (2021-2031)), and does not deliver as many benefits in accordance with the Mayor's Healthy Streets Indicators, accordingly. |
| Pro | Achieves one of the key project objectives, which is to open up the New River for the enjoyment of the public.                                                                                                                                                                                                                                                                                                 | Con | Requires highways works to ensure a safe and segregated cycleway and potential relocation of bus stop on Carterhatch Lane.                                                                                                                                                                                                                                                        |
| Pro | More straightforward desire line and wayfinding for path users, encouraging use and uptake of the proposed path.                                                                                                                                                                                                                                                                                               | Con | Route less accessible for all users, with Ladysmith Road representing narrow path widths with associated dropped kerbs, driveways and street clutter including bins for                                                                                                                                                                                                           |

| Pro | Provision of accessible path for all                                                                                                                                                                                                                                                                 | Con | wheelchairs users and other physically impaired to navigate, including increased distance which could discourage elderly/ less mobile users.  Potential reduction in users of the |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | users including wheelchairs as well<br>as off-carriageway cycle access, in<br>accordance with guidance on<br>inclusive mobility.                                                                                                                                                                     |     | route due to lack of desire line and provision of a less direct route, further distancing access to the New River path from the key transport connections at Enfield Town.        |
| Pro | More straightforward route crossing at Carterhatch Lane, with clear visibility of traffic in both directions.                                                                                                                                                                                        | Con | No provision of biodiversity gain (in this part of the route) and limited to no opportunity for additional planting along Ladysmith Road.                                         |
| Pro | Screening planting along the New River, resulting in a minimum 10% biodiversity net gain for the entire route.                                                                                                                                                                                       |     |                                                                                                                                                                                   |
| Pro | Compliance with the Mayor's Healthy Streets Indicators (in accordance with London Plan Policy T2) providing inclusive access, ease of access, respite from road noise, new opportunity to cycle along the New River, security measures, historic interest, fresh air and an opportunity for leisure. |     |                                                                                                                                                                                   |
| Con | Perceived overlooking of neighbouring properties and gardens unless appropriately mitigated.                                                                                                                                                                                                         |     |                                                                                                                                                                                   |
| Con | Perceived security risk unless appropriately mitigated.                                                                                                                                                                                                                                              |     |                                                                                                                                                                                   |

3.4. As in the original report to Committee, officers recognise the corporate and policy aspirations that the present alignment fulfils. Officers also believe that any potential impact of overlooking or loss of privacy has been mitigated through planting. The path along the New River at this section is supported.

### Access and design

3.5. In line with *Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure*, the proposed path maintains compliant grades of <8%. The only exception is the north side of the footway adjacent to St. Ignatius College, which is at a grade of 15.9%, making it inaccessible to wheelchairs. The present application continues the path through this steep section and proposes a signed diversion off the path for users for whom the grade is not conducive. Although this portion of the path is not fully accessible, the larger proposal is acceptable in terms of accessibility as it opens up the New River path to a high standard to a multitude of users to whom it's been off limits. Still, the applicant is seeking to fully resolve this section so that a diversion is no longer necessary. Correcting the steep grade relies on utilising land owned by St. Ignatius College

and the applicant has been in consistent communication with the school since before Planning Committee.

3.6. The Planning Committee requested an update from the applicant of discussions with St. Ignatius College. The applicant has provided the following:

Since the April 2023 committee, further work and discussions have taken place with both St Ignatius College as well as the Council's tree officer in regard to feasibility for potential options available. A topographical survey of the area and site visit (with the Council's tree officer) have been undertaken to assess the impact on trees for two potential accessible path locations. This still requires ongoing discussion and negotiations regarding a number of key issues including access, maintenance, landscaping and tree protection as well as commercial and legal negotiations. These discussions continue with St Ignatius College.

As such, in order to future-proof the scheme to allow for an amendment to come forward once it is deemed feasible, the applicant has submitted a revised site location plan and drawings to show an increased red line for the site in August 2023. [Drawing 19119-MET-0100-DR-HE-009 Rev 7] This area provides for a maximum area considered necessary to accommodate any future amendment for the path using St Ignatius College's land.

#### 4. Green Infrastructure

#### Trees

- 4.1. At the submission stage of the application, the proposal included the removal of nine trees and 121 new trees. Since 18 April 2023, the applicant has added three more trees to the proposal, totalling 124 new trees. These new trees are located at the southern-most end of the application site to screen the rear gardens of property fronting Tenniswood Road. In addition to the three trees, further screening includes 12 metres of hedgerow.
- 4.2. At the Committee Meeting and at the Committee's site visit, members discussed the potential for including species of trees that would provide year-round foliage. Upon review of options, the applicant is maintaining the proposal for deciduous native trees while also providing evergreen hedgerow that can be grown to the height of an adult person. 13 trees are proposed along the boundary with Sinclare Close (this remains unchanged) and three trees are proposed nearest Tenniswood Road (these trees are additional to what was previously proposed).
- 4.3. While deciduous trees lose foliage during the cold season, varieties of native trees provide the greatest benefits to insects, birds and other wildlife, and best support biodiversity. In the UK, native trees are mostly deciduous. Non-native trees would diminish the Biodiversity Net Gain of the proposal.
- 4.4. To reinforce the height and growth of the proposed deciduous trees, native holly hedgerow, which is evergreen, is proposed for the length of the residential properties along the boundary with Sinclare Close and 12 metres of hedgerow are added to the boundary with Tenniswood Road rear gardens.
- 4.5. Officers welcome the addition of further trees and hedgerow, and support the selection of native species to maximise wildlife benefit.

### Biodiversity and Ecology

4.6. With the additional three trees and 12 metres of native hedgerow proposed along the river bank nearest Tenniswood Road, the Biodiversity Net Gain generated by the proposal results in at least a 10.83% increase in Habitat Units for the entirety of the path. This remains above the required minimum 10% increase in Biodiversity Net Gain within the red line.

#### 5. Conclusion

- 5.1. The applicant has made enhancements to the proposal since Committee Meeting on 18 April 2023. The addition of planting and adjustment to the red line are not material for this reason, officers' assessment and recommendations have not changed. The additional information requested by members is presented in this report. This information further supports the proposal and the recommendations by officers.
- 5.2. Officers are encouraged that the applicant is actively seeking to make the entire path accessible to wheelchairs by resolving the one area of grade non-compliance.
- 5.3. The proposed pedestrian and cycle path realises a Council objective to expand the cycle network and provide Enfield's communities with additional active travel choices. This route is identified in Enfield's Blue and Green Strategy and its delivery significantly improves an existing, underutilised public path and Local Open Space, allowing enjoyment of the New River by users of a diversity of needs.
- 5.4. Officers are satisfied that, subject to the recommended conditions in the report to Committee on 18 April 2023, the proposal meets policy objectives.
- 5.5. On balance, the pedestrian and cycle path presents a major asset for Enfield's communities and sets an example for infrastructure that promotes connectivity, health, ecological and heritage benefits.

| LONDON BOROUGH OF ENFIELD                |                                            |          |  |  |
|------------------------------------------|--------------------------------------------|----------|--|--|
| PLANNING COMMITTEE Date: 18th April 2023 |                                            |          |  |  |
| Report of                                | Contact Officers:                          | Category |  |  |
| Head of Planning                         | Karolina Grebowiec-Hall<br>Sharon Davidson | Major    |  |  |
| Ward                                     | Councillor Request                         |          |  |  |
| Town, Whitewebbs,<br>Southbury           | No Request                                 |          |  |  |

**LOCATION:** Land Adjacent to The New River Extending From Tenniswood Road To Bullsmoor Lane

**APPLICATION NUMBER:** 22/04095/RE3

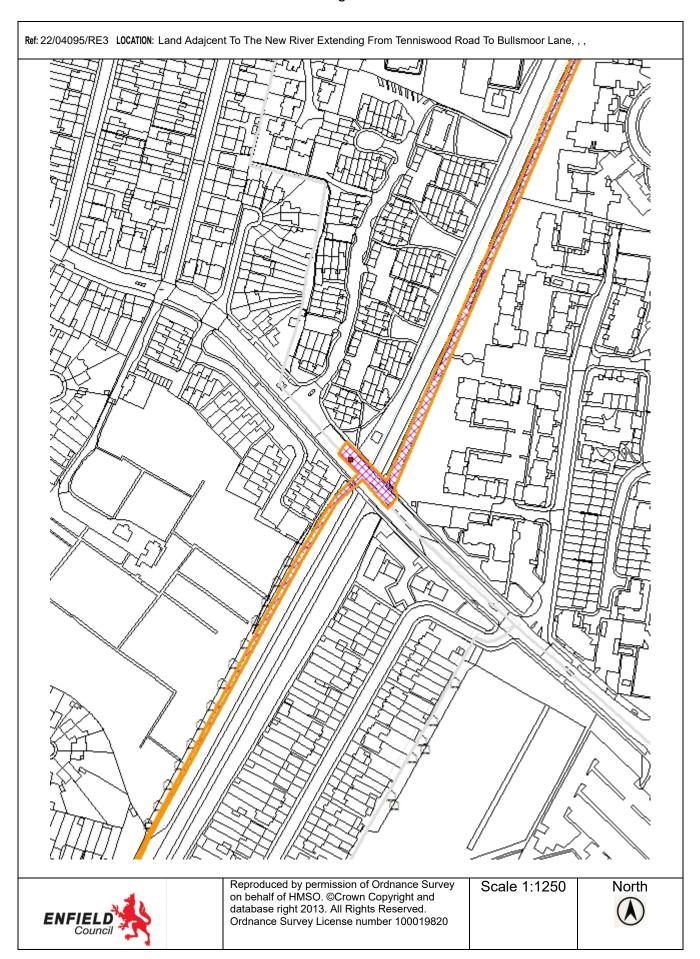
**PROPOSAL:** Provision of a new shared pedestrian and cycle path alongside the New River and associated hard and soft landscaping. Works to the Grade II Listed Bridge at Turkey Street.

| Applicant Name & Address: | Agent Name & Address: |
|---------------------------|-----------------------|
|                           |                       |

London Borough of Enfield, Journeys and Places Turley Associates

#### **RECOMMENDATION:**

- 1. That in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 the Head of Development Management be authorised to **GRANT** planning permission subject to conditions.
- 2 That the Head of Development Management be granted delegated authority to finalise the wording of the conditions to cover the matters in the Recommendation section of this report.



- 2.2. That delegated authority be granted to the Head of Development Management to finalise the wording of the recommended conditions as set out in this report.
  - 1. Time limit
  - 2. Approved drawings (compliance)
  - 3. Construction Management Plan compliance [construction logistics/transport/contamination]
  - 4. Planting plans compliance
  - 5. Kingfisher survey
  - 6. Otter survey
  - 7. Water vole survey
  - 8. Construction Environmental Management Plan [management of ecological impact]
  - 9. Landscape management and monitoring plan [trees, hedges, soft planting and retaining walls and litter]
  - 10. Biodiversity Net Gain compliance
  - 11. Light monitoring
  - 12. Bird and bat box installation
  - 13. Vegetation clearance outside of nesting season
  - 14. Arboricultural Method Statement and Tree Protection Plan compliance
  - 15. Signage notifying of area with grade increase and alternative route
  - 16. Scheme of heritage interpretation, including location of information posts
  - 17. Details of street furniture, cycle stands, benches, lighting, bollards, signage and information posts
  - 18. Details of new bridge at Turkey Brook
  - 19. Details of CCTV locations
  - 20. Rain gardens capacity
  - 21. Turkey Street Bridge details and drawings, including surfacing
  - 22. Gate and railing repair and re-use

### 3. Executive Summary

- 3.1. The application is for the off-carriageway portion of the Enfield to Broxbourne cycle and pedestrian path. The section subject to planning permission is 2.5 km and extends along the bank of the New River from Tenniswood Road to Bullsmoor Lane. The entire portion of the path in Enfield is 4.7 km, which includes an on-carriageway segment of 1.8km on existing highway.
- 3.2. The path is proposed to be self-binding gravel and shared use, it is 3 metres in width for the majority of the route. The application includes construction of a new bridge over Turkey Brook, a comprehensive landscaping strategy, planting of trees and hedges, the addition of seating, lighting, information posts, bollards, cycle stands and rain gardens. The red line includes the Grade II listed Turkey Street Bridge which is proposed to be resurfaced and bollards either side of the bridge will be replaced this is subject to an application for Listed Building Consent that being considered separately under the Scheme of Delegation.
- 3.3. This application is brought by the Journeys and Places team within Enfield Council. The responsibility of Journeys and Places, formerly named the Healthy Streets team, is to promote and implement sustainable transport infrastructure in the borough, focused on delivering a walking and cycling network, enhancing town centres and public realm, improving road safety and informing the community of active travel options.

- 3.4. The Journeys and Places team has been awarded funding by National Highways specifically aimed at restoring connections that were historically lost due to construction of the M25. The M25 bounds the northern border of Enfield and severs connection to the borough of Broxbourne and connectivity to Broxbourne town. This proposal to improve paths along the New River to enable cycling and walking will provide commuters and those seeking recreation alternative access to Broxbourne.
- 3.5. The principle of the proposal is strongly supported. The formalisation of the existing path enables active travel, expands the borough's cycle network, and allows access to a significant waterway. The principle of delivering a cycle and pedestrian route at this location is in line with corporate aspirations, the Mayor's Transport Strategy and the development plan.
- 3.6. The proposal realises the Development Site's designation as a Green Chain Corridor and Green Chain Missing Link to improve access to this Local Open Space. Ecological assessment has been undertaken and recommends further mitigation to ensure protected species are safeguarded within the Wildlife Corridor and Metropolitan Site of Importance for Nature Conservation. 121 trees will be planted (with the removal of nine existing trees) and 585 metres of hedgerow provided to promote the biodiversity of the site, resulting in a net gain of over 10%. In order to make the route usable after dark, lighting is proposed to be installed. The applicant has been careful to explore all viable lighting options that create a safe environment for users but will, with mitigation, minimise impact on light-sensitive species, including bats.
- 3.7. Ease of access and use of the present path is greatly improved through a programme of digging and filling to level the route to the extent possible. One section nearest St. Ignatius College remains at a grade that is above inclusive standards. Officers recognise the applicant's efforts to explore alternative solutions and engage with the College to acquire land that would resolve this condition.
- 3.8. The application proposes a cohesive design approach to unify the style of furniture, signage, information posts, cycle stands, bollards and lighting. Seating areas are provided to allow opportunities for rest. Heritage benefits are provided through improvements to the Grade II listed Turkey Street Bridge and an information scheme that draws public attention to the historic, ecological and engineering significance of the New River.
- 3.9. The primary public benefits of the scheme can be summarised as follows:
  - Enables active travel where connectivity is presently dominated by vehicles
  - Expands the borough's cycle network
  - Allows access to a significant waterway, the New River
  - Improves a presently inaccessible and unsafe footpath to allow access by a diversity of users
  - Delivers on the Development Site as a Green Chain Corridor and Green Chain Missing Link
  - Reinforces the existing Wildlife Corridor
  - Provides 10.83% net gain in biodiversity
  - Landscape improvements of 121 trees (replacing nine trees that are removed), 585 metres of hedges, grasses, wildflowers and rain gardens

- Installation of furniture and fixtures that are unified in style, more sympathetic and appropriate to the setting of the New River and its heritage value
- Appropriate improvements to the Grade II listed Turkey Street Bridge

### 4. Site and surroundings

- 4.1. The Development Site is a narrow strip of land along the bank of the New River from Tenniwsood Road at the south to Bullsmoor Lane at the north that passes through the areas of Enfield Town, Forty Hill and Bullsmoor in northern Enfield. The area of proposed development that requires planning permission is just the river bank (owned by Thames Water) and excludes junctions where the river path interfaces with highways. Corresponding improvements to highways are subject to separate highway orders and are not the subject of this planning application.
- 4.2. The entirety of the Enfield to Broxbourne cycle and walking path that is within the borough of Enfield is 4.7 km long and extends from Enfield Town at Southbury Road, runs along existing highway, then joins the New River at Tenniswood Road and continues along the river bank for 2.9km to the M25. This application is for the section along the river which measures 2.5km in length. The riverside segment crosses Carterhatch Lane, Goat Lane/Hoe Lane and Turkey Street before reaching Bullsmoor Lane.
- 4.3. While the present application is for improvements up to Bullsmoor Lane at the north, the path has been designed to extend to the Enfield borough boundary at the M25. This last 400-metre length of path from Bullsmoor Lane to the M25 will be the subject of a separate planning application.
- 4.4. The New River is an engineered watercourse built in 1613 to supply water. The river was re-routed and straightened in the 19<sup>th</sup> Century using aqueducts and tunnels. These works are evident today with the Dowcra Aqueduct, an asset of local heritage value, within the red line of the proposal.
- 4.5. Areas that adjoin the New River and proposed path are predominantly residential, ranging between three- to four-storey apartment buildings and attached and semi-detached one-family homes. The path runs alongside several institutional and educational uses, including Worcesters Primary School, Capel Manor Primary School and St Ignatius College (without direct access into these sites) as well as the large public open spaces Forty Hall Estate, Lee Valley Regional Park, and Capel Manor College Gardens at the northern end.
- 4.6. The continuation of the route in the borough of Broxbourne is the subject of a separate approvals process in that locality.

# 5. Proposal

5.1. A cycle and pedestrian path is planned that extends from Enfield Town to Broxbourne. The segment of the path that is in Enfield is 4.7 km in length. The Enfield segment comprises two sections in terms of approvals processes. The section from Enfield Town to Tenniswood Road is 1.8km and entirely oncarriageway, subject to highways consents. It is shown in the lower box in the map below, cited "Proposed Cycle Route/On-Carriageway". The subject of this application for planning permission is the 2.5km section in the upper box labeled "Proposed Cycle Route/Off-Carriageway", from Tenniswood Road to Bullsmoor Lane only.



- 5.2. Where the proposed riverside path crosses highway, the junctions on carriageway are subject to highways orders and are also excluded from this planning application.
- 5.3. The path is proposed to be self-binding gravel and shared use, it is 3 metres in width for the majority of the route. The proposal also includes construction of a new bridge over Turkey Brook, works to Grade II listed Turkey Street Bridge, a comprehensive landscaping strategy, planting of trees and hedges, the addition of seating, lighting, information posts, bollards, cycle stands and rain gardens.

#### 6. Environmental Review

6.1. The proposed development, when assessed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and National Planning Practice Guidance, does not constitute Schedule 2 development. It is not therefore 'EIA development' and no scoping exercise or

- any Environmental Statement is required. The Council issued screening opinion reference 22/04219/SO.
- 6.2. On the basis of the assessment undertaken, the proposed development would not give rise to significant effects on the environment such that it would trigger the requirement for an Environmental Impact Assessment having regard to the above Regulations, National Planning Practice Guidance and relevant case law.

#### 7. Consultations

### Pre-Application Consultation

- 7.1. Following receipt of funding from National Highways in early 2020, the applicant held two workshops in February 2020 with fourteen stakeholders, including environmental groups, disability representatives, residents' associations and cycling groups.
- 7.2. A pre-application meeting was held with the LPA 4 August 2021, where officers acknowledged the constraints of the site and asked that there be consideration of:
  - The design of the bridge and whether this would be applied for in outline or full
  - Accessibility Lighting and how this will balance considerations regarding user safety, impact on bats and light spill
  - Further details around the decision not to segregate the path and details on maximum path widths achievable
  - Safety and security
  - Biodiversity and mitigations for introduction of hardstanding
  - Details of the interfaces at key access points to the route
- 7.3. Regular updates and relevant documents have been available on the publicly available engagement site Let's Talk Enfield.
- 7.4. Shifts in funding available from National Highways led to the applicant team having to accelerate the design process in the second half of 2022, meeting with planning officers again on 20 October 2022 with an update. The applicant held a public webinar on 13 December 2022 with an attendance of 4 after having sent 1,200 letters to neighbours. Following receipt of comments during the planning application neighbour consultation period, letters were sent notifying neighbours of three more sessions to focus on the roads from which the most comments were received. The applicant team presented clarifications with respect to alternative routes, distances to properties, screening, security and ecological assessment. Two sessions were held on 13 March with two and one attendees respectively; one was held 15 March with two attendees.
- 7.5. The applicant's Statement of Community Involvement is set out in the Planning Statement, February 2023.

### Enfield Place and Design Quality Panel (DRP):

7.6. The proposed development was brought to the Enfield Place and Design Quality Panel (hereby referred to as DRP) on 20 December 2022. A summary of the

conclusions made, along with officer comment as to the degree to which the applicant has addressed DRP conclusions, is outlined below:

- Overall, this is a positive scheme and is broadly supported. Resolution of outstanding issues (as listed in the detailed comments below) through amended drawings and conditions will result in a fully supported scheme.
- This is a needed and useful direct active travel route going through and out of the borough and provides new opportunities to connect to destinations local and borough wide. This generally aligns with the councils and GLA objectives to promote active travel.
- The new connections to the New River and landscape are welcomed and will
  provide an increase to biodiversity including new trees. More residents will
  have access to this space following implementation.
- Improvements to heritage assets and increasing their visibility is welcome.
- The proposal creates a new access point to Worcesters Ave, which is supported in principle. However a single entrance does not sufficiently open up views and uninterrupted access to the cycle path.

Officer comment: The applicant considered removing the fence that separates grassed area along Worcesters Avenue from the proposed path to open up this entire section to the river, however, Thames Water, the owner of the riverbank, would be unable to close access for health and safety reasons if the need arose.

The proposed design for Turkey Street Bridge could be simplified.
 Seating, cycle storage and road blocking should be consolidated into multi use items to de-clutter the bridge and allow a greater appreciation of its heritage value.

Officer comment: Following advice by the DRP, the applicant has revised the design of the Grade II listed Turkey Street Bridge to remove the 'clutter' and limit works to the bridge to a re-surfacing and replacement of bollards with slim profile, black bollards. No additional furniture is proposed on the bridge.

 Whilst not subject to the planning application, opening up the southern section of the new river to connect off route to Enfield Town station would be strongly supported.

Officer comment: This suggestion falls outside of the scope of the present project and application.

 Across the proposal there are missed opportunity for places of rest and relaxation. These could be introduced along the route and marked with benches and heritage interpretation panels.

Officer comment: The applicant has introduced integrated opportunities for rest with seating in the form of benches with backrests and informal gravel boulders. The applicant has given consideration to the location of seating, along with broader landscape factors, and has set the locations and type of seating within a Placemaking Strategy and series of Placemaking Drawings. The drawings indicate the proposed location of bench seats, cycle stands and information signs

that will display a map of the path, as well as information on the heritage and engineering of the river and historic features along it. While the applicant has provided drawings with locations of this furniture, the Placemaking Strategy and Placemaking drawings are recommended to be approved as indicative, with a condition requiring further review by officers of the historic features that have been identified, the design of information posts, benches, cycle stands, bollards and any other furniture being installed.

 More detail should be provided on the treatment of land adjacent to the path. The maximisation of SuDS features, wild planting and biodiverse planting would be supported.

Officer comment: The applicant submitted planting plans showing a robust planting strategy with a greater number of trees and additional hedgerow, grasses and wildflowers to increase biodiversity and provide further screening for neighbour privacy and further drainage details.

 The proposed street furniture, benches and bollards are utilitarian and represent a missed opportunity to enhance the character of the project and to create a sense of place. Simple and inexpensive changes to these products could help achieve better placemaking.

Officer comment: The applicant has provided a Placemaking Strategy that shows indicative furniture in a neutral black finish – this includes Harrogate cycle stands, information posts, black metal bench seats, black lighting poles and black steel bollards. This unobtrusive and practical selection of finish and materials is clean and does not undermine the historic and organic qualities of the site. While these are viewed to be positive, final selection of materials and furniture is proposed to be conditioned.

 The proposed bridge is utilitarian and could be easily improved to create a sense of place using references to the heritage of the new river and a simple but interesting design. Changes to the shape, colour spacing, design of balustrade and material could all be employed to provide a cost effective but unique piece of interest.

Officer comment: The proposed new bridge over Turkey Brook remains as presented to the DRP given budgetary constraints. The bridge is designed and finished to be a neutral element and is in a location of moderate visibility. The Placemaking Strategy integrates the present design. The DRP suggested a design competition for this bridge, but the budget is too constrained to enable this.

• It is noted as per DAS 6.4.2 that the ramp to the north of the St Ignatius path is too steep at 15.9% as opposed to the preferred limit of 8% for accessible use. This is not supported as it limits the use of the path to able bodied users only.

Officer comment: The applicant has provided drawings further demonstrating the challenge around resolving the steep grade adjacent to St. Ignatius College. However, the applicant is in discussions with the college to utilise some of the school's land to reduce the grade of this ramp. It is understood that this element will not be resolved as part of this application, but officers are supportive of continued efforts to make this location fully accessible.

### Statutory and Non-Statutory Consultees

- 7.7. Environment Agency: The Environment Agency does not object to the proposal but does request that an informative is included requiring a Flood Risk Activity Permit for any activities that take place within certain parameters.
- 7.8. <u>Natural England</u>: Natural England did not comment.
- 7.9. <u>Historic England (GLAAS):</u> The Greater London Archaeological Advisory Service Historic England concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and no further assessment or conditions are therefore necessary.
- 7.10. <u>Historic England</u>: Historic England, in its role as a heritage authority, notified that it would not be offering advice on this application.
- 7.11. <u>SuDS Highways</u>: SuDS officers have reviewed the drainage strategy and do not object to the proposal. Officers have asked for a condition confirming the level of rainfall proposed that rain gardens will accommodate before works are carried out.
- 7.12. <u>Transportation</u>: Transportation officers do not object to the application and recognise the significant active travel benefits of the proposal. Officers have comprehensively reviewed the Equalities Impact Assessment to understand the implications of the 15.9% grade path adjacent to Saint Ignatius College accessed by all users. Although the applicant has explored several alternative configurations within the constraints of the site, officers accept that users can divert from this segment of path and that the applicant is communicating with St. Ignatius College about the acquisition of some land to bring this segment to a compliant grade.
- 7.13. Conservation: Conservation officers do not object to the proposal and works to the Grade II listed Turkey Street Bridge acknowledging that the proposal brings heritage benefits and an enhancement to the present condition of Turkey Street Bridge. Officers recommend conditions for further details concerning bridge materials, furniture, lighting, information posts, fencing, gates and a survey of historic assets.
- 7.14. <u>Trees</u>: The tree officer raises no objection to the application and recommends conditions to ensure compliance with the Arboricultural Method Statement and Tree Protection Plan.
- 7.15. Environmental Health: The Environmental Health officer does not object to the application for planning permission and finds there is no significant adverse impact that cannot be addressed through mitigation measures that have been conditioned. A condition is recommended to require a contamination plan.
- 7.16. Metropolitan Police (Secured by Design): The Secured by Design officer made two comments to prevent criminal damage and arson: that bicycle stands should be placed diagonally to reduce leverage options and timber benches could invite damage and arson. The applicant now proposes metal bench seats.
- 7.17. Thames Water Authority: Thames Water did not comment.

- 7.18. Broxbourne Council: Broxbourne Council did not comment.
- 7.19. <u>Lee Valley Regional Park Authority</u>: The Lee Valley Regional Park Authority did not comment.

# **Public Consultation**

- 7.20. Public consultation as a result of this planning application involved notification letters being sent to 1,247 neighbouring properties 16 December 2022, a press advert in the Enfield Independent was published 21 December 2022 and 10 site notices were erected 12 January 2023.
- 7.21. As a result of public consultation, <u>16</u> representations were received, 12 objecting to the proposal and 4 neither objecting to nor supporting the proposal. A summary of reasons for comment is below:
  - Benefit of having a cycle lane along the river is not evident; the priority should be making the current road safer for cyclists

Officer comment: The Development Site is designated a Green Chain Corridor, supported by policy to be a linked open space for pedestrians and cyclists. Within adopted policy and Enfield's Blue and Green Strategy (2021), this section of the New River is assigned the function of a cycle route. The application consists of a Healthy Streets Assessment, which uses the Mayor of London's Healthy Streets indicators to evaluate how the proposed route meets criteria and how alternative, on-highways routes would meet criteria for a safe and accessible route. The route proposed by this application scores a total of 83, while an on-highways route scored a total of 50. Given all of the policy objectives that the proposal meets, including delivery of a pedestrian and cycle path along a Green Chain Corridor and improving access to a significant borough watercourse, it is appropriate that priority is given to providing the piece of cycle infrastructure as proposed.

 Secluded and peaceful character of the properties that back onto the river will be lost as a result of this proposal

Officer comment: The Development Site is designated a Green Chain Corridor, Green Chain Missing Link, Wildlife Corridor, is partially within Green Belt, Local Open Space, and Metropolitan Site of Importance for Nature Conservation. While these designations seek to maintain a verdant, open character that is conducive to species habitats, the Green Chain Corridor and Local Open Space designations mean that the riverbank has been identified for active use and access by users. To date, this section of the New River has not been delivered and maintained to allow the level of access that is supported by local policy. These are the same designations that apply to other sections of the New River in Enfield Town. There is an increase in usership anticipated as a result of this proposal, however, the Traffic Impact Assessment provided states approximately 150 cyclists or pedestrians would be using the path in peak hours. For the length of the route, this is a moderate number of users. Users are expected to be cyclists and pedestrians using the path for commuting and recreational purposes, which are not disruptive uses. The applicant has incorporated hedges and trees into the landscape plan to provide further separation and screening between homes and activity on the path.

 Privacy will be lost when users of the path are able to see onto the rears of residential properties from the riverbank

Officer comment: Further detail regarding individual streets is provided in this report. Assessment by the applicant of distances from the path to windows demonstrates that, in most instances, there is a minimum of 18 metres from the rears of properties to the path – in most instances the distance is between 20 and 25 metres, sometimes more. Although there is no standard for distances between open spaces and residential properties, a distance that has been commonly used between rears of residential buildings is 18 metres. Enfield Policy DMD 10 applies a distance of between 22 and 25 metres. Although not strictly applicable in this instance, these standards serve as an indication of adequate distances from residential windows. The nature of the path and its users is also worth noting. The window-to-window distances assume stationary outlook. Users of the path are transient, they are passing. The applicant has incorporated hedges and trees into the landscape plan to provide further separation and screening between homes and activity on the path.

• There will be an increase in anti-social behaviour along the path, particularly resulting from the installation of furniture/seating

Officer comment: The formalisation of the walking and cycling route will open the area to the public and encourage recreational use of the amenity. Improving the path will encourage increased usage of the path, which provides passive surveillance and is likely to discourage and prevent irresponsible behaviour. Rest areas with seating are proposed to enable enjoyment of the path by a diversity of users. The opportunities to sit provide additional eyes on the path to support the intended use of the route.

• There will be an increase in anti-social behaviour on Turkey Street Bridge from the installation of furniture/seating

Officer comment: The applicant amended the proposal to remove furniture, including seating, from the proposal for Turkey Street Bridge.

• There will be an increase in the rate of crime originating from drug dealers and thieves on the path

Officer comment: The formalisation of the walking and cycling route will open the area to the public and encourage recreational use of the amenity. Improving the path will encourage increased usage of the path, which provides passive surveillance and is likely to discourage and prevent criminal behaviour.

 The incidence of burglaries will increase from individuals climbing over the fence into rear gardens

Officer comment: There is presently a footpath on the majority of the route with pedestrian access. The proposal is to formalise this existing path with self-binding gravel. The formalisation of the walking and cycling route will open the area to the public and encourage recreational use of the amenity. Improving the path will encourage increased usage of the path, which provides passive surveillance and is likely to discourage and prevent criminal behaviour. The applicant has incorporated hedging along the boundaries with residential gardens to deter climbing over fences.

• Can the path be on the opposite side of the river where there are fewer bounding residential properties?

Officer comment: The location of the path relative to the New River has been informed by the density of residential properties as well as the width, natural and built features of the riverbanks. In most instances, the proposed self-binding gravel path is being maintained where there is presently a footpath.

- Tenniswood Road to Carterhatch Lane: The western side of the New River was preferred over the eastern side because it avoids the need to cross the river from the on-carriageway section at Tenniswood Road and because there are fewer properties on the western side of the New River. It also avoids extensive interventions at Carterhatch Lane to join the New River, including a segregated cycle facility on Carterhatch Lane, removal of the existing concrete raised island on the bridge and relocation of a bus stop.
- Carterhatch Lane to Goat Lane: There is an existing towpath on the eastern bank and there is sufficient width to maintain the path on this side.
- Goat Lane to the Turkey Brook: There is an existing towpath on the eastern bank between Goat Lane and the existing footbridge and there is sufficient width to maintain the path on this side. The path on the western side has insufficient width.
- Turkey Brook to Turkey Street: There is an existing towpath on the eastern bank, where there is sufficient width for the shared path to be constructed. The path remains on the eastern side and there is no change to public access.
- Turkey Street to Bullsmoor Lane: The existing towpath is on the western bank. There is a small channel on the western bank which would create unsafe conditions for the shared path. It is therefore proposed on the eastern bank.
- Evergreen, "spikey" planting is needed on the path side to deter climbing over fences into private properties

Officer comment: The application incorporates 585 metres of hedgerow, much of it alongside rear fences in order to create a separation from the path and residences.

 There will be an increase in noise, particularly from motorised vehicles like mopeds

Officer comment: Motorised vehicles are prohibited from accessing the path; there will be signage restricting use. Only pedestrians, bicycles, e-bikes, scooters and personal mobility vehicles will be permitted access.

• There will be light pollution as a result of the light poles being installed

Officer comment: The lighting strategy has been informed through consultation with Enfield street lighting officers to appropriately light for safety and to minimise

light overspill, as well as ecologists to minimise the risk of disruption to lightsensitive species. The lighting columns will use light shields to minimise light spillage into adjacent properties; they will be directed away from properties, onto the path.

The lights will be programmed to set illumination to the minimum necessary to make the path feel safe. From dusk until 10:00 pm, when they are not triggered, lights will be dimmed to 10% output. Between 10:00 pm and dawn, illumination will be at 0%. Only when someone passes will the 10 columns be lit to 100% illumination, and will switch off after one minute. A condition is recommended to monitor the frequency of light triggers and sensitivity to being triggered, and adapting operation of the lights accordingly.

Vegetative screening along the path will block sunlight into gardens

Officer comment: The applicant's landscape consultant has located trees and selected species that will provide the benefit of screening while growing to a height and density that will minimise overshadowing of gardens.

 Construction process could be damaging to existing species habitats and presence of wildlife

Officer comment: Any impact to ecology has been set out in the ecology section of this report following preparation of an Ecology Assessment by the applicant and rigorous review by an ecology expert on behalf of the LPA. A condition is recommended securing a Construction Environmental Management Plan to memorialise the mitigation that has been identified during review.

The path is too narrow to accommodate shared use by pedestrians and cyclists

Officer comment: The path is generally 3 metres in width with several sections exceeding this width. The 3-metre width is dictated by two sets of standards: Government cycle infrastructure guidance and *Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure*. The Traffic Impact Assessment (April 2020) expects approximately 150 cyclists or pedestrians at peak hours; this is a moderate level of usership. *Cycle infrastructure design (LTN 1/20)* is the guidance by the Department of Transport that sets standards for safe, high quality infrastructure. It recommends a minimum width of three metres for cycle flows of 300 cyclists or less per hour. *Inclusive Mobility* recommends a minimum 2 metre width for a footpath to allow enough space for two wheelchair users to pass even if they are using large electric mobility scooters. There are two pinch points that the applicant is seeking to address through further discussions with the adjacent private landowner.

There may be insufficient budget to clean up litter and dog waste

Officer comment: Enfield Council will enter an agreement with Thames Water, the landowner of the vast majority of the Development Site. Enfield Council will be responsible for maintaining the proposed path. Enfield Council will maintain the path in line with maintenance of sites designated as Local Open Space

Properties along the path will be devalued

Officer comment: Designations of the development site are not being amended. It will remain, as presently, a Green Chain Corridor, Green Chain Missing Link, Wildlife Corridor, Green Belt, Local Open Space, and Metropolitan Site of Importance for Nature Conservation. The path is presently accessible to the public. The proposal is to deliver a piece of infrastructure and recreational amenity in line with planning designations. While impacts to property values are not a planning consideration, there is no evidence that the development proposal will be detrimental and will harm the value of adjacent properties.

 An increase in visitors to the path will exacerbate adjacent road parking for residents

Officer comment: The path is being proposed to give users the option of an active mode of travel, as pedestrians or cyclists. It is not expected that there will be an increase in motorists driving to the path to then walk or cycle along it.

• Who will be legally responsible for the security, health and safety of the path?

Officer comment: Enfield Council will enter an agreement with Thames Water, the landowner of the vast majority of the Development Site. Enfield Council will be responsible for maintaining the proposed path.

How will the works to the path disrupt roads and road access?

The construction period and phasing are not yet known. The on-highways construction (at junctions) is subject to separate permissions and noticing to give highways users notification of disruptions. The proposed development is subject to a Construction Management Plan that is recommended to be complied with by condition.

### 8. Relevant Policy

National Planning Policy Framework 2021

- 8.1. The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable development. In this respect, sustainable development is identified as having three dimensions an economic role, a social role and an environmental role. For decision taking, this presumption in favour of sustainable development means:
  - a) an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- c) an environmental objective to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.2. The NPPF recognises that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 48 of the NPPF details when weight may be given to relevant emerging plans. This guidance states that the stage of preparation, the extent to which there are unresolved objections and the degree of consistency of relevant policies to the Framework are relevant.
- 8.4. The NPPF 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 (8), 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."

## 8.5. The London Plan 2021

| GG1 | Building Strong and Inclusive Communities             |
|-----|-------------------------------------------------------|
| GG2 | Making the Best Use of Land                           |
| GG3 | Creating a Healthy City                               |
| GG6 | Increasing efficiency and resilience                  |
| D1  | London's form, character and capacity for growth      |
| D2  | Infrastructure Requirements for Sustainable Densities |
| D4  | Delivering Good Design                                |
| D5  | Inclusive Design                                      |
| D8  | Public Realm                                          |
| D11 | Safety, Security and Resilience to Emergency          |
| D12 | Fire Safety                                           |
| D14 | Noise                                                 |
| S1  | Developing London's social infrastructure             |
| HC1 | Heritage conservation and growth                      |
| HC3 | Strategic and Local Views                             |
| G1  | Green Infrastructure                                  |
| G2  | London's Green Belt                                   |
| G4  | Open space                                            |

| G5   | Urban greening                                    |
|------|---------------------------------------------------|
| G6   | Biodiversity and access to nature                 |
| G7   | Trees and woodland                                |
| SI12 | Flood Risk Management                             |
| SI13 | Sustainable Drainage                              |
| SI16 | Waterways – use and enjoyment                     |
| SI17 | Protecting and enhancing London's waterways       |
| T1   | Strategic Approach to Transport                   |
| T2   | Healthy Streets                                   |
| T3   | Transport Capacity, Connectivity and Safeguarding |
| T4   | Assessing and Mitigating Transport Impacts        |
| T5   | Cycling                                           |
| T7   | Deliveries, Servicing and Construction            |
| T9   | Funding Transport Infrastructure through Planning |
| DF1  | Delivery of the Plan and Planning Obligations     |

## Mayoral Supplementary Guidance

- 8.6. Accessible London: Achieving an Inclusive Environment (October 2014)

  The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.
- 8.7. Planning for Equality and Diversity in London (October 2007)
  Explores how key spatial planning issues can impact upon equality and diversity.
- 8.8. Public London Charter (September 2021)
  The Public London Charter sets out eight principles owners and managers of public spaces need to follow to ensure that any new public spaces in London are safe, accessible, attractive and inclusive. London Plan Policy D8, on the public realm, requires all development that creates new public space to be managed in accordance with the Public London Charter.
- 8.9. Character and Context (June 2014)
  Sets out a process for acquiring knowledge of character and context, so that change is brought about in a way which is responsive to individual places and locations.
- 8.10. Sustainable Transport, Walking and Cycling (November 2022)
  Helps support planning authorities and applicants in meeting the requirements of London Plan Policy T3, as well as also supporting delivery against other policies including T1 Strategic approach to transport, and T2 Healthy Streets. It provides guidance to explain how Development Plans and development proposals should support walking, cycling and public transport.
- 8.11. The Control of Dust and Emissions during Construction and Demolition (July 2014)

The aim of this supplementary planning guidance (SPG) is to reduce emissions of dust, PM10 and PM2.5 from construction and demolition activities in London.

## 8.12. <u>Local Plan – Core Strategy</u>

| Core Policy 1  | Strategic Growth Areas                |
|----------------|---------------------------------------|
| Core Policy 9  | Supporting Community Cohesion         |
| Core Policy 11 | Recreation, culture, leisure and arts |

| Core Policy 21 | Delivering sustainable water supply, drainage and sewerage  |
|----------------|-------------------------------------------------------------|
| infrastructure |                                                             |
| Core Policy 24 | The road network                                            |
| Core Policy 25 | Pedestrians and cyclists                                    |
| Core Policy 28 | Managing flood risk through development                     |
| Core Policy 30 | Maintaining and improving the quality of the built and open |
| environment    |                                                             |
| Core Policy 31 | Built and landscape heritage                                |
| Core Policy 32 | Pollution                                                   |
| Core Policy 33 | Green Belt and countryside                                  |
| Core Policy 34 | Parks, playing fields and other open spaces                 |
| Core Policy 35 | Lee Valley Regional Park and waterways                      |
| Core Policy 36 | Biodiversity                                                |

## 8.13. Local Plan – Development Management Document

DMD37: Achieving High Quality and Design-Led Development

DMD38: Design Process

DMD44: Conserving and Enhancing Heritage Assets

DMD47: New Road, Access and Servicing

**DMD48: Transport Assessments** 

DMD49: Sustainable Design and Construction Statements

DMD57: Responsible Sourcing of Materials, Waste Minimisation and Green

Procurement

DMD58: Water Efficiency

DMD59: Avoiding and Reducing Flood Risk

DND60: Assessing Flood Risk DMD61: Managing surface water

DMD62: Flood Control and Mitigation Measures DMD64: Pollution Control and Assessment

DMD65: Air Quality

DMD66: Land Contamination and Instability

DMD68: Noise

DMD69: Light Pollution DMD70: Water Quality

DMD71: Protection and Enhancement of Open Space

DMD75: Waterways

DMD76: Wildlife Corridors DMD77: Green Chains

DMD78: Nature conservation

DMD79: Ecological Enhancements

DMD80: Trees on development sites

DMD81: Landscaping

DMD82: Protecting the Green Belt

DMD89: Previously Developed Sites in the Green Belt

## 8.14. Other Material Considerations

Enfield's Blue and Green Strategy (2021-2031)

Enfield Climate Action Plan (2020)

Enfield Biodiversity Action Plan

Enfield Local Heritage List (May 2018)

Enfield S106 SPD (2016)

Making Enfield: Enfield Heritage Strategy 2019-2024 SPD (2019)

The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3, Historic England (2017)

TfL London Cycle Design Standards (2014)

Healthy Streets for London (2017)

Manual for Streets 1 & 2, Inclusive Mobility (2005)

National Planning Practice Guidance

National Design Guide (2019)

- 8.15. Enfield Draft New Local Plan and Draft Proposals Map
- 8.16. The Council consulted on its early Issues and Options Local Plan in December 2018. This document represented a direction of travel and the draft policies within it will be shaped through feedback from key stakeholders. As such, it has relatively little weight in the decision-making process.
- 8.17. As the emerging Local Plan progresses through the plan-making process, the draft policies within it will gain increasing weight, but at this stage it has relatively little weight in the decision-making process.
- 8.18. Key local emerging policies from the plan are listed below:

Strategic Policy SP SE1: Responding to the climate emergency

Policy DM SE2 – Sustainable design and construction

Policy DM SE8 – Managing flood risk

Policy DM SE9: Protection and improvement of watercourses

Policy DM SE10 – Sustainable drainage systems

Strategic Policy SP SC1: Improving health and wellbeing of Enfield's diverse Communities

Strategic Policy SP BG1: Enfield's blue and green infrastructure network

Strategic Policy SP BG2: Protecting nature conservation sites

Strategic Policy SP BG3: Biodiversity net gain, rewilding and offsetting

Strategic Policy SP BG4: Green Belt and Metropolitan Open Land

Strategic Policy SP BG5: Green Belt and edges of the countryside/urban areas

Policy DM BG6: Protecting open space

Policy DM BG7: Watercourses

Policy DM DE1 – Delivering a well-designed, high-quality and resilient environment

Policy DM DE2: Design process and Design Review Panel

Policy DM DE3: Inclusive design

Strategic Policy SP DE4: Putting heritage at the centre of place making

Policy DM DE7 - Creating liveable, inclusive and quality public realm

Policy DM DE10 Conserving and enhancing heritage assets

Policy DM DE11 - Landscape design

Strategic Policy SP T1: Promoting sustainable transport

Policy DM T2: Making active travel the natural choice

#### **ANALYSIS**

## 9. Main Planning Issues

- 9.1. The main planning issues raised by the Proposed Development are:
  - Principle of Development
  - Green Infrastructure
  - Transport
  - Design
  - Flood Risk and Drainage
  - Heritage and Archaeology
  - Environmental Health
  - Health and Equalities Impacts

## 10. Principle of Development

- 10.1. The London Borough of Enfield's Journeys and Places programme, previously called the Healthy Streets programme, was established to encourage Enfield's communities to make more sustainable transport choices that benefit the climate, health, encourage physical activity, promote inclusion, reduce congestion and improve road safety. The programme continues to be underpinned by the Mayor's Healthy Streets approach. This work builds on progress achieved during the previous 'Cycle Enfield' project, which saw significant improvements made to help enable people in Enfield to walk, wheel and cycle.
- 10.2. The Enfield Council Plan 2020-22 *A Lifetime of Opportunities*, includes as one of its priorities "safe, healthy and confident communities" with goals to: "Make our neighbourhoods safer, healthier and better places to live by working with communities to reduce and slow down traffic...", "Work with partners to reduce reliance on cars and increase the number of journeys taken by walking, cycling and public transport" and "Create opportunities to get more people visiting and enjoying our parks and open spaces."
- 10.3. The Mayor's Transport Strategy 2018 is based around the Healthy Streets approach, which prioritises human health and calls for a change to London's transport mix so the city's street network encourages walking, cycling and public transport, improves the public transport experience and locates growth around walking and cycling. The Strategy's central aim is for 80 per cent of all trips in London to be made on foot, by cycle or using public transport by 2041. Enfield's Transport Plan 2019 brings together the Enfield Council Plan and the Mayor's Transport Strategy by building health outcomes into its policies. Enfield's Transport Plan includes, among its objectives, the delivery of Cycle Enfield, measures which encourage more cycling and walking and promoting safe, active and sustainable transport to and from schools and maintaining and improving the transport network.
- 10.4. More recently adopted, Enfield's Blue and Green Strategy (2021-2031), sets out a framework for protecting, enhancing and managing the borough's multifunctional network of blue and green infrastructure. It identifies the New River as a strategic link to Broxbourne and Enfield Town as a strategic node to expand the cycle and pedestrian network, and establish green corridors. It identifies the New River Link as a Green Link to deliver.

- 10.5. London Plan policies SI16 and SI17 expressly promote cultural, education and leisure facilities that incorporate appropriately waterways, improved access to waterways and protection of the open character and heritage of waterways and their settings. The proposal meets the objectives for the New River in Policy SI17 C to "respect [its] local character, environment and biodiversity and should contribute to [its] accessibility and active water-related uses. Development Plans should identify opportunities for increasing local distinctiveness and recognise these water spaces as environmental, social and economic assets."
- 10.6. The proposed Enfield to Broxbourne walking and cycle path presents several benefits, both strategic and specific, to the communities through which it passes. The path reinstates a link with Broxbourne to the north, which is specifically the purpose for which National Highways has awarded funding. The delivery of the path also fulfils the New River Green Link identified in the Blue and Green Strategy. The route strengthens the cycle network by linking with the Green Loop, the Enfield Town to Ponders End walking and cycling route, and a future east-west route connecting to the A1010. The route also reinforces improvements made as part of the Enfield Town Liveable Neighbourhoods project.
- 10.7. While there is existing pedestrian access through the vast majority of the proposed route, much of the present path is impassable, unlit and unsafe – with limited users and no natural surveillance to make the path feel secure and provided for purposeful use. The proposed path, for both pedestrians and cyclists, will enable safe and sensitively-designed enjoyment of the New River, a key borough natural and historic asset. The Grade II listed Turkey Street Bridge and the Dowcra Aqueduct, a Local Heritage Asset, are both within the red line. These assets, along with the engineering of the New River itself, cannot presently be appreciated as a result of poor access. Enfield's Blue and Green Strategy sets out objectives to ensure residents can access blue and green spaces within 15 minutes walking distance of their homes, and make places more inclusive, healthier and attractive. The subject section of the New River is designated a Green Chain Corridor, a Site of Metropolitan Importance for Nature Conservation, a Wildlife Corridor and a Local Open Space. The proposal will allow communities to enjoy and make better use of the river in accordance with its designations.
- 10.8. For the reasons set out above, the proposed path fundamentally delivers on Enfield's strategic goals to deliver a healthy, safe and community-orientated travel network and is fully in line with London Plan policies GG1 Building Strong and Inclusive Communities, GG2Making the Best Use of Land, GG3 Creating a Healthy City, G1 Green Infrastructure, T1 Strategic Approach to Transport and T2 Healthy Streets.
- 10.9. Although in draft, and accordingly having limited policy weight, the emerging Enfield Local Plan includes strategic policies that support the proposed development, Strategic Policy SP T1: Promoting sustainable transport and Strategic Policy, Strategic Policy SP BG1: Enfield's blue and green infrastructure network, and SP SC1: Improving health and wellbeing of Enfield's diverse Communities.

#### 11. Green Infrastructure

Green Infrastructure and Open Space

- 11.1. London Plan Policy G1 recognises the benefits of integrating green infrastructure into localities the proposed walking and cycle path has the potential to achieve all of these benefits, including promoting health, mitigating the impacts of climate change, encouraging sustainable movement, supporting landscape and heritage conservation, learning about the environment, and enhancing biodiversity and ecology.
- 11.2. The entirety of the development site is designated a Green Chain Corridor, with only a small section designated a Green Chain Missing Link immediately to the south and north of Turkey Brook. Enfield Policy DMD77 aims to protect and improve the role of Green Chains as accessible, linked open spaces for pedestrians and cyclists. To date, the subject stretch of the Green Chain and Missing Link have not fully provided the amenity that the designation supports. While the majority of the application site carries a trodden path through grasses, many sections are narrow, overgrown, underutilised, unlit and inaccessible for use by bicycles and challenging for other user needs. The proposal will fulfil the designation of the development site as a Green Chain by providing a functional pedestrian and cycle path, and additionally increasing access to and quality of the designated Local Open Space for greater enjoyment by communities in line with Enfield Core Policy 34 Parks, playing fields and other open spaces and DMD 71 Protection and Enhancement of Open Space.
- 11.3. London Plan Policy G5 encourages major proposals to include urban greening measures as a central part of the development. Given the nature of the proposal, with the entirety of the site within a Local Open Space, Green Chain, Wildlife Corridor and Site of Metropolitan Importance for Nature Conservation, the site is already inherently green and, as set out in preceding paragraphs, an integral piece of green infrastructure in the borough. The proposal aims to deliver the new pedestrian and cycle path alongside several green and blue measures, including the planting of 121 new trees, 585 metres of hedgerow, grasses and wildflowers, and raingarden. This additional landscaping, that is of greater ecological value than areas of trees, shrubs and grasses being removed, enhances the urban greening value of this open space asset and meets Policy G5.

## Biodiversity and Ecology

- 11.4. Planning Authorities have a legal duty to consider biodiversity when assessing planning applications; this duty was introduced in the 2006 Natural Environment and Rural Communities Act (The NERC Act). Where there is a reasonable likelihood that a planning application might affect important protected sites, species or habitats, information on the species, habitat or site likely to be affected, together with an assessment of the impacts of the proposals, will likely be required.
- 11.5. NPPF (Para.174) requires planning decisions to protect and enhance sites of biodiversity value, providing net gains for biodiversity and establishing resilient ecological networks. London Plan policies G5 and G6 require developments to incorporate urban greening, manage impacts on biodiversity, secure a net biodiversity gain and provide access to nature. At a local level, policy CP36 of the Core Strategy requires development to protect, enhance, restore or add to existing biodiversity including green spaces and corridors. Development Management Document policy DMD 76 requires the protection and enhancement of Wildlife Corridors, and DMD 78 requires major development to maximise opportunities for nature conservation. Draft Local Plan policy GI4 refers to the

need to promote qualitative enhancement of biodiversity sites and networks and encourage the greening of the Borough. The emerging Local Plan, although of lesser policy weight, includes Policy BG3 which refers to a minimum of 10% net gain.

- 11.6. Using the DEFRA 3.1 Metric to calculate habitat losses or gains, the Biodiversity Net Gain Report arrives at a 10.83% increase in Habitat Units for the entirety of the path, including the 400 metres up to the M25, resulting from the proposal. The calculation factors the loss of grassland that will be replaced by hoggin path, as well as the removal of trees further discussed in the trees section, below. The landscaping strategy for the development introduces 121 new trees, 585 m of hedgerow and a mix of grasses and wildflowers. Based on these calculations, the development results in a net gain in biodiversity, in line with policy. A condition is recommended that requires planting is installed in accordance with planting plans, and that the planting results in a minimum 10% increase in Biodiversity Net Gain within the red line.
- 11.7. The entirety of the application site is designated a Wildlife Corridor. Wildlife Corridors are continuous strips of wildlife habitat allowing wildlife to connect with larger areas of wildlife in a built-up, urban context. Within the development site, the New River is designated a Site of Metropolitan Importance for Nature Conservation (SINC) for its running water, scrub and grassland habitats.
- 11.8. The applicant submitted an Ecological Assessment (23 February 2023) that sets out any impacts to the ecological assets by the proposal.
- 11.9. With respect to impacts to the ecology of the SINC, the application proposes removal of a portion of habitats (scrub and grasses), but given the relatively small portion of habitat that is proposed to be removed and the habitat values presented in the Biodiversity Net Gain report, the losses of habitat through the removal of these grasses is considered to be minimal. Further, there is extensive planting proposed that will offset any habitat losses to the SINC itself. Conditions are recommended: construction/pollution control measures need to be secured through a CEMP and a habitat enhancement and management and monitoring strategy/plan to ensure the new planting maximises its potential for biodiversity.
- 11.10. The Ecological Assessment identifies the following protected species and the mitigation necessary to ensure safeguarding of these species.

#### Bats

11.11. The applicant undertook 13 surveys and recorded activity over 275 nights to identify bat roosts in trees, bat roosts in structures and bat commuting and foraging. As the proposal does not affect the superstructure of any built structures, this category was not investigated. At least eight bat species were recorded. Among these, common pipistrelle and soprano pipistrelle bats were the most common, accounting for 71% of calls recorded during transect surveys. These pipistrelle bats are common and widespread in the UK. Myotis bats accounted for 21% of calls recorded during transect surveys; these particular myotis bats were identified to be Daubenton's bats. Daubenton's bats are relatively common and widespread. Globally and across the Great Britain Daubenton's bats are classified as Least Concern on the IUCN Red List. Among bat species recorded, myotis bats are the most sensitive to light pollution. The remaining species of bats were recorded infrequently, therefore, there is unlikely to be an impact on these species by the proposal.

- 11.12. The applicant has considered a lighting strategy that balances user safety, neighbour amenity and a level of illumination that is sensitive to wildlife habitats. The applicant proposes 5m tall lighting columns spaced at approximately 30-35 metres of a Lighting Class of P3, for "Moderate night-time use by pedal cyclists or pedestrians". This class of lighting was recommended by the Council's street lighting officer in support of a safe night-time environment. A sensor will illuminate 10 columns to full power when someone passes. From dusk until 10:00 pm, when they are not triggered, lights will be dimmed to 10% output. Between 10:00 pm and dawn, illumination will be at 0%. Only when someone passes will the 10 columns be lit to 100% illumination, and will switch off after one minute.
- 11.13. Lighting can affect bats by alternating their behaviour or impacting the diversity of invertebrates that bats feed on. With the introduction of lighting on the proposed path, the Ecological Assessment is unable to conclude that bats will not be affected by the proposal.
- 11.14. In order to minimise the impact of lighting on light-sensitive species within and adjacent to the Development Site, the applicant has incorporated several mitigative measures.
  - The lights will have a colour temperature of 2200k. This is a warmer colour light which has been found to be less harmful to bats.
  - Shields and baffles will be installed to reduce light spill.
  - Between dusk and 22:00 lights will be dimmed down to approximately 10% output.
  - Between 22:00 and dawn, lights will be set at 0% output.
  - Between dusk and dawn, only when lights are triggered, will they light to 100% output, and will dim or turn off again after one minute. Based on the limited use of the path expected after dark, it is not expected that the lights will be lit to full illumination for long periods in the night.
  - The lighting will be connected to a monitoring platform operated by the Council that will review the sensitivity of the lights to smaller animals and has the capacity to adjust the lighting accordingly. This monitoring is recommended to be secured by condition.
  - The LPA's ecology consultant has advised that a significant proportion of the habitat remains unlit (<0.5 lux). The applicant has provided light studies to show the level of illuminance of the proposed lighting when it is lit at 100% and 10% output. 10% output is the level of lighting that the lighting will be set at between dusk and 22:00. In the models below, demonstrating illuminance at ground level, the river is to the left of the New River Path. The results indicate that at 100% illumination, when someone triggers the lights to come on to full output, the illuminance is at up to 1.5 lux and 0.75 lux nearest the river bank and between 0.75 lux and 0.1 lux over the river. When the lighting is set to 10% output, between dusk and 22:00, the level of illuminance is between 0.75 lux and 0.1 lux over the majority of the path itself, with almost no illuminance over the river.

# 100% Illuminance - At Ground Level

# Horizontal Illuminance (lux)

Horizontal grid at ground level



#### 10% Illuminance – At Ground Level

#### Horizontal Illuminance (lux)

Horizontal grid at ground level



- 11.15. Before arriving at the proposed lighting strategy, the applicant considered several alternative approaches to lighting:
  - Road marker uplighters: Gives upward light spill, requires additional maintenance as will be obscured by leaves, and insufficient eye-level light to make a user feel safe.
  - Low-level bollard lighting: Insufficient eye-level light to make a user feel safe, requires greater maintenance, requires greater number of units, much higher risk of vandalism and damage.
  - Red light output from proposed columns: While the use of red light is being trialled in environments with bat habitats, the recognised connotation and general atmosphere of red lighting is not seen to be appropriate at this location. Locations where red lights have been trialled are vehicular roadways where the lighting is used at higher levels of illumination with good visibility. In a pedestrian and cycle environment, at lower levels, the visibility and feeling of safety would be compromised.
- 11.16. In accordance with the Council's duty to consider biodiversity, the LPA's ecology consultant acknowledges that the risks and options of lighting versus nocturnal wildlife have been considered. Officers accept that the applicant has considered all reasonable measures to light the proposed path for user safety and comfort,

while also minimising impact to species habitats. Officers recommend a condition to require a thorough bat monitoring strategy and resulting remedial measures. To form baseline data, an early spring survey is required – the applicant is presently undertaking this survey. The condition will require suitable mitigation arising from any significant impacts identified during monitoring. Remedial measures would be reviewed by Council lighting engineers and an ecologist. Measures may include amendments to the timings and lighting levels.

- 11.17. A further condition is recommended to monitor and assess the settings of the lighting such as sensitivity and light level settings and timings, presented to officers to consider an adjustment in lighting levels should it be necessary.
- 11.18. The application proposes the installation of 30 bird and 30 bat boxes (in suitable locations specified by an ecologist). A condition is recommended that a strategy with exact locations is prepared by an ecologist and is submitted to officers for review prior to commencement, and that the installation of the bird and bat boxes is completed prior to route completion.

## Reptiles

11.19. There is a small risk that areas of taller grasses may have common species of reptile such as slow worm and grass snake. In order to deter reptiles from the areas of works, a condition is recommended to keep grass cut short in advance of construction.

## **Badgers**

11.20. No badger setts were discovered during the applicant's survey work, but as a precautionary measure, a condition is recommended requiring a precommencement badger sett survey. Should badger setts be found that will conflict with the proposed works, it may be necessary to apply to Natural England for license to close the sett in line with Natural England requirements.

#### Nesting Birds

- 11.21. The trees and dense scrub are likely to be used by nesting birds. As such, a condition is recommended requiring that vegetation removal be undertaken outside of the bird nesting season.
- 11.22. Kingfishers were recorded during surveys. Kingfishers nest in holes that they excavate in sandy banks close to a watercourse holes were not seen during surveys of the New River. A condition is recommended requiring nesting bird checks as well as a pre-commencement survey for kingfisher nesting sites. If kingfisher nests are discovered during the survey, mitigation may be put in place, including restrictions on timing of works, fencing or other safe working practices.

## <u>Otters</u>

11.23. No signs of otters were detected during the survey work. The LPA's ecology consultant advises that the presence of holts is unlikely given the absence of structures and dense vegetation, however, the presence of otter foraging and commuting is likely. As a precautionary measure, a condition is recommended that a pre-commencement survey is undertaken to confirm the absence of holts or rest sites. Should any sites be identified, mitigation may be put in place, including restrictions on timing of works, fencing or other safe working practices.

Otters are often found in urban areas and are unlikely to be impacted by lighting, especially as the river will remain unlit for the majority of the time and lighting will be minimised in line with the measures being recommended for the safeguarding of bats.

## Water voles

- 11.24. No signs of water voles were detected during the survey work. The Development Site does not include the habitat conditions that are likely to host water voles, such as reedbeds or similar marginal vegetation. The LPA's ecology consultant advises that water voles can use man made banks and, as a precautionary measure, a pre-commencement survey should be undertaken. Should the survey identify burrows within 5 metres of ground works, impacts should be avoided using fencing or other safe working procedures. If impacts to the burrows cannot be avoided, it may be necessary to apply to Natural England for license to lawfully proceed.
- 11.25. A Construction Environmental Management Plan setting out the requirements and mitigating procedures for each of the species discussed above should be submitted to officers.
- 11.26. A Landscape Management and Maintenance Plan is also recommended by condition to include:
  - An Invasive Species Control Plan
  - Management and monitoring of enhanced and newly created habitats will be required to ensure they establish as intended and in line with the SINC citation.
  - A habitat monitoring plan in line with the Biodiversity Net Gain report to achieve a minimum of 10% increase above the habitat unit baseline.
- 11.27. Officers are satisfied that due consideration has been given to conserving biodiversity as part of the proposed works. Where there is the potential of impact, and all alternative measures have been sufficiently explored, surveys and remedial work are recommended. In most instances, surveys are recommended as a precaution.

## Green Belt

- 11.28. The segment of the development site north of Goat Lane/Hoe Lane and up to Bullsmoor Lane is in the Green Belt. London Plan Policy G2 protects the Green Belt from inappropriate development and harm. NPPF Paragraphs 147 to 151 discuss the types of development that may be considered to cause harm in a Green Belt, although "harm" in itself is not defined in the NPPF. The proposal does not include the construction of new buildings. Paragraph 150 of the NPPF sets out other forms of development that require consideration, including c) "local transport infrastructure which can demonstrate a requirement for a Green Belt location".
- 11.29. The proposed pedestrian and cycle path may be considered a form of local transport infrastructure, keeping in mind that a pedestrian path presently exists on the majority of the development. Paragraph 150 classifies these forms of development as inappropriate unless "they preserve its openness and do not conflict with the purposes of including land within it." The formalisation of the path to allow cyclists and improved access to the New River by recreational users

does not involve the construction of structures that would in any way alter the "openness" of the development site or conflict with the purpose of the Green Belt, as set out in NPPF Paragraphs 137 and 138. Therefore, the proposal is not seen to cause harm to the Green Belt that would conflict with the NPPF or London Plan.

- 11.30. Enfield Policy DMD 89 requires that development on Green Belt will not be permitted unless all criteria are met:
- New development does not have a greater impact on the openness of the Green Belt Response: As discussed above in the consideration of NPPF guidance, the proposal to formalise the existing path for cyclists and pedestrians does not introduce construction or a type of use that would impact the present openness of the Green Belt
- The proposal does not lead to an increase in the developed proportion of the site; Response: The proposal does not increase the developed proportion of the site. In some areas, the existing path is re-located to the opposite side of the New River (the majority of the proposed path will be on the east side of the river), however, this doesn't not increase the amount of the site that is occupied by a path.
- The proposal does not lead to any significant increase in motorised traffic generation, as evidenced through a suitable traffic modelling tool Response: The proposal does not enable the use of the path by motorised vehicles that would generate traffic or a level of use that changes the character of the path for travel by cyclists and recreation. For reasons of promoting inclusive access, personal mobility vehicles that may be motorised will not be restricted.
- The proposal contributes towards the aims of sustainable development.

  Response: The proposal to provide a cycle and pedestrian path that will offer an alternative and active means of travel north of Enfield Town and connecting to Broxbourne is a sustainable form of development.
- 11.31. On the basis that the proposed development meets all of the criteria of Enfield Policy DMD 89, it is an appropriate form of development in the Green Belt.

## Trees

- 11.32. Policy G7 of the London Plan requires existing trees of value to be retained, and any removal to be compensated by adequate replacement, based on the existing value of benefits. The Policy further sets out that planting of new trees, especially those with large canopies, should be included within development proposals.
- 11.33. At a local level, Policy DMD80 of the Development Management Document stipulates that developments do not result in any loss or harm to trees of significant biodiversity or amenity value, or adequate replacement must be provided whilst the Draft Local Plan outlines the benefits that trees offer to people and the environment by improving air quality, reducing noise pollution, contributing to climate change adaptation and reducing the urban heat island effect. Additionally, Policy DMD 81 of the Development Management Document refers to landscaping.

- 11.34. Following consultation with the Council's tree officer, the applicant reviewed tree plans to limit, to the maximum degree, removal of trees that are directly in conflict with the proposed path to nine trees. The applicant has submitted an Arboricultural Planning Report (November 2022) that includes an Arboricultural Method Statement and Tree Protection Plan. Of the nine trees proposed to be removed, eight are small-to-medium category C trees and one category B Hawthorn. A further two trees are being removed for reasons of safety. The planting strategy includes the planting of 121 new trees along the length of the route. While this number of trees more than compensates for the loss of trees, the trees are also intended to provide screening to preserve the privacy of residents whose properties bound the path, and to augment the potential for wildlife habitats along the corridor. The proposal meets and exceeds the requirements of applicable tree policies and officers are comfortable with the proposal for tree planting.
- 11.35. A condition is recommended to require compliance with the Arboricultural Method Statement and Tree Protection Plan.

## 12. Transport

- 12.1. As set out in the Principle of Development, the proposed pedestrian and cycle path, by its nature, fulfils a strategic connectivity function and contributes to the Mayor's Transport Strategy core objective to move away from vehicular travel and enable sustainable travel.
- 12.2. London Plan Policy T2 requires proposals to support the 10 Healthy Street Indicators, Policy T3 seeks to identify transport infrastructure that eliminates physical barriers to movement, thereby creating transport links, Policy T4 requires proposals to demonstrate sufficient network capacities, and Policy T5 supports the delivery of an integrated network of cycle infrastructure.
- 12.3. Core Strategy policies aim to ensure that planned growth is supported by adequate transport infrastructure that promotes sustainable transport choices. Specifically, Core Policy 25 supports the implementation of improvements to walking and cycling, giving priority to projects that overcome physical severance. Development Management Document Policy DMD 47 requires that pedestrian routes should be attractive, safe, clearly defined, convenient and accessible to those with disabilities. New provision is welcomed and should link with existing routes. Cycle routes should be designed to provide a desirable alternative to car use and, where possible, should be segregated.
- 12.4. The segment of the pedestrian and cycle path from Enfield Town to Broxbourne that is the subject of this planning application is off-carriageway, except at junctions where the path crosses highways at four points: Carterhatch Lane, Goat Lane/Hoe Lane, Turkey Street and Bullsmoor Lane. The off-carriageway path begins at the south end at Tenniswood Road where it is on the west side of the New River, then crosses to the eastern bank of the New River at Carterhatch Lane. It continues on the east side of the river up to Bullsmoor Lane.
- 12.5. The alignment of the path has been informed by the location of the present pedestrian path, the bank widths and the natural and built features of either side of the river.

- Tenniswood Road to Carterhatch Lane: The western side of the New River
  was preferred over the eastern side because it avoids the need to cross the
  river from the on-carriageway section at Tenniswood Road and because there
  are fewer properties on the western side of the New River. It also avoids
  extensive interventions at Carterhatch Lane to join the New River, including a
  segregated cycle facility on Carterhatch Lane, removal of the existing
  concrete raised island on the bridge and relocation of a bus stop.
- Carterhatch Lane to Goat Lane: There is an existing towpath on the eastern bank and there is sufficient width to maintain the path on this side.
- Goat Lane to the Turkey Brook: There is an existing towpath on the eastern bank between Goat Lane and the existing footbridge and there is sufficient width to maintain the path on this side. The path on the western side has insufficient width.
- Turkey Brook to Turkey Street: There is an existing towpath on the eastern bank, where there is sufficient width for the shared path to be constructed. The path remains on the eastern side and there is no change to public access.
- Turkey Street to Bullsmoor Lane: The existing towpath is on the western bank. There is a small channel on the western bank which would create unsafe conditions for the shared path. It is therefore proposed on the eastern bank.
- 12.6. The path is shared between pedestrians and cyclists in two directions with no separating features. In order to achieve accessible grading, areas of the path will be cut and filled to adapt slopes.
- 12.7. Although not part of this planning application, junctions have been re-designed to accommodate the additional pedestrian and cyclist movement. The crossing at Carterhatch Lane is being adapted to include a designated zebra crossing and Goat Lane/Hoe Lane will include a build-out into the roadway to give priority to pedestrians and cyclists.
- 12.8. A new bridge is proposed to be constructed over Turkey Brook as the present bridge is only two metres wide, insufficient to meet requirements for a minimum three-metre width. The new bridge is four metres wide and is also shared. The existing bridge will remain in place to the west of the new bridge and path. This is subject to further discussion with Thames Water.
- 12.9. The Turkey Street junction is distinctive in that it includes the Grade II listed Turkey Street Bridge. The bridge is presently closed to vehicles by bollards on the east and west sides. The bollards are proposed to be replaced with steel cylindrical bollards that are more sympathetic to the historic bridge. The bridge will be resurfaced with resin bound surfacing and the on-carriageway markings "KEEP CLEAR" will be reinstated on the approaches to the bridge to give further warning that the bridge is inaccessible to motorised vehicles.
- 12.10. An existing access point from Worcesters Avenue onto the existing path is being reinforced through widening and landscaping on either side of the access.

Impacts to vehicle movements

- 12.11. The subject of this planning application is the creation of a pedestrian and cycle route that promotes active travel and enables access to a major natural asset in the borough. Given the interaction of the riverbank path with highways, a *Transport Impact Assessment (April 2020)*, has been submitted which evaluates use forecasts and any impacts to roads and traffic movements resulting from the introduction of the path and associated amendments to junctions. Officers are satisfied that the assessment concludes that the path does not result in any significant impacts to traffic or highways operations.
  - Carterhatch Lane junction: Some queueing and delays may occur as a result of the crossing, but queues will not block back to the preceding Zebra crossings on either approach.
  - Goat Lane: The introduction of a priority junction, to enable footway widening will not have a significant impact of queues, or delays.
  - Turkey Street: The existing and retained road closure across the Turkey Street Bridge means there will be no impact to vehicular movements.
  - Bullsmoor Lane: Some queueing and delays will occur as a result of the crossing, but queues will not block back to the preceding Zebra crossings to the west or affect the junction with the A10 to the east.

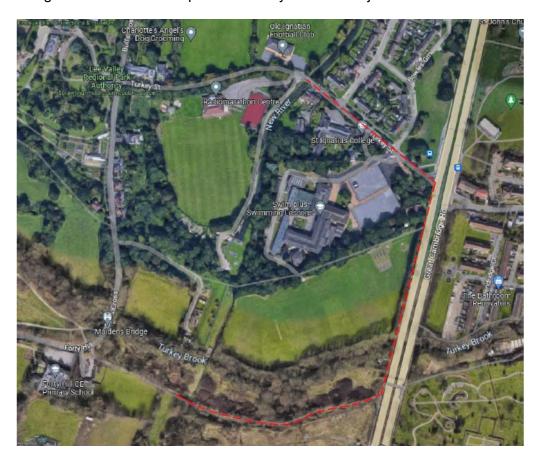
#### Materials

- 12.12. The path will be surfaced with hoggin, which is a mix of clay, gravel and sand. The particular mix selected for this project is dense, firm and self-binding, resistant to grooving and ponding and so fine, that any eroding particles should not obstruct wheels. It has been used across other Enfield sites, including a path along Turkey Brook. The surface is semi-permeable and will aid in drainage and prevention of surface-run off into the New River.
- 12.13. The Design Review Panel highlighted concerns about hoggin, that it could impair ease of movement by wheelchairs with loose particles. Alternatives were evaluated that would either introduce issues of impermeability and runoff into the river, or would be inappropriate to the historic and natural character of the New River. This specific hoggin has been selected for its fine texture, self-binding qualities and permeability.
- 12.14. The use of hoggin is accepted and supported as being suitable to all users, appropriate for the setting of the path and allowing a level of permeability supports sustainable drainage.

## Access and design

12.15. The path is generally 3 metres in width with several sections exceeding this width. The 3-metre width is dictated by two sets of standards: Government cycle infrastructure guidance and *Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure*. The Traffic Impact Assessment (April 2020) expects approximately 150 cyclists or pedestrian users along the entire length of the path at peak hours; this is a moderate level of usership. *Cycle infrastructure design (LTN 1/20)* is the guidance by the Department of Transport that sets standards for safe, high quality infrastructure. It recommends a minimum width of three meters for cycle flows of 300 cyclists or less per hour. *Inclusive Mobility* recommends a minimum 2 metre width for a footpath to allow enough space for two wheelchair users to pass even if they are using large electric mobility scooters.

- 12.16. There are two pinch points where the path narrows to less than 3 metres in width. This includes a 300-metre section with a width of 2.5 metres near Saint Ignatius College, as well as another discrete section that is 2.25 metres wide. Through discussions with Saint Ignatius College, there is potential that an acquisition of some of the school's land could reduce the length of the narrow section adjacent to it.
- 12.17. The entirety of the path has been designed and levelled through a combination of digging, filling and installation of retaining walls to support ramps alongside crossings. In line with *Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure*, the path maintains compliant grades of <8%. The only exception is the north side of the footway adjacent to St. Ignatius College, which is at a grade of 15.9%, making it inaccessible to wheelchairs. The applicant has demonstrated extensive review of this section, exploring various alternative configurations. Correcting the steep grade relies on utilising land owned by St. Ignatius College. Encouragingly, the applicant has had conversations with St. Ignatius College, and the school is amenable to exploring solutions. Officers support further discussions and efforts to amend the route to include a compliant grade.
- 12.18. If it is not possible to acquire land from Saint Ignatius College, wayfinding signage would be installed at entrance points north and south of the 15.9% gradient indicating conditions on this portion of the path and suggesting the alternative accessible route. The alternative route is 850 metres, whereas the direct route along the New River is approximately 450 metres. This alternative route utilises the surfaced greenway south of the Turkey Brook, the footpath along the A10 and the footpath on Turkey Street to re-join the New River.



- 12.19. The *Cycle infrastructure design (LTN 1/20)* guidance limiting crossfall (the slope of the footpath at right angles to the direction of travel) to no more than 2.5% is accommodated for the majority of the route.
- 12.20. Officers are satisfied that the path configuration has considered ease of access for a diversity of user needs. The section of higher grade adjacent to Saint Ignatius College has not been resolved, but officers are reassured that the Council and school are in discussions and any resolution would be formalised via a planning application.

## Speed management

- 12.21. The applicant has undertaken a review of guidance for maintaining safe user speeds on a 3-metre wide path that is shared by both pedestrians and cyclists. Additionally, several 'calming' features have been assessed in the context of this proposed path. In conclusion, the location of rest areas with benches, design of crossings and anticipated numbers of pedestrians on the path will together manage speeds.
- 12.22. The following features were considered:
  - Hump: A hump of effective length would have to be 3.6 metres, which
    presents a long distance for physically impaired users, wheelchairs and push
    chairs to negotiate. A hump may not be sufficiently visible in the proposed
    lighting, leading to accidents.
  - Chicane: Creates a pinch point and is challenging to construct over hoggin
  - Rough surfacing: Can be uncomfortable and difficult for younger users, smaller bicycles or wheelchairs
  - Change in colour/pattern: Challenging to construct over hoggin
  - Bench seats along path: Potential conflict between cyclists and users of bench if not placed appropriately
- 12.23. 43 bollards are proposed within the off-carriageway route. These are predominantly at crossings and have been spaced to allow access by wheelchairs. Shared paths at crossings are highlighted with the use of block paving and the addition of signage to warn users of the shared use space.
- 12.24. Given the constraints of the path design and need to maintain inclusive and safe access for all users, officers are satisfied that "side friction" with the introduction of bench seats, as well as the need to slow around crossings and bollards, were found to be the most effective and practical forms of speed management.

#### Restrictions on users

12.25. According with current legislation, shared paths can only be used by non-motorised vehicles, such as cyclists and scooters, as well as pedestrians and ebikes. E-scooters and mopeds are not allowed to use the path.

## Inclusive access

12.26. London Plan Policy D5 Inclusive Design requires proposals to achieve the highest levels of inclusive design. Spaces should facilitate interaction for all needs, have no disabling barriers and be accessed safely and conveniently.

- 12.27. The application has been prepared using *Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure* (December 2021) published by the Department of Transport. The applicant has also submitted a Design and Access Statement (February 2023) and Equalities Impact Assessment and Annex (February 2023) that set out how the path has been designed to be inclusive.
- 12.28. These elements are discussed in more detail in respective sections of this report. To enable access for a diverse set of users, the following considerations have been made as part of the proposal:
  - Path grade: the entirety of the path meets a grade of <8%, with the exception of a segment of footway along Saint Ignatius College, where the grade is 15.9%. Enfield Council Journeys and Places, the applicant for this application, are in the process of discussing acquisition of a segment of land that would bring this portion of the route into compliance officers are satisfied that the applicant is pursuing a solution to this condition. In the absence of a reduction of this grade, a condition is recommended to include signage at access points to the north and south of this section notifying of this grade condition and directing to an alternative route to return onto the path. It is recognised this is below standard, but the applicant has demonstrated extensive exploration of configurations within the constraints of the site and has not arrived at an alternative solution.</p>
  - Path width: for its entire length, the path meets a minimum width of 2 metres
    to allow two mobility scooters or wheelchairs to pass one another. In line with
    Cycle infrastructure design (LTN 1/20) the vast majority of the path is
    designed to 3 metres in width. Two narrow areas have been described,
    including one that narrows to 2.5 metres along Saint Ignatius College. If
    discussions with the school are successful, an acquisition of land would
    reduce the length of this narrow section.
  - Access points: access is shared and will be paved with block paving and include signage to warn users of the shared use space.
  - Surfacing: a particular mix of hoggin has been selected for its fine texture and self-binding properties, which has been used in open spaces in the borough and has been found to be suitable for use by wheelchairs and pushchairs.
  - Rest areas: rest areas have been integrated into the design of the path, spaced at a maximum of 500 metres, with bench seats and surfaced to allow ease of access.

## Healthy Streets

12.29. The proposal is designed to be consistent with the Ten Healthy Streets Indictors adopted by the Mayor of London referenced in London Plan Policy T2, providing inclusive access, ease of access, places to rest, respite from road noise, new opportunity to cycle along the New River, security measures, historic interest, fresh air and an opportunity for leisure.

## Construction Management Plan

12.30. The applicant has submitted a Construction Management Plan (November 2022) that is found to be satisfactory. A condition is recommended that requires compliance with the Construction Management Plan.

## 13. Design

## High-quality design

- 13.1. Paragraph 126 of the NPPF underscores the central value of good design to sustainable development. The Framework expects the planning process to facilitate "high quality, beautiful and sustainable buildings and places". As in Paragraph 130, the assessment of a scheme should take into account the endurance of the design, visual appeal, sensitivity to local context, sense of place, optimisation of the site and contribution to health and wellbeing.
- 13.2. London Plan Policy D4 aims for proposals to go through a complete design process to encourage a high-quality outcome. Design scrutiny, through the use of Design Review Panels is encouraged.
- 13.3. Enfield Policy DMD 37 sets out objectives for achieving good urban design: character; continuity and enclosure; quality of public realm; ease of movement; legibility; adaptability and durability; and diversity.
- 13.4. The applicant has prepared a Placemaking Strategy and a set of placemaking drawings to support the application and help to inform the holistic design of the path. The strategy acknowledges the "historic route with engineering assets that should be celebrated." These features need to be both highlighted and treated sensitively.
- 13.5. The proposal introduces several elements to give character and enhanced purpose to the path beyond its function as a pedestrian and cycle path.
- 13.6. Eight bench seats with backs set within seating areas are provided along the length of the route. These are spaced a maximum of 500 metres apart, located away from houses and busy roads, surfaced in hoggin and sufficiently large to accommodate a pushchair or wheelchair.
- 13.7. Several cycle stands are proposed at seating areas to allow cyclists an opportunity to secure bicycles while resting. The stands will be placed as individual stands, rather than grouped. Harrogate stands with rounded profile tie in with the cylindrical bollards and reference the balustrades on the Grade II listed Turkey Street Bridge.
- 13.8. Following advice from the Design Review Panel, Historic England GLAAS, design and heritage officers, the applicant proposes to install information posts at key locations along the path as a form of wayfinding and to convey historic and ecological information. A condition is recommended that the applicant further consult officers on the final location of the information posts once historic assets have been collated and prioritised.
- 13.9. The Placemaking Strategy recommends that all of the street furniture, cycle stands, benches, lighting, bollards and signage are black in colour to provide consistency along the route. While this is generally acceptable, a condition is recommended to require the details of street furniture, cycle stands, benches, lighting, bollards, signage and information posts.

13.10. The proposed new bridge over Turkey Brook is of a functional design and modest relative to other bridges along the New River. It is acknowledged that the bridge is not in a visually prominent location. However, moderate changes to the shape, colour spacing, design of balustrade and material could better connect the design of this bridge to its context. A condition is recommended for further design details of this bridge.

## Landscaping

- 13.11. The application includes sets of planting and landscape and ecology plans. In total, the planting comprises 121 new trees, 585 metres of hedgerow, grasses and wildflowers, and raingarden. The trees, hedges and soft landscaping are proposed to enhance the biodiversity of the Development Site, as a designated Wildlife Corridor, metropolitan SINC, local open space and Green Chain Corridor. The planting raises the level of Biodiversity Net Gain above the 10% increase supported by policy. Hedges are located on fence boundaries where private gardens back onto the route as a safety measure. Where there is sufficient planting width, trees will be planted against private home boundaries to provide a form of screening from passers-by on the path.
- 13.12. The application proposes a generous planting strategy to address several important purposes: creating new opportunities for habitats and enhancing the ecology of the New River, providing an attractive route and installing measures to support the safety and privacy of residents along the path.
- 13.13. A Landscape Management and Monitoring Plan is recommended by condition that includes maintenance of trees, hedges, soft planting and retaining walls.

## Amenity and privacy

- 13.14. While privacy is often discussed in the context of residential proposals, good design should ensure suitable amenity and privacy is secured. There is no specific privacy policy related to the development of infrastructure or open space assets, however, any impact on neighbouring properties requires consideration.
- 13.15. Some residents of neighbouring homes have expressed concern that the formalisation of the path will introduce visibility by users into their gardens and rear windows. In many points along the riverbank, the path is raised above the level of the gardens. There is also concern that there will be increased opportunity to climb over private rear fences into properties.
- 13.16. The applicant has provided information to demonstrate conditions of the path relative to neighbouring homes. The applicant has identified the general distance to properties for segments of the path that have been raised during the statutory consultation period for the planning consent. These are listed with distances to rear windows below:
  - Sinclare Close: 20-25 metres from path to rear windows
  - Ladysmith Road: ~45 metres from path to rear windows
  - Severn Drive: ~24 metres from path to rear windows
  - Capel Road: >18 metres from path to rear windows

- 13.17. The pre-consultation draft of the Mayor of London's Housing Design Quality and Standards (2020) acknowledges the 18-21-metre distance between backs of homes has been used as a standard measure to seek sufficient distances. The guidance argues for a more considered approach that includes sunlight, acoustic distances and outlook. The guidance says, "Private gardens with high fences that back onto a communal garden may deliver privacy for the occupant but could undermine passive surveillance and even the sense of community of the shared space."
- 13.18. The majority of the identified distances between the path and existing rear windows of homes are a minimum of 18 metres, the generally accepted distance to support privacy. Notably, the Housing Design Quality and Standards recognises the value of surveillance over public outdoor amenity and that visibility may help to deter misuse of space or anti-social behaviour.
- 13.19. To give further assurance to residents, the applicant is proposing a planting strategy that incorporates hedges as a safety buffer along rear fences and, where there is adequate planting width, trees to provide screening.
- 13.20. The proposal formalises a path that presently exists and allows public access. The paving of the path is intended to allow easier use of the path for commuting and recreational purposes for a diversity of users. Officers are content that the applicant has given comprehensive thought to privacy concerns and has addressed privacy in a balanced manner.

## Secured by Design

- 13.21. London Plan Policy D11 and Core Policy 9 promote the integration of design measures that create safe and secure environments for the community. This is seen as integral to good design.
- 13.22. The applicant engaged with the Designing Out Crime Office of the Metropolitan Police during the design phase, and Enfield consulted the Met during this application review.
- 13.23. The Designing Out Crime Officer raised two issues: that bicycle stands be placed diagonally to reduce leverage positions between stands and that seating not be timber to avoid arson. The few bicycle stands that are proposed will be located individually. The bench seats that have been selected are entirely metal, addressing the officer's concerns.
- 13.24. Since consulting with the Metropolitan Police, the applicant has decided to introduce CCTV cameras on the path. This was not recommended by the Met, it is proposed as an additional layer of safety, both to deter criminal activity and to help in investigations, if necessary. A condition is recommended requiring the details of the location of CCTV.

## 14. Flood Risk and Drainage

14.1. London Plan Policy SI 12 outlines development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 outlines that development proposals should aim to achieve greenfield runoff rates and ensure that surface water run-off is managed as close to its source

- as possible. It also states there should also be a preference for green over grey features, in line with an outlined drainage hierarchy.
- 14.2. Core Strategy Policies CP21, CP28 and CP29 and Development Management Document Policies DMD59 DMD63 outline the requirements for major development from the perspective of avoiding and reducing flood-risk, the structure and requirements of Flood Risk Assessments (FRAs) and Drainage Strategies and maximising the use of Sustainable Urban Drainage Systems (SuDS).
- 14.3. Approximately 95% of the Development Site is in Flood Zone 1 and 5% is in Flood Zones 2 and 3. The applicant prepared a Flood Risk Assessment (February 2023) that was reviewed by the Environment Agency and Lead Local Flood Authority. The proposal was found to be acceptable and not introduce any additional flood risk that requires mitigation. The EA was specifically interested to ensure that the construction of the new bridge over Turkey Brook did not introduce additional flood risk. This was resolved through additional information presented by the applicant in the Flood Risk Assessment. The EA has requested final bridge drawings and specifications via an informative for the purposes of record-keeping.
- 14.4. Officers have reviewed the drainage strategy, which includes rainwater gardens at the north of the Development Site adjacent to Bullsmoor Lane. Officers find the proposal to be appropriate, but recommend a condition requiring information on the level of rainfall event the rain gardens have capacity for before works are carried out.

## 15. Heritage and archaeology

## Heritage

- 15.1. NPPF paragraph 197 states that in determining applications, local planning authorities should take account of:
  - (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - (c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 15.2. Within and adjacent to the red line boundary are several heritage assets:
  - The Grade II Bridge Over the New River at Turkey Street was constructed in 1827
  - The Forty Hill Conservation Area forms the eastern boundary of the route at the north section
  - The Dowcra Aqueduct was constructed in 1859 to bypass the Whitewebbs Loop of the New River and thereby provide a more direct route. It is included on Enfield's Local Heritage List

15.3. The New River is recognised as an important landscape feature within Enfield and is an exceptional example of a long-distance water-supply system. The New River was constructed between 1609 and 1613 to bring a supply of drinking water into London from springs in Hertfordshire. It is widely accepted as one of the most significant and ambitious developments in water supply in England.

## **Listed Buildings**

- 15.4. Turkey Street Bridge over the New River is a Grade II Listed Building.
- 15.5. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on Local Planning Authorities (LPAs) to pay special regard to the desirability of preserving the special architectural and historic interest of listed buildings and their settings.
- 15.6. Paragraph 199 of the NPPF states that great weight should be given to the conservation of a designated heritage asset when considering the impact on the significance of that asset and the more important the asset, the greater that weight should be. Paragraph 200 confirms that the significance of a designated heritage asset can be harmed by development within its setting.
- 15.7. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. Any harm to significance must therefore be clearly and convincingly justified and outweighed by the delivery of public benefits if it is to be in accordance with Paragraphs 199 202 of the NPPF. In the case of harm to non-designated heritage assets in accordance with paragraph 203 a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset.
- 15.8. The Turkey Street bridge over the New River has been negatively affected by previous unsympathetic traffic interventions. The proposed scheme introduces new surfacing and the replacement of unsympathetic bollards.
- 15.9. The propose resin bound gravel surfacing is favourable, as is the removal of existing traffic barriers. A condition is recommended requiring the detail of the surfacing material before the works are undertaken.
- 15.10. There remain details of approach to bridge fencing and railings that need further resolution. On this basis, a condition is recommended that requires further drawings and details of the bridge prior to the commencement of works.
- 15.11. In the round, the proposed changes represent heritage benefit to the listed bridge. As such, the 'balancing act' required by paragraph is 202 is not engaged.

## Setting of Conservation Area

- 15.12. The site is located in the Forty Hill Conservation Area.
- 15.13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty regarding conservation areas in the exercise of planning functions: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the NPPF sets out matters which should be taken into account when determining planning

- applications, including sustaining and enhancing the significance of heritage assets (which include conservation area) and the desirability of new development making a positive contribution to the local character and distinctiveness.
- 15.14. The National Planning Policy Framework (NPPF) recognises conservation areas as designated heritage assets Paragraph 189 of the National Planning Policy Framework makes clear that great weight should be given to the conservation of designated heritage assets and to their setting.
- 15.15. Policy 31 of the Core Strategy and DMD44 of the Development Management Policies 2014, accord with the NPPF in seeking to sustain and enhance the significance of heritage assets, which include conservation areas, through development which makes a positive contribution to local character and distinctiveness.
- 15.16. The proposal is in the setting of the Forty Hill Conservation Area. Given that the proposal formalises an existing use and is generally discreet relative to the conservation area, officers are confident that the proposal will not impact the conservation area. As such, the 'balancing act' required by paragraph is 202 is not engaged.

## Non-Designated Heritage Assets

- 15.17. The Dowcra Aqueduct was constructed in 1859 to bypass the Whitewebbs Loop of the New River and thereby provide a more direct route. It is included on Enfield's Local Heritage List. For the purposes of Planning, it is a non-designated heritage asset.
- 15.18. The proposed scheme will greatly improve access to the non-designated heritage asset whilst the new heritage interpretation signage will better reveal its significance. As such the scheme will result in a heritage benefit and cause no harm.
- 15.19. The New River is an important landscape feature within Enfield and an exceptional example of a long-distance water-supply system. The New River was constructed between 1609 and 1613 to bring a supply of drinking water into London from springs in Hertfordshire. It is widely accepted as one of the most significant and ambitious developments in water supply in England. For the purposes of Planning, it is a non-designated heritage asset.
- 15.20. There is at present a consistent style of railing and gate along the length of the New River which forms part of its coherent historic character. The style of estate railing in particular the posts was established in the early-mid nineteenth century with later sections continuing to reference the original. It is important to maintain this character and fabric.
- 15.21. To ensure the historic character and fabric of the New River is maintained, a condition is recommended to ensure gates and railings are repaired and re-used where possible and replaced appropriately where necessary.
- 15.22. The proposed scheme will greatly improve access to the non-designated heritage asset whilst the new heritage interpretation signage will better reveal its significance. As such the scheme will result in a heritage benefit and cause no harm.

15.23. The proposal to include informational posts is strongly supported as it will underpin the heritage interpretation of the route and reinforce local identity. Additional consultation with officers is encouraged to make the most of the locations of the informational posts in the most historically significant locations. A condition is recommended that requires a scheme of heritage interpretation informed by work with local interest groups and further review of historic features along the route. On this basis, the locations of informational posts shown on drawings is indicative and the exact location will be secured by condition.

## Archaeology

- 15.24. London Plan Policy HC1 indicates that development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation.
- 15.25. The application site is located within the Tier 3 Archaeological Priority Areas of Whitewebbs Hill, Bulls Cross and Forty Hill. The submitted Archaeological Desk Based Assessment (YEAR) concludes that the site has low archaeological potential for all periods of human activity. Historic England GLAAS were consulted on the application and advised that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and that No further assessment or conditions are necessary. Through its review, GLAAS did note the historic value of the route and suggested finding opportunities to convey the heritage of the New River to users. As discussed in the Heritage and Design sections of this report, the applicant is proposing information boards at points along the path to bring attention to history of the New River and its features.

#### 16. Environmental Health

#### Environmental Health

- 16.1. Officers are content that the proposal is unlikely to result in a negative environmental impact. Specifically, the development is not expected to introduce air quality or noise impacts.
- 16.2. The potential for ground contamination during construction of the new path is recommended to be mitigated by a condition requiring a Contamination Plan setting out a strategy for identification and removal of contamination.

#### Waste Management

16.3. The proposed path is on Thames Water property but will be managed and maintained by Enfield Council through an agreement between the two parties. With regard to waste, the applicant proposes not to provide waste bins or dedicated waste receptacles along the path in an effort to encourage path users to take any waste with them and dispose of it elsewhere. It is recommended that the Landscape Management and Monitoring Plan includes a requirement for monitoring of litter for a period. Should there be a build-up of waste, bins would be provided.

## 17. Health and Equalities Impact Assessment

Equalities Impact Assessment

- 17.1. In accordance with the Public Sector Equalities Duty, an Equalities Impact Assessment was submitted as part of the application.
- 17.2. The transport section of this report details consideration of access for all users. It is acknowledged that the applicant has comprehensively reviewed alternatives to the grade non-compliance adjacent to St. Ignatius College to reduce the grade from 15.9%, which is in excess of the 8% grade required to ensure accessibility. Officers are encouraged that the applicant is in discussions with the College to potentially acquire a segment of land that would enable this segment of the path to be delivered to a compliant grade. Absent this solution, the segment of path will be signed to direct users to a paved, level route that will bring them back around to the route along the New River.
- 17.3. Apart from the outstanding matter of the section adjacent to St. Ignatius College, it is considered the proposal would not further disadvantage people who share one of the different nine protected characteristics as defined by the Equality Act 2010 compared to those who do not have those characteristics.

## Health Impact Assessment

- 17.4. London Plan Policy GG3 outlines that to improve Londoners' health and reduce health inequalities, those involved in planning and development must adhere to an outlined criteria.
- 17.5. This application is *not* accompanied by a Health Impact Assessment (HIA). The HIA should be based on the Healthy Urban Development Unit (HUDU) Rapid HIA Assessment Tool.
- 17.6. The HUDU Rapid HIA Assessment Tool provides 11 determinants of health:
  - Housing design and affordability
  - Access to health and social care services and other social infrastructure
  - Access to open space and nature
  - · Air quality, noise and neighbourhood amenity
  - · Accessibility and active travel
  - Crime reduction and community safety
  - Access to healthy food
  - Access to work and training
  - Social cohesion and inclusive design
  - Minimising the use of resources
  - Climate change
- 17.7. Based on the proposal, and assessment undertaken in reports that accompany this application, officers are comfortable that an evaluation pursuant to HUDU Rapid HIA Assessment Tool would yield positive health outcomes for surrounding communities and users in all of the 11 categories. This is particularly true of the categories of measure that the application directly delivers: "Access to health and social care services and other social infrastructure", "Access to open space and nature", "Air quality, noise and neighbourhood amenity", and "Accessibility and active travel", as well as making contributions to the remaining categories. Officers, again, are comfortable that the evident benefits of the proposal, and demonstrated positive health impacts evidenced in accompanying reports, that the development satisfactorily addresses Policy GG3's outlined criteria.

## 18. Conclusion

- 18.1. The proposed pedestrian and cycle path realises a Council objective to expand the cycle network and provide Enfield's communities with additional active travel choices. This route is identified in Enfield's Blue and Green Strategy and its delivery significantly improves an existing, underutilised public path and Local Open Space, allowing enjoyment of the New River by users of a diversity of needs.
- 18.2. Officers are satisfied that, subject to the recommended conditions, the proposal meets policy objectives around green infrastructure, transport, design, flood risk and drainage, heritage and archaeology, environmental health and health and equalities impacts.
- 18.3. The applicant has satisfied officers that all reasonable approaches to lighting have been explored that support safety and security for users, limit light spill to neighbours and minimise impact to light-sensitive species inhabiting or migrating through the Development Site. Further monitoring and resulting mitigation is recommended to safeguard protected species. Officers are also encouraged that the applicant is actively seeking to make the entire path accessible to wheelchairs by resolving the one area of grade non-compliance.
- 18.4. While the matter of complete accessibility requires additional work by the applicant, the proposal opens up considerably improved access from what exists today. On balance, the pedestrian and cycle path presents a major asset for Enfield's communities and sets an example for infrastructure that achieves connectivity, health, ecological and heritage benefits.



Figure 2 Route alignment Tenniswood Road to Goat Lane





Figure 3 Goat Lane to Turkey Brook



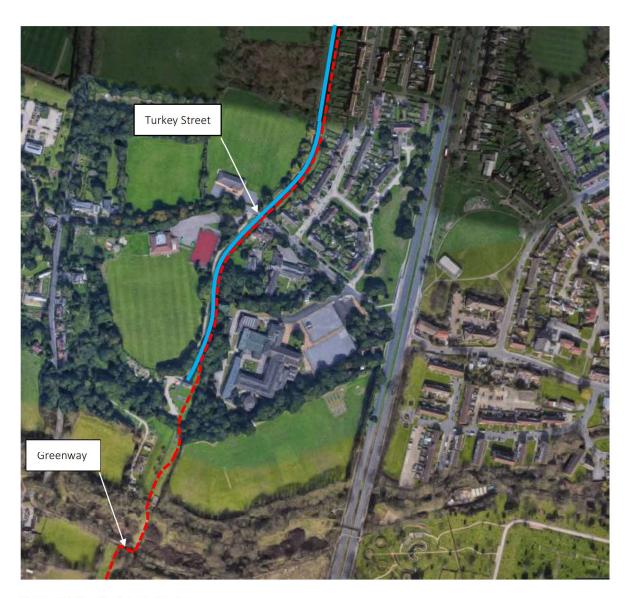


Figure 4 Turkey Book to Turkey Street

## 5.3.6 Turkey Street to Bullsmoor Lane





Figure 5 Turkey Street to Turkey Brook



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terms and conditions.

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| LONDON BOROUGH OF ENFIELD                      |                                         |                  |
|------------------------------------------------|-----------------------------------------|------------------|
| PLANNING COMMITTEE                             | Date: 19 September 2023                 |                  |
| Report of                                      | Contact Officers:                       | Category         |
| Director of Planning &<br>Growth - Brett Leahy | Michael Kotoh-Mortty<br>Claire Williams | Full Application |
| Ward                                           | Councillor Request                      |                  |
| Southgate                                      | Cllr Elisa Morreale                     |                  |

LOCATION: 55 Eversley Park Road, London N21 1NR

**APPLICATION NUMBER: 23/00770/FUL** 

**PROPOSAL:** Redevelopment of site involving demolishment of existing bungalow and erection of 2-storey dwelling house with basement.

## **Applicant Name & Address:**

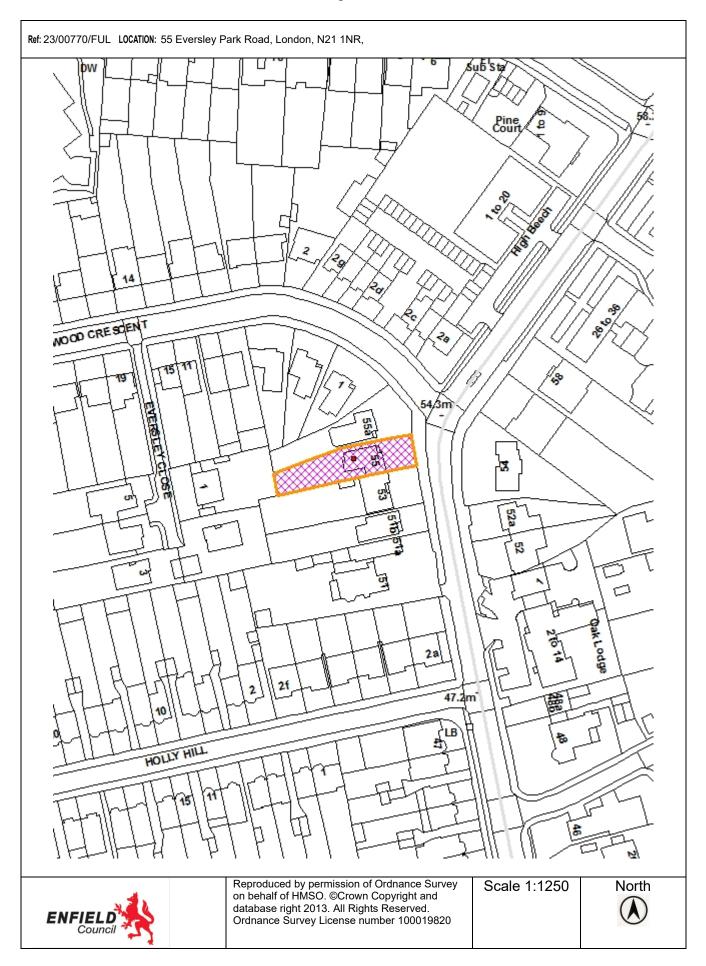
Mr Ismail Aydemir 55 Eversley Park Road London N21 1NR

### **Agent Name & Address:**

Mr Murat Aydemir IntelliArch Ltd 47 Eversley Park Road London N21 1JJ

### **RECOMMENDATION:**

- 1. That the Head of Development Management be authorised to GRANT planning permission subject to conditions.
- That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the 'Recommendation' section of this report.



#### 1.0 Note for Members:

1.1 Although an application of this scale and nature would normally be determined under delegated authority, the application has been reported to committee for determination at the request of Cllr Elisa Morreale due to the level of local interest.

# 2.0 Executive Summary

- 2.1 The applicant seeks planning permission to demolish the existing bungalow and erect a two storey 4bed 7person replacement dwelling with basement.
- 2.2 The scheme is considered acceptable for the following reasons:
  - 1) The proposal would add a new family unit of accommodation to the Borough's housing stock.
  - 2) The quality of accommodation that would be provided is of an acceptable standard.
  - 3) There is no identified adverse impact on neighbouring residential amenity.
  - 4) There are no identified adverse effects on highway safety or traffic generation.
  - The reasons for the objection / concerns regarding the previous refusal 22/02609/FUL which detailed a larger basement have been acceptably overcome with the revised submission which features a basement of a reduced scale. The proposed basement would not be visible from the street and the replacement two storey dwelling would assimilate into the existing character of the streetscene which features two storey dwellings within the setting.

### 3.0 Recommendation

- 3.1 That the Head of Development Management be authorised to GRANT planning permission subject to the following conditions:
  - 1. Three-year time limit
  - 2. In accordance with plans.
  - 3. External finishing materials as detailed within the approved drawings / application form.
  - 4. No additional fenestrations (all elevations)
  - 5. Groundwater flood risk assessment
  - 6. Flood management / evacuation plan
  - 7. Sustainable Drainage Systems (SuDS)
  - 8. Water consumption
  - 9. Energy statement
  - 10. Energy Performance Certificate
  - 11. Cycle parking
  - 12. Refuse
  - 13. Construction Management Plan
  - 14. Non-Road Mobile Machinery (NRMM)
  - 15. Tree Protection
  - 16. Soft Landscaping
  - 17. Biodiversity enhancements
  - 18. Boundary treatment
  - 19. Hard Surfacing
  - 20. Removal of Permitted Development Rights
    - Article 3, Schedule 2, Part 1 Classes A, B, D, E, F, G and H

- Article 3, Schedule 2, Part 2, Class A
- 3.2 That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the 'Recommendation' section of this report.

## 4.0 Site and Surroundings

- 4.1 The application site comprises a bungalow along Eversley Park Road. The subject property is situated at the junction between Oakwood Crescent and Eversley Park Road. To the north of the site is 55A, a bungalow with a pitched roof and to the south of the site is No. 57, a two storey dwellinghouse with a front gable and hipped roof form. Within the front garden is hardstanding to accommodate the parking of cars. The land level at the application site is relatively flat with a minor recline towards the south. The adjoining property at no. 53 to the south sits on a slightly lower ground level when compared to the application site and the bungalow at no. 55A to the north sits on a slightly higher ground level than the application site.
- 4.2 The property is not listed or within a Conservation Area.



Image 1: Front elevation of 55 Eversley Park Road, as outlined in red



Image 2: Aerial view of the site

4.3 The streetscene features a mix of detached bungalows and two storey dwellings. The development pattern within the vicinity features a variety of build forms, scale and designs.

### 5.0 Proposal

- 5.1 The applicant seeks planning permission to demolish the existing 2bed 3person bungalow and replace it with a 4 bed 7person two storey detached dwelling that would feature brickwork to match the existing house. The house would measure 15 16m in depth at ground floor level and 11.5 12.5m at first floor level; 9m in width at ground floor level and 8m at first floor level. The dwelling would measure 9.24m in height and comprise a pitched roof form. At ground floor, the replacement dwelling would be built up to the shared boundary with No.53 and would feature a 1m inset at first floor. While maintaining a 1.5m separation to the side boundary with no. 55A to the north at both ground and first floor level.
- 5.2 The dwelling would feature an integrated garage, alongside a 3.65m deep single storey rear projection (10.3m deep from the rear of the existing garage at the site and 7m deep beyond an alignment with the neighbouring rear projection at no. 53). A basement with front lightwells is proposed. The basement would measure 8m wide and a maximum depth of 8.2m and have a 2.5m floor to ceiling height. The basement would serve a play area and utility space. Solar panels are proposed to the south elevation of the main roof.
- 5.3 The application also involves associated front, side and rear permeable block paving alongside landscaping, a 1.8m rear fence and a front vehicle charging point. The proposal would not involve any alterations to the existing crossover and the frontage

would be able to accommodate two car parking spaces as per the existing arrangement.



Image 3: Proposed street elevation.

- 5.4 The following amendments have been made to the scheme to overcome the previous refusal under application reference number 22/02609/FUL:
  - The previously proposed gable ends to the main roof have been replaced with a pitched roof which would appear more coherent on the streetscene.
  - The basement car park previously proposed at 117sqm that could accommodate up to 4 car parking spaces alongside cycle parking has been scaled down to 57sqm to serve a play and utility area.
  - An enclosed garage is proposed to serve a single car parking space.

## 6.0 Relevant Planning History

### **Application Site**

6.1 23/01590/FUL - Redevelopment of site involving demolishment of existing bungalow and erection of 2-storey dwelling house with rear dormer and front and side rooflights and side roof solar panels. – pending consideration.

The proposal removes the basement and introduces accommodation in the roof with front rooflights and a rear dormer.

- 6.2 22/02609/FUL Redevelopment of site involving demolition of existing bungalow and erection of a 2-storey dwelling house with basement: REFUSED on 07.10.2022 for the following reasons:
- i. The proposed scheme, due to its poor design at front and rear and due to the excessive height, scale, bulk and massing of the building, exacerbated by the incongruous basement storey garage and ramp and because of the top-heavy nature of the dual

gable ended roof form, would not fit in with or assimilate with the character and appearance of the houses on either side, rather it would appear as an overbearing form of development which would be detrimental to the character and appearance of the street scene in this location. As a result, it fails to comply with policy D4 of the London Plan (2021), with policies DMD 6, 8 and 37 of the Development Management Document (2014), with policy CP30 of the Core Strategy (2010) and with paragraphs 130 and 134 of the National Planning Policy Framework (2021).

- ii. The proposed scheme would result in an unjustified overprovision of car parking spaces. As a result, it fails to comply with policy T6.1 of the London Plan (2021) and with policy DMD 45 of the Development Management Document (2014).
- 6.3 22/03838/PREAPP Proposed household extensions: Pre-application advice given on 31.01.2023.

### 7.0 Consultation

# 7.1 <u>Statutory and Non-Statutory Consultees</u>

#### a) Internal

Environmental Health - Conditions suggested for non-road machinery emissions control and construction management plan.

SuDS – The developer must submit a site-specific groundwater FRA. A Flood Management / Evacuation Plan must also be provided.

Officer comment – pre-commencement conditions will be attached to any permission to address the concerns.

Traffic and Transportation - Insufficient information submitted. Cycle parking and construction management plan required for assessment.

Highways - The applicant needs to provide a construction management plan and will need a heavy-duty crossover.

### 7.2 Public

Consultation letters dated 20.03.2023 were sent to four neighbouring and nearby properties. In response, two representations were received which in summary, raise the following points

### Summary of responses

• The previous application was for a 3 bedroom house and the current one is for a 4 bedroom house. This would tower over the neighbouring bungalow.

### Officers' response

The scheme has been revised and has been informed by the concerns raised during public consultation, the previous refusal under 22/02609/FUL as well as the preapplication advice under 22/03838/PREAPP.

### Summary of responses

The soil is clay, possible subsidence may result due to the basement proposed

### Officers' response

Issues pertaining to the structural integrity of the proposal in view of concerns over subsidence are not material planning considerations but rather, one for Building Control under the building regulations.

### Summary of responses

- The proposed basement would be unprecedented in the area.
- The scheme is proposed to make a profit.
- The proposal would detract from the area and set a precedent.
- The proposal is too ambitious for the locality.

### Officers' response

- The matters raised are assessed in the 'Character and Appearance' section of the report.
- Property profit is not a material planning consideration.

## Summary of responses

- Lighting and overshadowing impact to neighbouring conservatory.
- Noise, vibration and dust impact emanating from building works.
- The first floor extension and roof would have a shadowing impact on the neighbouring habitable rooms.
- Overlooking impact to near neighbour.
- The proposed basement is too close to the boundary.

#### Officers' response

The matters raised are assessed in relevant sections of the report.

#### 8.0 Relevant Policies

8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the Committee 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.

### National Planning Policy Framework (2021)

- 8.2 The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable development. In this respect, sustainable development is identified as having three dimensions an economic role, a social role and an environmental role. For decision taking, this presumption in favour of sustainable development means:
  - a) an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.3 The NPPF recognises that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making.
- 8.4 In relation to achieving appropriate densities Paragraph 124 of the NPPF notes that planning policies and decisions should support development that makes efficient use of land, whilst taking into account:
  - a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
  - b) local market conditions and viability;

- c) the availability and capacity of infrastructure and services both existing and proposed as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.
- 8.5 Paragraph 48 of the NPPF details when weight may be given to relevant emerging plans. This guidance states that the stage of preparation, the extent to which there are unresolved objections and the degree of consistency of relevant policies to the Framework are relevant.

# The London Plan (2021)

- 8.6 The London Plan is the overall strategic plan for London setting out an integrated economic, environmental, transport and social framework for the development of London for the next 20-25 years. The following policies of the London Plan are considered particularly relevant:
  - GG1 Building strong and inclusive communities
  - GG2 Making the best use of land
  - GG3 Creating a healthy city
  - GG5 Growing a good economy
  - GG6 Increasing efficiency and resilience
  - D1 London's form, character and capacity for growth
  - D3 Optimising site capacity through the design-led approach
  - D4 Delivering good design
  - D6 Housing quality and standards
  - D10 Basement development
  - D11 Safety, security and resilience to emergency
  - D12 Fire safety
  - D14 Noise
  - H1 Increasing housing supply
  - SI12 Flood risk management
  - T2 Healthy Streets
  - T5 Cycling
  - T6.1 Residential parking

### Local Plan - Overview

8.7 Enfield's Local Plan comprises the Core Strategy, Development Management Document, Policies Map and various Area Action Plans as well as other supporting policy documents. Together with the London Plan, they form the statutory development plan for the Borough. Enfield's Local Plan sets out planning policies to steer development where they align with the NPPF and the London Plan 2021. Whilst many of the policies do align with the NPPF and the London Plan, it is noted that these documents do in places supersede the Local Plan in terms of some detail and as such the proposal is reviewed against the most relevant and up-to-date policies within the Development Plan.

## Core Strategy (2010)

8.8 The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable. The following is considered particularly relevant:

CP2 Housing supply and locations for new homes

CP4 Housing quality

**CP5** Housing types

CP25 Pedestrians and cyclists

CP28 Managing flood risk through development

CP30 Maintaining and improving the quality of the built and open environment

CP32 Pollution

CP46 Infrastructure contributions

### **Development Management Document (2014)**

8.9 The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy.

The following local plan Development Management Document policies are considered particularly relevant:

DMD3 Providing a mix of different sized homes

DMD5 Residential conversions

DMD6 Residential character

DMD8 General standards for new residential development

DMD9 Amenity space

**DMD11 Rear extensions** 

DMD37 Achieving high quality and design-led development

DMD38 Design process

DMD45 Parking standards and layout

DMD47 Access, new roads and servicing

DMD51 Energy efficiency standards

DMD56 Heating and cooling

DMD58 Water efficiency

DMD59 Avoiding and reducing flood risk

DMD60 Assessing flood risk

DMD 61 Managing surface water

DMD 68 Noise

DMD Appendix 7 London Plan parking and cycle standards

### 8.10 Other Material Considerations

National Planning Practice Guidance (NPPG, 2018)

Nationally Described Space Standard (NDSS, 2015)

London Plan Housing, Supplementary Planning Guidance (2016)

Enfield 'Waste and Recycling Storage' Planning Guidance (2019) Community Infrastructure Levy Regulations 2010 (as amended)

### Enfield Local Plan (Reg 18) 2021

- 8.11 The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for several sites. It is Enfield's Emerging Local Plan.
- 8.12 As the emerging Local Plan progresses through the plan-making process, the draft policies within it will gain increasing weight, but at this stage it has relatively little weight in the decision-making process.
- 8.13 Key local emerging policies from the plan are listed below:

Policy DM SE2 – Sustainable design and construction

Policy DMSE4 - Reducing energy demand

Policy DMSE6 - Renewable energy development

Policy DM SE7 - Climate change adaptation and managing heat risk

Policy DM SE10 – Sustainable drainage systems

Policy DM DE1 – Delivering a well-designed, high-quality and resilient

environment

Policy DM DE11 – Landscape design

Policy DM DE13 – Housing standards and design

#### 9.0 Assessment

- 9.1. The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 seek to establish that planning decisions are taken in accordance with the Development Plan unless material considerations indicate otherwise. Furthermore, paragraph 11 (c) of the NPPF goes on to state that development proposals that accord with the development plan should be approved without delay.
- 9.2 The main issues arising from this proposal to consider are:
  - 1. Principle of development
  - 2. Character and appearance
  - 3. Impact upon the amenity of neighbours
  - 4. Quality of accommodation
  - 5. Parking and cycle parking
  - 6. Trees, access and landscaping
  - 7. Flood risk

### Principle of development

9.3 The NPPF and London Plan advise that local authorities should seek to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy CP 5 of the Core Strategy seeks to ensure that new developments offer a range of housing sizes to meet housing needs whilst ensuring that the quality and character of existing neighbourhoods is also respected. There is greatest need in the Borough for family sized housing with 3+ bedrooms, however the Borough requires housing of all sizes and an additional family dwellinghouse would add to the Borough's housing stock and would contribute to the strategic objectives of the Borough.

- 9.4 It is recognised that the Council has failed the most recent Housing Delivery Test and therefore, residential development is subject to the presumption in favour of sustainable development. The tilted balance therefore has to be applied in assessing and weighing up the benefits of the scheme and whether on balance the impacts of not granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 9.5 Policy DMD4 sets out that proposals that result in the loss of existing residential units, particularly family homes, that can still be used, with or without adaptation, will only be permitted if there is no net loss of residential floorspace as a result of the redevelopment. The existing bungalow has a Gross Internal Area (GIA) of 82.39sqm. The proposed development would optimise the site through providing a two storey 4 bed family residential unit and would result in a net gain of residential floor space of 170.31sqm (gross internal area proposed is 255sqm) and therefore the proposal would be consistent with this policy.
  - 9.6 The proposed development is deemed acceptable in principle, subject to further planning considerations as outlined below.

### Character and appearance

- 9.7 Policy DMD6 of the DMD provides standards for new development with regard to scale and form of development, housing quality and density. Policy DMD8 provides general standards for new residential development and reiterates the requirement for a development to be of an appropriate scale, mass and bulk, provide high quality amenity space and provide access to parking and refuse areas. DMD37 encourages achieving a high quality and design led development, which is reiterated within policies D4 and D8 of the London Plan (2021).
- 9.8 The streetscene features a mix of detached bungalows and two storey dwellings. The development pattern within the vicinity features a variety of build forms, scale and designs.
- 9.9 The building lines of the dwelling would broadly match that of the existing dwelling and the design and form of the front elevation would be similar to the existing dwelling. The roof would have a similar profile as the original dwelling and the increase in height would not be excessive and is considered acceptable. The proposed ridge would be in line with no.53 and set 2.3m above No.55A. The new roof would not disrupt the building heights within the street scene; it would provide an appropriate transition between the two-storey dwelling at No.53 and the bungalow at No. 55A. Whist the building would be approximately 3m deeper than the existing house; it would not disrupt the rhythm of the neighbouring dwellings or have an overbearing impact on the street scene, given that, the proposed replacement dwelling would largely maintain a general alignment of front and rear building lines in view of the existing footprints of both adjoining neighbouring properties at nos. 53 and 55A respectively.
- 9.10 Although the proposed rear projection would exceed 3m, the proposed single storey rear projection from the original rear elevation at 3.65m deep (10.3m deep from the rear of the existing garage) would secure a common alignment with the neighbouring

bungalow at no. 55A and would accord with policy DMD11. Furthermore no. 53 has a single storey outbuilding along the boundary with the site which the rear elevation of the new dwelling would not protrude beyond. The first-floor rear extension would extend beyond an alignment of the rear wall at no. 53 by 3.22m, however, the first floor would be in line with the main rear elevation of no. 55A thus respecting building lines within the vicinity.

- 9.11 The proposed basement would sit directly beneath the replacement dwelling. The submitted Planning Statement cites some examples of basements within the area along Eversley Crescent, Cadogan Gardens and Green Dragon Lane. The proposed basement which would serve as an ancillary play space that would not be visible from the street and is not considered to detract from the existing development pattern within the area and the proposal would accord with policy DMD6.
- 9.12 Having consideration to the fact that the recently refused basement under 22/02609/FUL featured a floorspace of 117sqm to accommodate up to four cars alongside a front basement access gate that would have appeared prominent at the front elevation of the property, the current revised basement space to 57sqm to serve as utility and play space which would feature front lightwells that would not appear conspicuous on the streetscene is considered acceptable. This revision addresses the earlier concerns that were raised on the recent refusal relating to the visual impact of the proposal on the streetscene.
- 9.13 The proposed solar panels on the south roof slope would not be dominant on the streetscene in view of policy DMD6, DMD8 and DMD37 and would be a welcome sustainability feature of the new dwelling. In addition, the proposed 1.8m rear close boarded timber fence as well as the front vehicle charging point would not significantly alter the character of the streetscene at this location. The application proposes facing brickwork to match existing, grey natural slate roofing tiles, grey powder coated aluminium fenestrations, and grey permeable block paving at the front, side and rear of the replacement dwelling. The proposed materials would appear coherent at the site and it would enable the proposal to seamlessly assimilate into the character of the streetscene.
- 9.14 Following revisions it is considered that the approved scheme would not harm the character and appearance of the street scene. The scheme has been sensitively designed to enhance the character and appearance of the area and be sympathetic in all aspects of siting, scale, form and design. Officers recommend that permitted development rights are removed from the new dwelling to ensure that the accepted form of the dwelling is not altered without written permission from the Council, also having regard to the amenity of neighbours and the character of the street.

### Impact upon the amenity of neighbours

9.15 The proposed replacement dwelling would largely maintain a general alignment of front and rear building lines in view of the existing footprints of both adjoining neighbouring properties at nos. 53 and 55A. The proposal is not considered to result in any significant loss of light or overshadowing impact to the near neighbours. The replacement dwelling would retain at least 1m insets to both side boundaries at first floor level and together with the pitched roof, this element of the proposal would lessen the amenity impacts to both adjoining neighbours, thereby according with policies DMD6, DMD8 and DMD14.

- 9.16 This site context would realise a replacement dwelling that would maintain a general alignment with the ridge height of the adjoining two storey dwelling at no. 53 to the south, whereas the bungalow at no. 55A to the north which sits on a slightly higher ground level than the application site would retain a ridge height that would be some 2.3m lower than that of the proposed two storey replacement dwelling.
- 9.17 The proposed ground and first floor rear elements of the scheme would not breach the 30 or 45 degree rule to both neighbouring properties (with the exception of the 45 degree line at No.53). With regard to No. 53, although there would be an intrusion into the 45 degree line, the window closest to the application site serves a utility room, a non-habitable room. The ground floor would be sited up to the shared boundary however would only project 3.65m beyond that of the rear elevation of the existing house which is not excessive in depth and would also comprise a flat roof. Furthermore no. 53 has a single storey outbuilding along the boundary with the application site and the site is located to the south of the application which would further reduce any undue impact on this neighbour in terms of appearing overbearing and loss of light.
- 9.18 The replacement dwelling would retain some 40m separation to the rear façade of the neighbouring properties along Eversley Close and this would accord with policy DMD10.
- 9.19 The submitted plans indicate that the flank windows would be finished in obscure glazing which would mitigate any impacts of overlooking to the neighbouring properties. It is also noted that the existing property to be replaced has flank windows and, in this regard, the proposal would not conflict with policy DMD10. A condition would be attached to any permission to ensure the first floor level side windows are obscure glazed. It is noted that the south facing flank elevation windows at no. 55A to the north could realise a shadowing impact during some part of the day given the north orientation in relation to the application property, however, officers consider that this impact partly exists by virtue of the ridge height of the existing bungalow to be demolished and therefore, the envisaged shadowing impact to no. 55A as a result of the additional floor proposed would not exacerbate this amenity impact to suggest a reason for refusal. Furthermore, the side windows are secondary windows providing additional light to primary windows located to the front and rear of the neighbouring dwelling.

#### Unit size and standard of accommodation

9.20 Policy D6 of the London Plan (2021) Table 3.1 refers to the Technical Housing Standards - nationally described space standards, which stipulates the minimum space standards for new development. The proposed dwelling would be expected to meet and where possible exceed these minimum standards and those contained within the Housing Supplementary Planning Guidance SPG (March 2016).

| Unit                 | Dwelling type (bedroom (b)/persons- bedspaces (p)) | Required GIA<br>(sq.m) in London<br>Plan | Proposed GIA (sq,m) |
|----------------------|----------------------------------------------------|------------------------------------------|---------------------|
| Replacement dwelling | 4b7p                                               | 121                                      | 252.7               |

9.21 The submitted plans indicate that the gross internal area of the proposed replacement dwelling would be 252.7sqm. This exceeds the minimum London Plan floorspace standard of 121sqm for a 4b7p dwelling in line with policy D6 of the London Plan (2021), CP4 of the Core Strategy and the Technical Housing Standards – Nationally Described Space Standard (March 2015). It should also be noted that any area with a headroom of less than 1.5 metres is not counted within the Gross Internal Area unless used solely for storage. A section drawing has been provided on the submitted plans which shows the internal height of the replacement dwelling would range from 2.5m - 2.6m on all three floors including the basement with a front lightwell and therefore the stated head heights would accord with the minimum requirement of 2.3m in line with policy D6. The submission shows that there would be reasonable space to stand in the main areas of the new dwelling and the habitable rooms would gain sufficient natural lighting and ventilation. The proposal would therefore realise good quality accommodation that would contribute towards the Council's housing stock.

### Amenity space

9.22 DMD9 of the Development Management Document seeks to ensure that new development retains sufficient amenity space. The submitted floorplans indicate that the proposed amenity space for the replacement dwelling would be 134.5sqm which would accord with the minimum requirements under policy DMD9 of the DMD.

# Transportation and parking

- 9.23 The site is located within a public transport accessibility level of 1b (very poor) and the site is not located within a CPZ. The site has hardstanding to park at least two cars within the front garden and this parking area will be retained. The proposed garage measuring 2.5m in width and 5m in depth would fall short of the standard size for garages which is 3m x 7m. However two parking spaces is sufficient and is broadly in line with policy requirements for a 4 bed house which is 1.5 parking space.
- 9.24 Limited information on the proposed cycle parking has been provided. To encourage the use of sustainable transport modes, a condition would be required for further details on the proposed cycle parking. Further details on refuse and recycling will also be required.
- 9.25 To protect the highway and highway users a condition requiring the submission of a construction management plan is suggested and application for a heavy-duty crossover will be required as part of this.

# Impact on trees at the site and Landscaping

9.26 There are trees located on the site and on the adjoining neighbouring curtilages which are not protected by virtue of a Tree Protection Orders (TPOs). The submitted Tree Survey indicates that 1 rear garden tree (T4) and 1 rear garden mixed shrub (G3) would be removed to facilitate the proposal and that the proposed demolition would not impact the root protection areas of the trees listed in the report. Trees (T1) and (T5) on third party land at no. 53 would not be significantly affected by the proposal and the Tree Survey recommends some pruning to the overhang of tree (T5) along the boundary with no. 53. A landscaping and biodiversity enhancement conditions are suggested to enhance the landscaping on the site and add to the local character,

benefit biodiversity, help mitigate the impacts of climate change and reduce water runoff. This aspect of the proposal would accord with policies DMD80 and DMD81.

# Sustainable Drainage Systems (SuDS)

- 9.27 The application site is not located within a groundwater flood risk area, however, the proposal includes a basement level with useable habitable space and therefore a groundwater flood risk assessment and details of a flood management / evacuation plan will be secured through a condition.
- 9.28 A green roof is proposed to the single storey rear projection, together with grey permeable block paving to the front, side and rear of the proposed replacement dwelling. The Council's DMD Policy, sets out that all minor developments must achieve as close to Greenfield runoff rates for 1 in 1 year and 1 in 100 year (plus climate change) year events and maximise the use of SuDS in accordance to the London Plan Drainage Hierarchy and the principles of a SuDS Management Train. A condition will be attached to any permission to maximise SuDS on the site.

#### **Energy and Sustainability**

- 9.29 London Plan Policy SI states that development proposals should make the fullest contribution to minimising carbon dioxide (CO2) emissions in accordance with the following energy hierarchy:
- 1. Be Lean: use less energy;
- 2. Be Clean: supply energy efficiency; and
- Be Green: use renewable energy.
- 9.30 Enfield's DMD policy 49 requires the highest sustainable design and construction standards, having regard to technical feasibility and economic viability. These policies require new developments to address the causes and impacts of climate change by minimising energy use, supplying energy efficiently and using energy generated from renewable sources (Core Strategy Policy 20 and DMD51). Solar panels are currently proposed to be sited on the new roof. To ensure that a sustainable new house is achieved on the site an energy statement condition would be attached to any planning permission.

# 10.0 Community Infrastructure Levy (CIL)

10.1 The proposed development would provide a replacement residential dwelling and would therefore be liable to pay CIL at borough and mayoral levels.

# Mayoral CIL

10.2 Mayoral CIL is collected by the Council on behalf of the Mayor of London. The amount that is sought for the scheme is calculated on the net increase of gross internal floor area multiplied by an Outer London weighting (increased to £60per sqm as of 1st April 2019).

### Enfield CIL

10.3 The Council introduced its own CIL on 1st April 2016. Enfield has identified three residential charging zones, and the site falls within the higher rate charging zone (£120/sqm) which equates to a CIL amount of approximately £30,324.00.

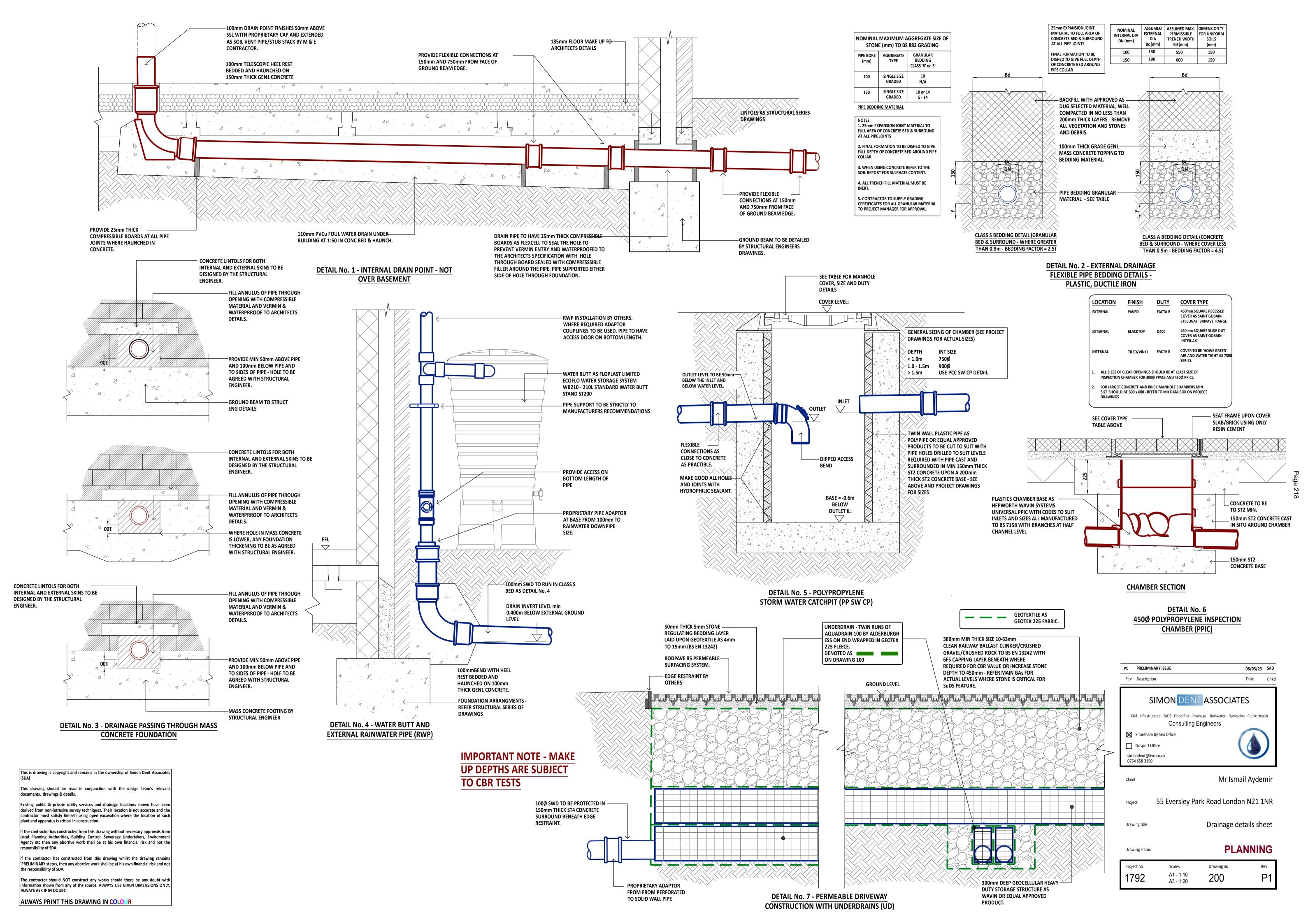
### 11.0 Public Sector Equalities Duty

- 11.1 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.
- 11.2 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).
- 11.3 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.
- 11.4 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.
- 11.5 In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impact has been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.

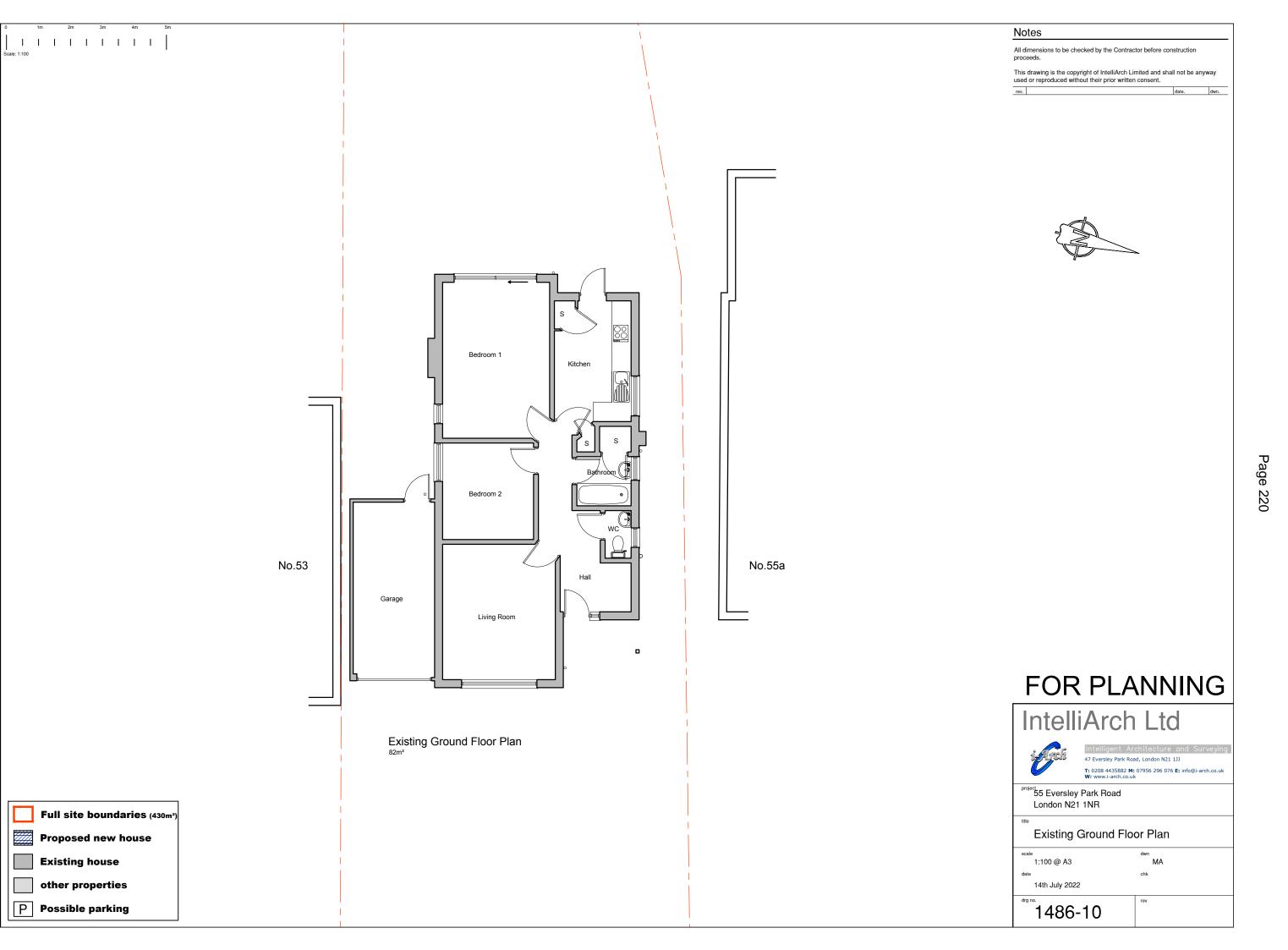
11.6 The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

#### 12.0 Conclusion

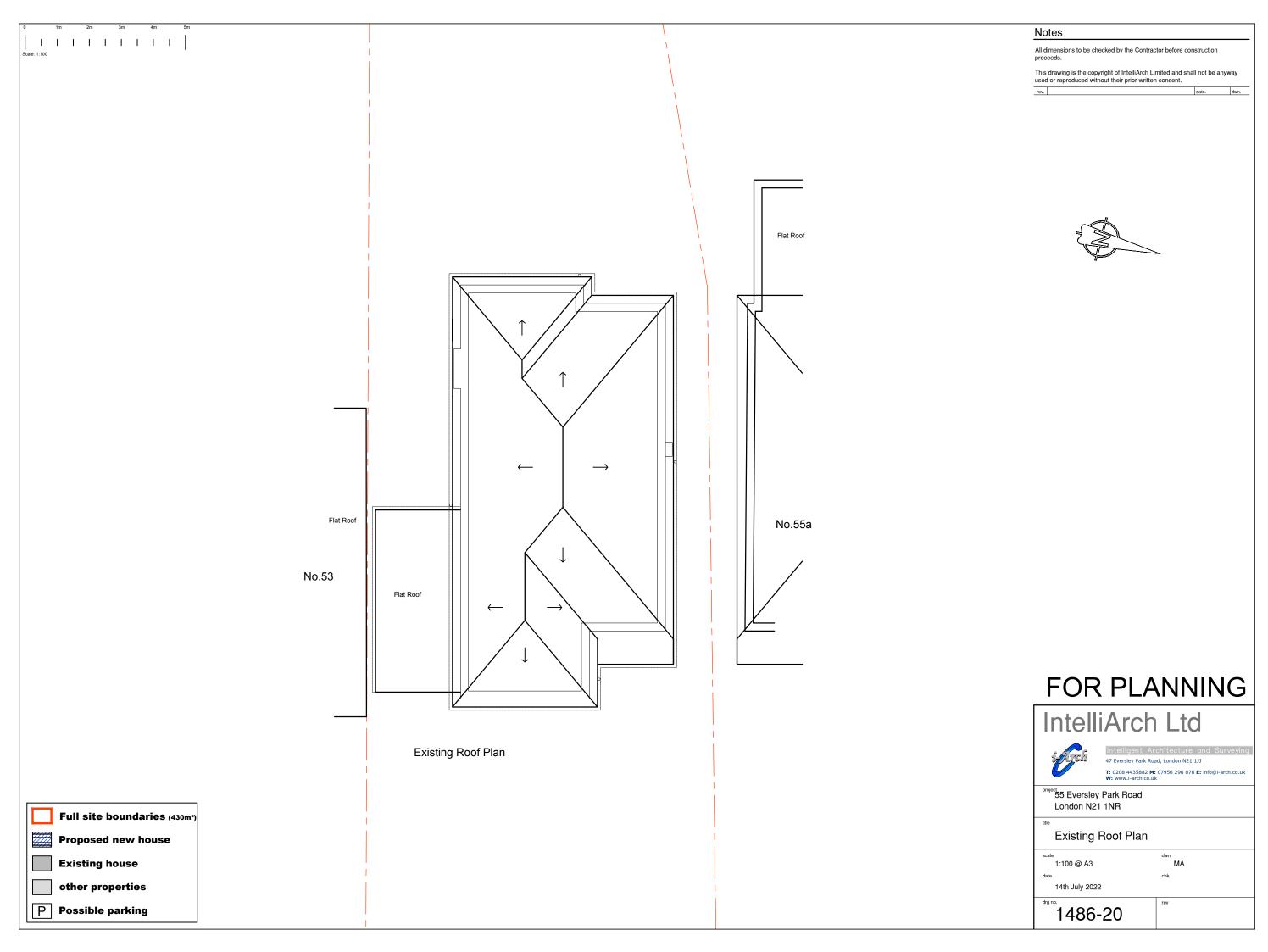
- 12.1 Having regard to the assessment in this report, the development would provide a larger replacement family dwelling at the site. This would contribute towards the Borough's strategic objectives in terms of delivering new homes. The quality of accommodation that the proposed replacement dwelling would provide is acceptable, based on the housing quality standards outlined in The London Plan (2021). The development would not result in in harm to the amenity and living conditions of neighbours or the wider setting.
- 12.2 It is acknowledged that the consideration of this report has involved some balanced judgements, for example in relation to the scale of the development including the basement. Yet, it is considered that the form, design and appearance of development would not be significantly dissimilar to the neighbouring two storey dwellings and thus the proposed scheme would acceptably relate with the character of the surrounding area.
- 12.3 The above assessment against the development plan policies has produced the following conclusion:
  - The proposal would provide a larger replacement dwelling with an acceptable standard of accommodation that would contribute to the housing stock in the borough.
  - The proposed development is considered appropriate in form and design and would not result in detrimental harm to the character and appearance of the setting.
  - The proposal, by virtue of its form and small scale, would not significantly harm the amenity of occupying and neighbouring residents.
  - There are no identified adverse effects on highway safety or traffic generation.
  - The reasons for the objections to the initial planning application have been acceptably overcome by the revised scheme.
- 12.4 Having regard also to the mitigation secured by the recommended conditions and the presumption in favour of sustainable development, it is considered that the benefits of the development would outweigh any identified impacts. When assessed against the suite of relevant planning policies, it is considered that planning permission should be granted subject to conditions.

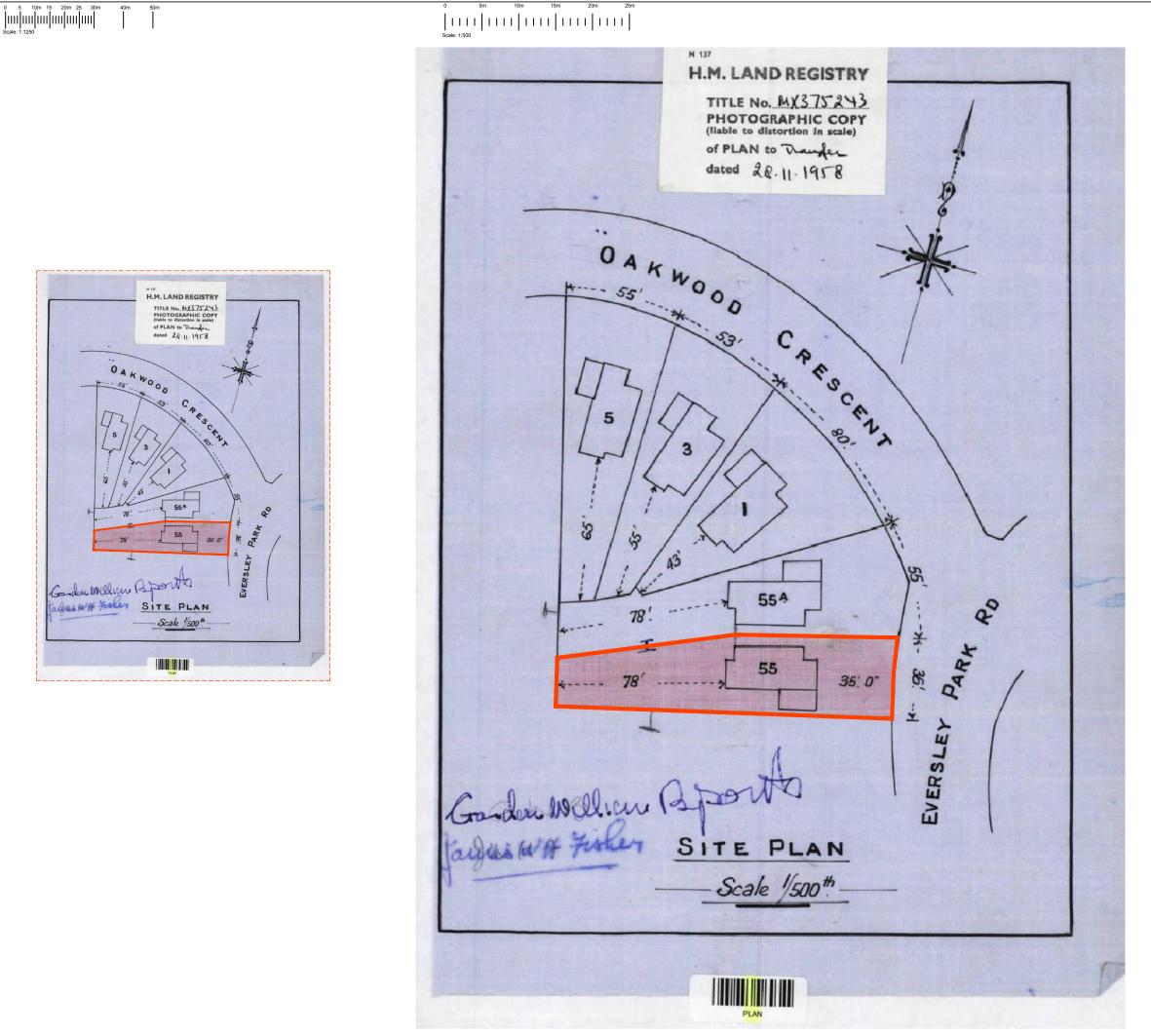












Notes

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date. d

# FOR PLANNING





# **Plant Schedule**

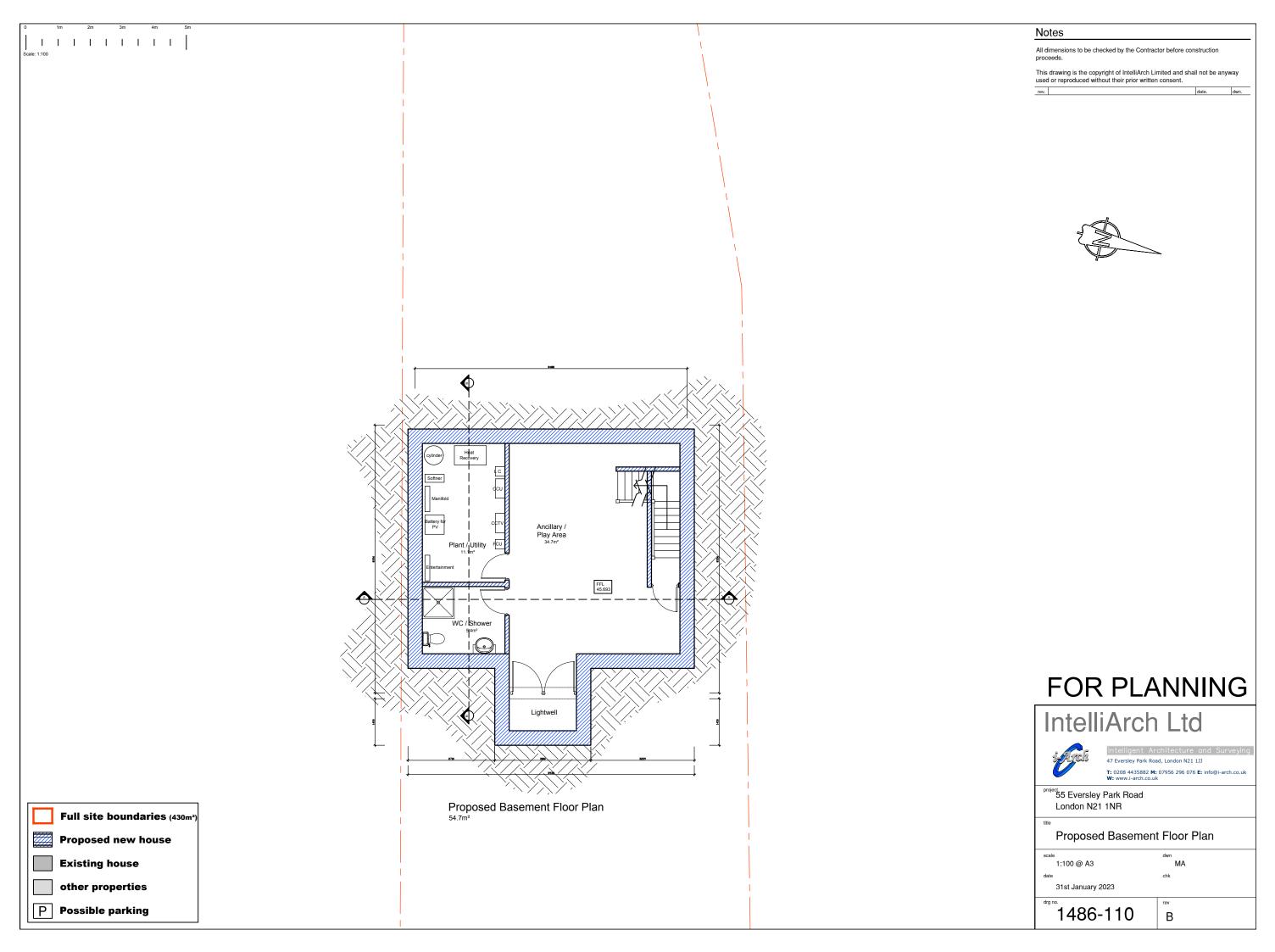
for

55 Eversley Park Road, London N21 1NR

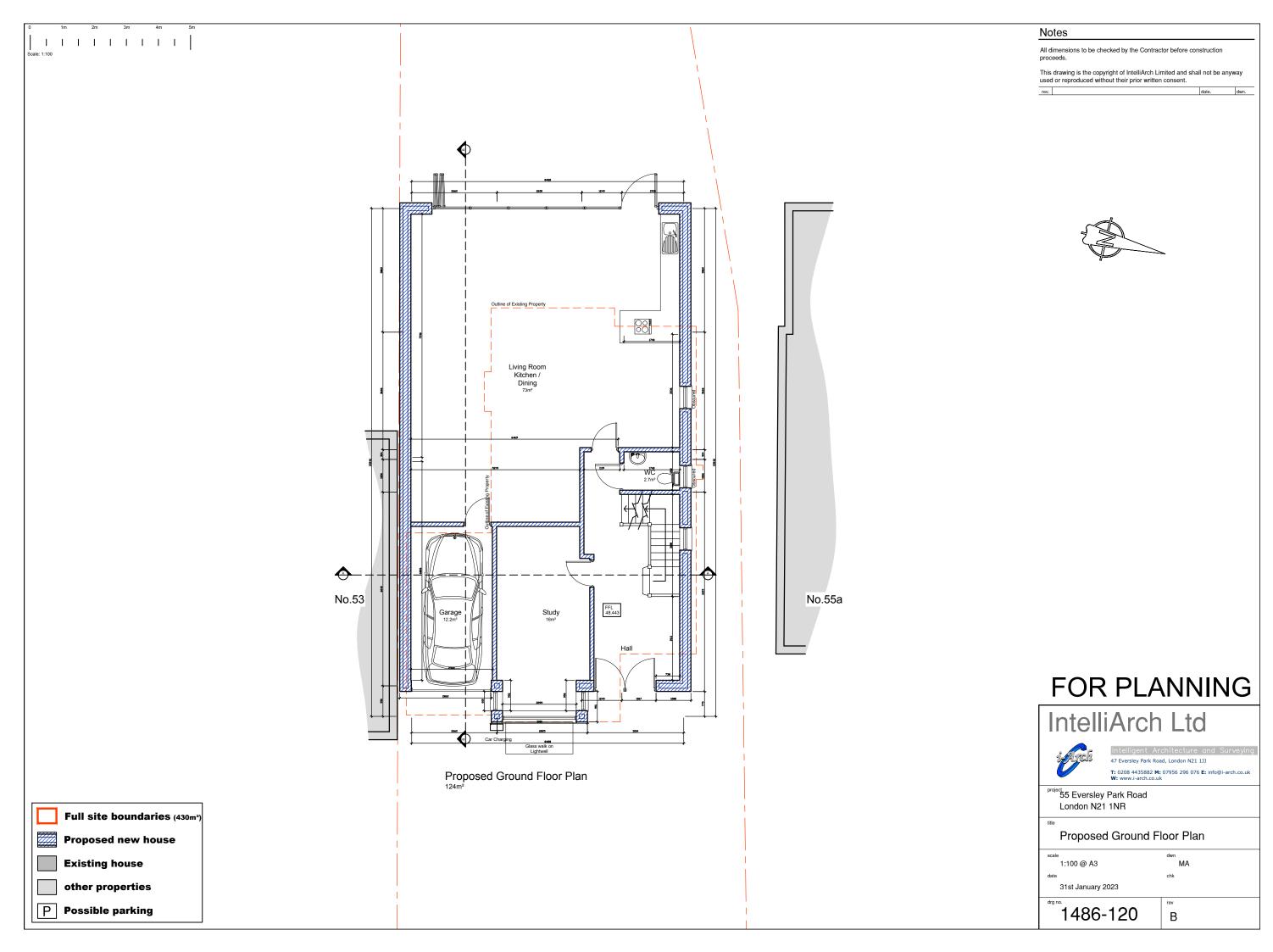
19<sup>th</sup> July 2022

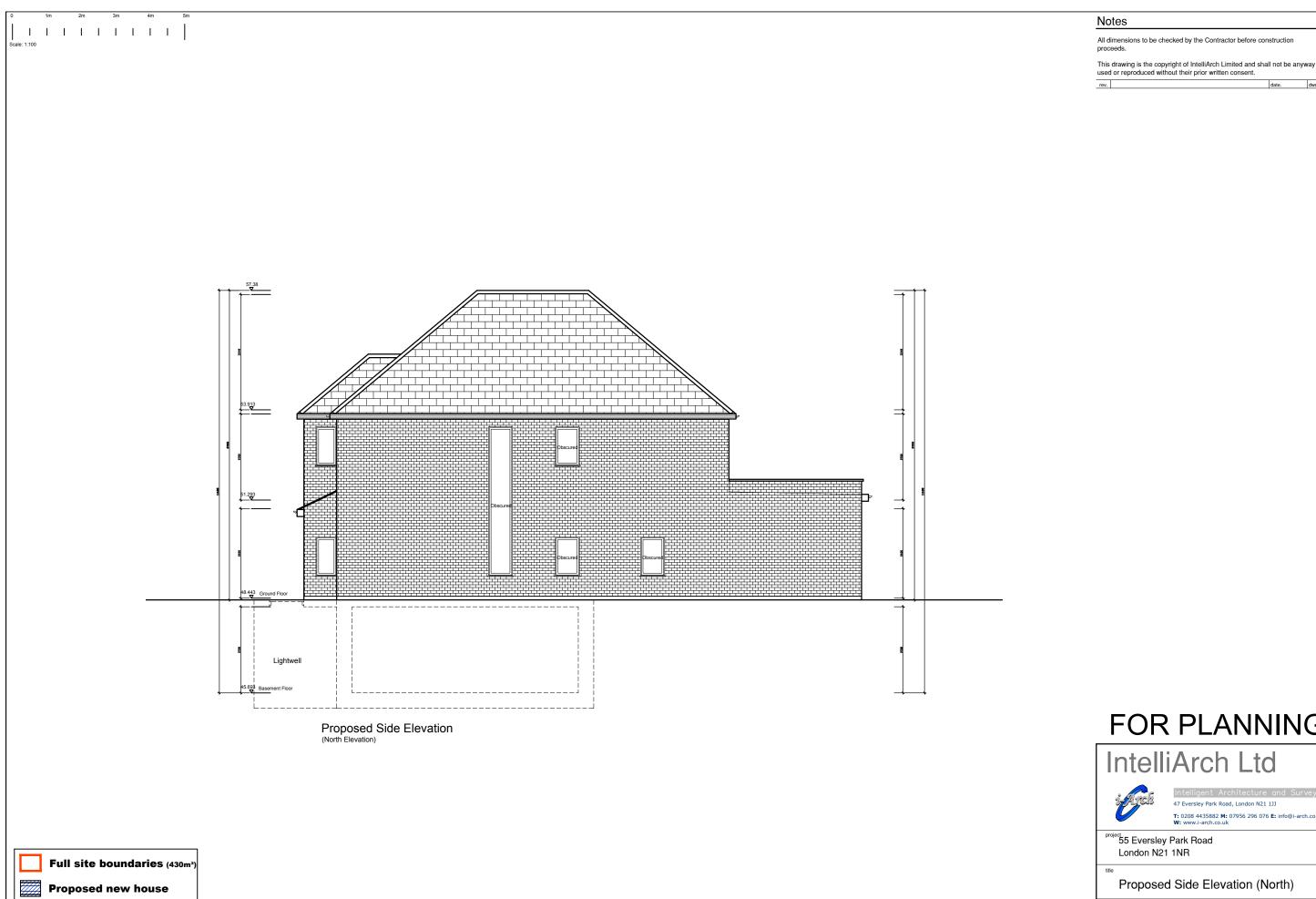
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| Trees                           | No  | Height at least  | Girth   | Pot Size  | Root  |
|---------------------------------|-----|------------------|---------|-----------|-------|
| Existing trees to be retained   | 110 | Troight at loast | Girari  | 1 01 0120 | 11001 |
| Exiculty (1900 to 50 Fotomica   |     |                  |         |           |       |
| Shrubs                          | No  | Height/Spread    | Density | Pot Size  | Root  |
| Citus x corbariensis            | 4   | 450-600mm        | 2/m²    | 51        | CG    |
| Euonymus Emerald Gaiety         | 10  | 450-600mm        | 5/m²    | 31        | CG    |
| Hebe rakiensis                  | 2   | 450-600mm        | 5/m²    | 31        | CG    |
| Juniperus Sabina Tamariscifolia | 8   | 450-600mm        | 5/m²    | 5l        | CG    |
| Phormium Duet                   | 2   | 450-600mm        | 2/m²    | 31        | CG    |
| Pinus mugo                      | 1   | 450-600mm        | 2/m²    | 5l        | CG    |
| Pinus mugo pumilio              | 2   | 450-600mm        | 2/m²    | 31        | CG    |
| Rosmarinus prostratus           | 2   | 450-600mm        | 2/m²    | 5l        | CG    |
|                                 |     |                  |         |           |       |
| Au 1                            | Γ., | 11111110         | 15 "    |           | T     |
| Climbers                        | No  | Height/Spread    | Density | Pot Size  | Root  |
| Parthenocissus tricuspidata     | 2   | 900-1200mm       |         | 51        | CG    |
|                                 |     |                  |         |           |       |
| Herbaceous                      | No  | Height/Spread    | Density | Pot Size  | Root  |
| Anemone honorine jobert         | 4   | i reigna epresa  | 8/m²    | 21        | 1.001 |
| Alchemilla molis                | 2   |                  | 8/m²    | 21        |       |
| Asplenium scolopendrium         | 4   |                  | 8/m²    | 21        |       |
| Blechnum spicant                | 6   |                  | 8/m²    | 21        |       |
| Carex bowles golden             | 1   |                  | 5/m²    | 21        |       |
| Heuchera greenfich              | 6   |                  | 8/m²    | 21        |       |
| Iris sibirica white swirl       | 4   |                  | 8/m²    | 21        |       |
| Libertia grandiflora            | 2   |                  | 8/m²    | 21        |       |
| Liriope muscari big blue        | 4   |                  | 8/m²    | 21        |       |
| Luzula nivea                    | 1   |                  | 5/m²    | 21        |       |
| Miscanthus Yukushima dwarf      | 2   |                  | 5/m²    | 21        |       |
| Phlomis russelliana             | 2   |                  | 5/m²    | 21        |       |
| Polystichum braunii             | 2   |                  | 8/m²    | 21        |       |









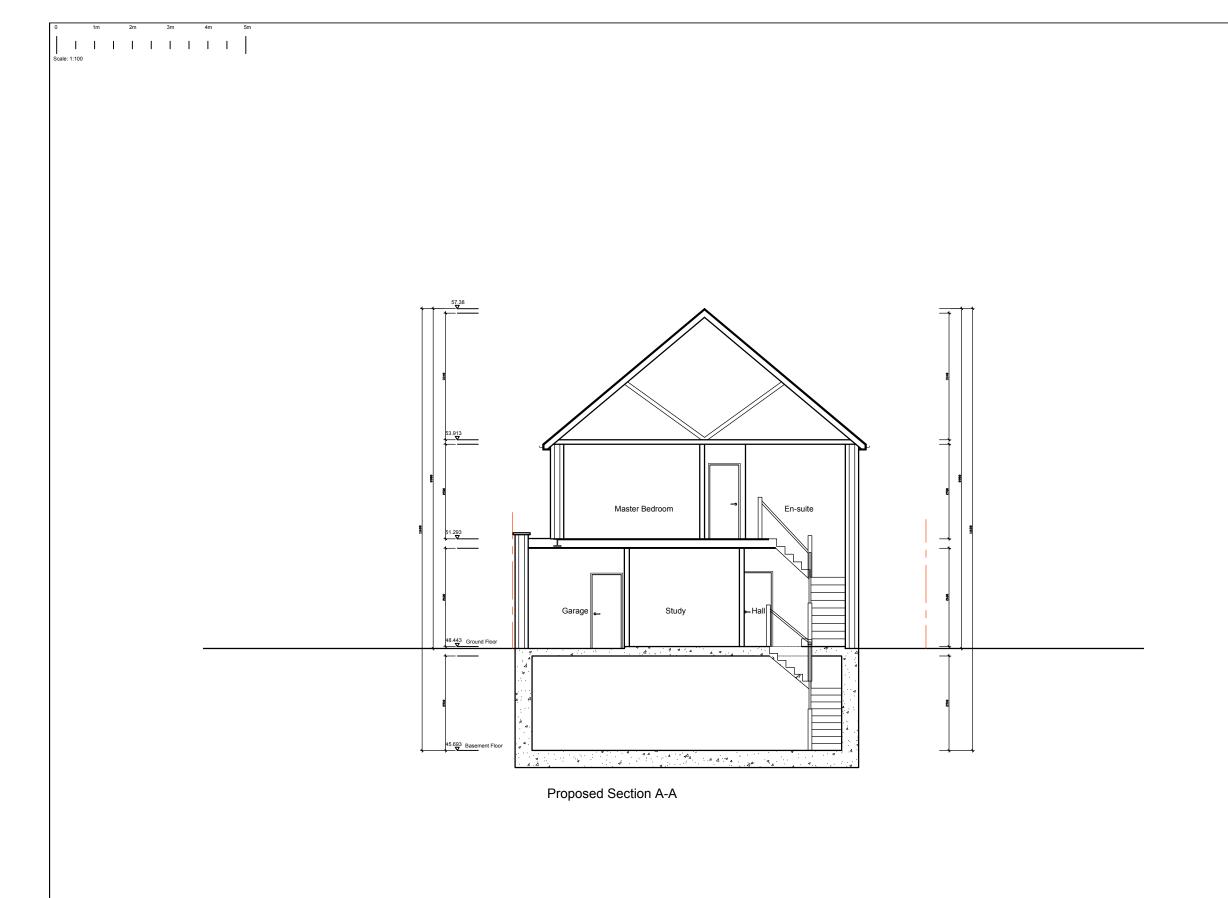
Existing house

P Possible parking

other properties









# FOR PLANNING

Notes

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|         | 500 |   |   |   |   | 1m |
|---------|-----|---|---|---|---|----|
| - 1 - 1 |     | 1 | 1 | 1 | I |    |

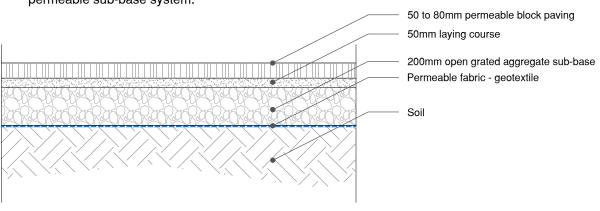
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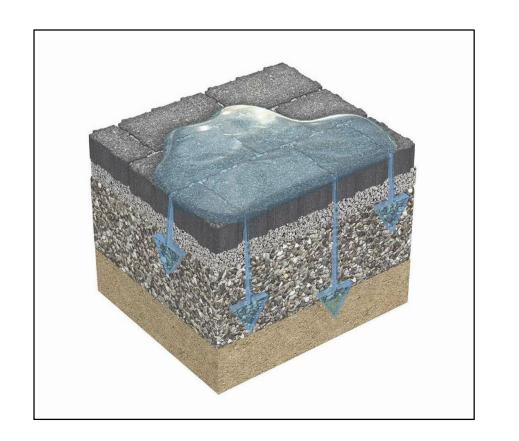
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date. dwn.

The permeable paving surface works by allowing water to soak through the surface into the ground below via open voids across the surface or and around the edges as it is constructed over a permeable sub-base system.





# FOR PLANNING



om 4m 5n Lightwell Proposed Side Elevation (South Elevation) Full site boundaries (430m²) Proposed new house Existing house other properties P Possible parking



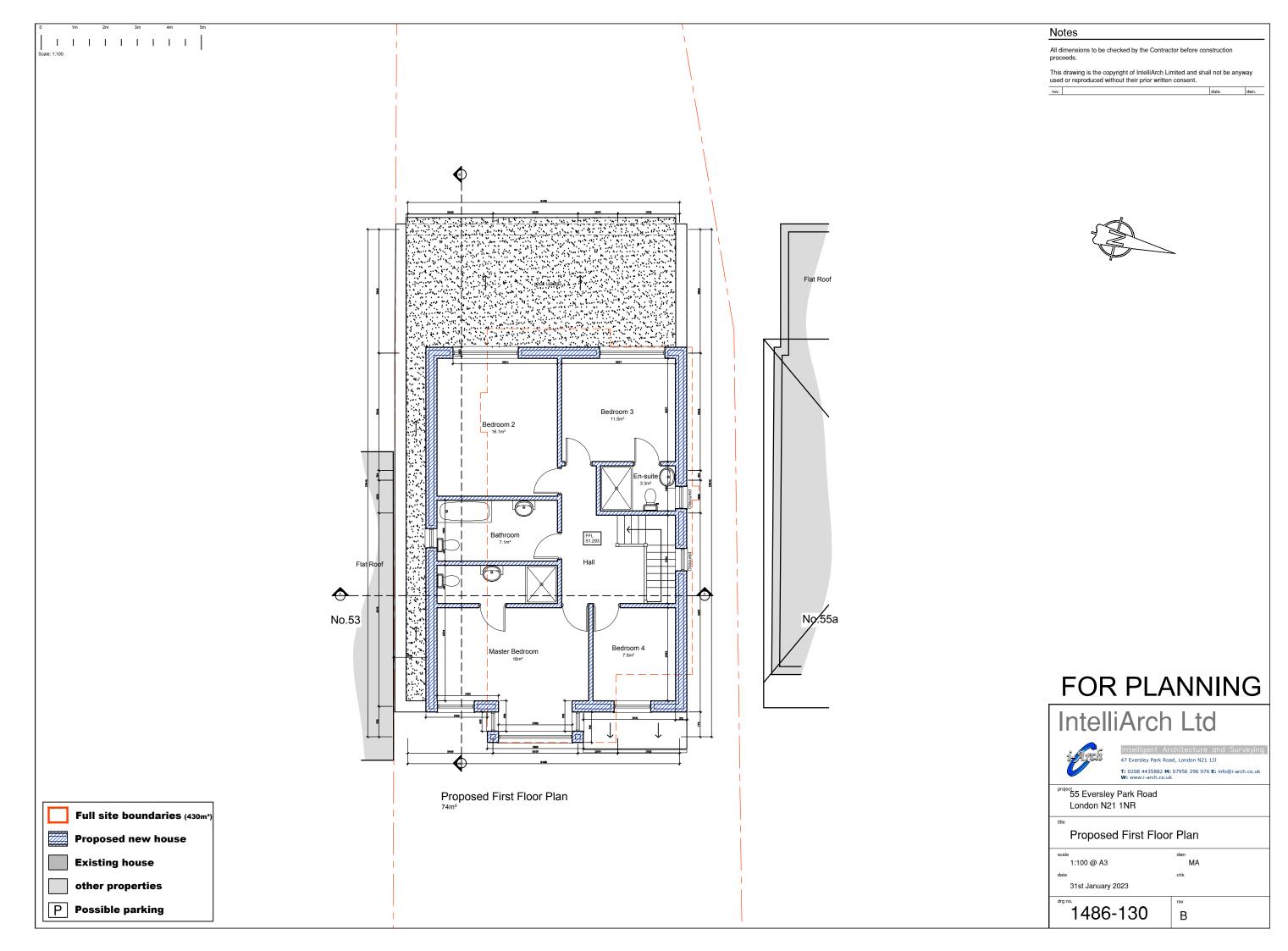
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om 4m 5n. Notes All dimensions to be checked by the Contractor before construction proceeds. This drawing is the copyright of IntelliArch Limited and shall not be anyway used or reproduced without their prior written consent. 53.913 Loft Floor



Proposed Front Elevation



# FOR PLANNING



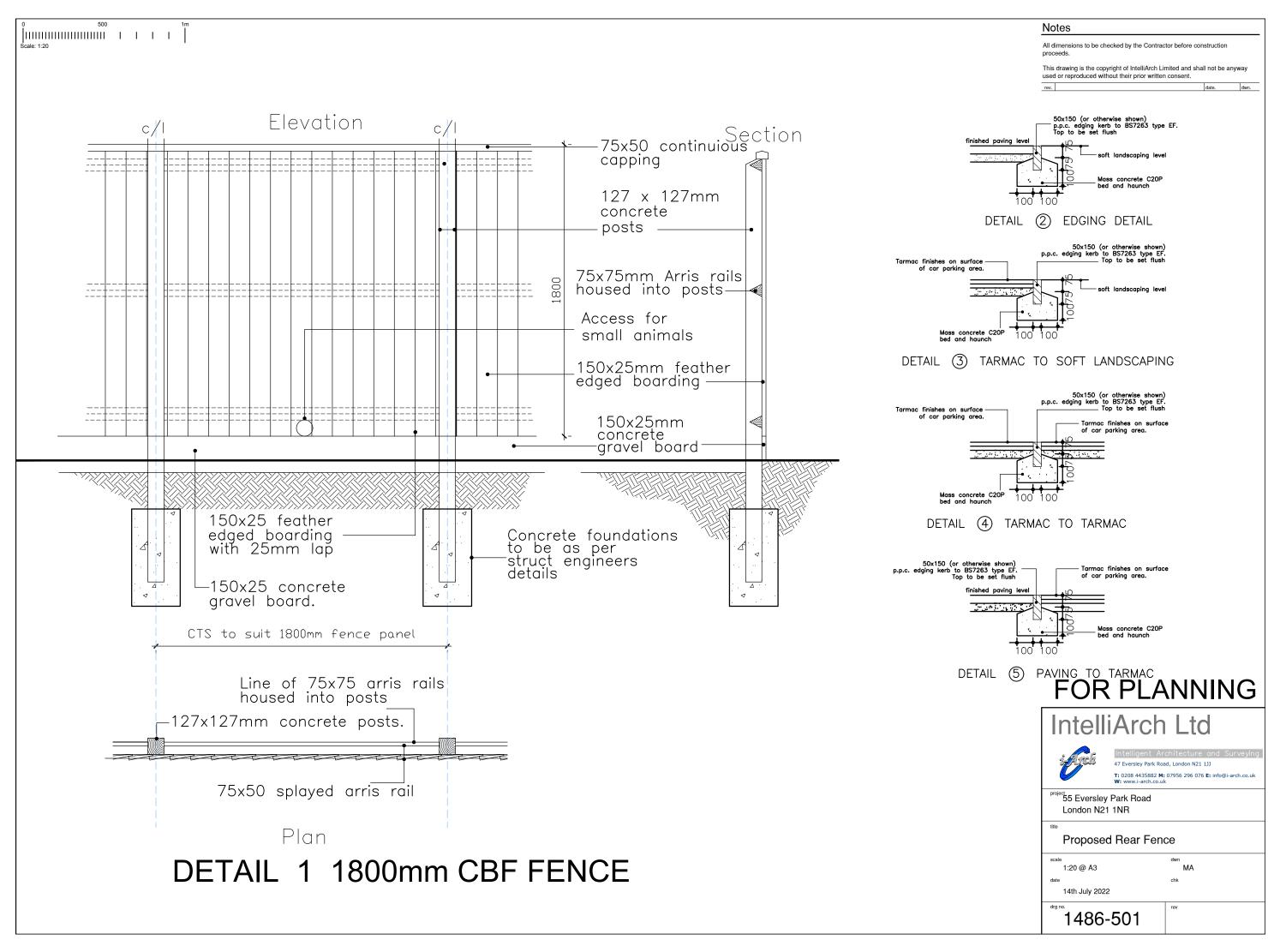
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Proposed Rear Elevation (West Elevation)

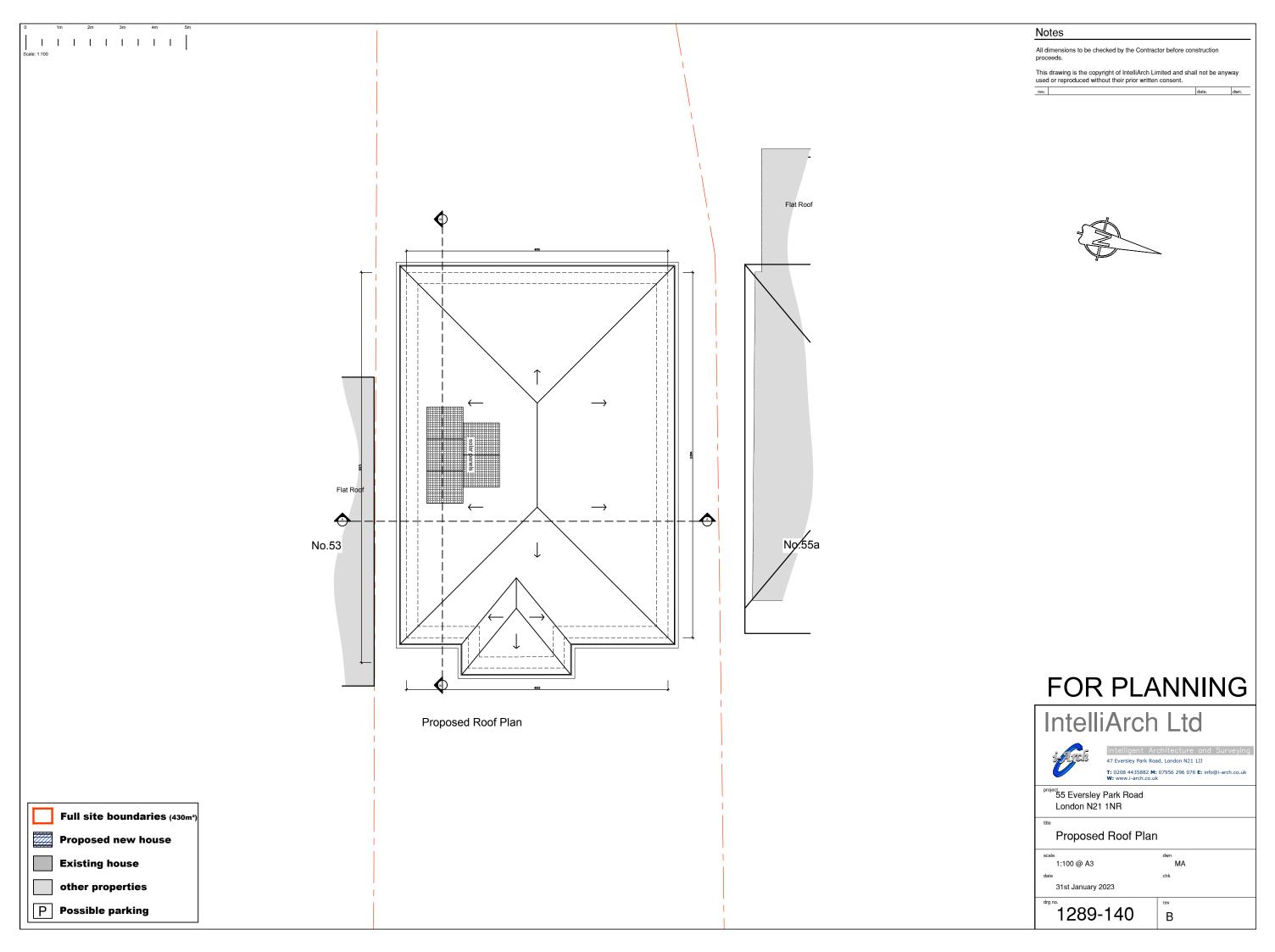


# FOR PLANNING













Street Scene (East Elevation)

Full site boundaries (430m²)

Proposed new house

other properties

Existing house

P Possible parking





| LONDON BOROUGH OF ENFIELD                               |                                                         |                           |  |  |
|---------------------------------------------------------|---------------------------------------------------------|---------------------------|--|--|
| PLANNING COMMITTEE Date: 19 September 2023              |                                                         |                           |  |  |
| Report of  Director of Planning &  Growth - Brett Leahy | Contact Officers:  Michael Kotoh-Mortty Claire Williams | Category Full Application |  |  |
| <b>Ward</b> Grange                                      | Councillor Request  Cllr Dey                            |                           |  |  |

LOCATION: 59 Langham Gardens, London N21 1DL

**APPLICATION NUMBER: 23/01144/FUL** 

**PROPOSAL:** Conversion of a single-family dwelling house to a House of Multiple Occupation for 6 residents (C4 use class)- RETROSPECTIVE.

# **Applicant Name & Address:**

Mr Mohamed Baksh 59 Langham Gardens London N21 1DL

# Agent Name & Address:

Ms Monica Gigli MGA 38 Hazelwood Lane London N13 5EX

# **RECOMMENDATION:**

- That the Head of Development Management be authorised to GRANT planning permission subject to conditions.
- 2. That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the 'Recommendation' section of this report.



#### 1.0 Note for Members:

1.1 Although an application of this scale and nature would normally be determined under delegated authority, the application has been reported to committee for determination at the request of Cllr Dye due to the level of local interest.

#### 2.0 Recommendation

- 2.1 That the Head of Development Management be authorised to GRANT planning permission subject to the following conditions:
  - 1. The development hereby permitted shall be maintained in accordance with the following approved plans and documents:

Location Plan received 26.04.23

Location and Block Plan received 26.04.23

Existing (retrospective) Floor and Roof Plan received 01.09.23

Existing (retrospective) Elevations Plan received 06.04.23

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

#### 2. C4 HMO use- 6 persons only

The use of the property as a House in Multiple Occupation hereby approved shall be occupied by a maximum of 6 people at any one time and shall not be subdivided or occupied as self-contained units.

Reason: To accord with the stipulations of definition as a House of Multiple Occupation and to safeguard the residential character of the surrounding area.

#### 3. HMO facilities

No independent cooking or laundry facilities shall be installed in any of the respective bedrooms, and the communal kitchen/breakfast room, storage room and lounge shall be retained in perpetuity.

Reason: To accord with the stipulations of definition as a House of Multiple Occupation and to safeguard the residential character of the surrounding area.

### 4. Cycle Parking

Within three months of the date of the decision hereby approved, details of the siting, number and design of secure/covered cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall

thereafter be installed within three months of the decision date of the approved details and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

### 5. Refuse storage

Within three months of the date of the decision hereby approved, details of refuse storage facilities including facilities for the recycling of waste shall be provided within the development in pursuance of the HMO hereby approved and in accordance with the London Borough of Enfield Waste and Recycling Planning Storage Guidance ENV 08/162. This shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details within three months of the decision date of the approved details and maintained as such thereafter.

Reason: In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets.

### 6. C24 - Obscured glazing

Within three months of the date of the decision hereby approved, the loft flank elevation rooflights of the development indicated on drawing No. LG 02 shall be in obscured glass with an equivalent obscuration as level 3 on the Pilkington Obscuration Range and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The glazing shall not be altered without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining and neighbouring properties.

2.2 That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the 'Recommendation' section of this report.

# 3.0 Executive Summary

- 3.1 The applicant seeks retrospective planning permission for a change of use from the single family dwellinghouse (C3 use) to a 6 person House in Multiple Occupation (HMO).
- 3.2 The scheme is considered acceptable for the following reasons:
  - 1) The proposal would provide a form of accommodation that would contribute towards the Borough's housing stock.
  - The quality of HMO accommodation that would be provided is of an acceptable standard.
  - 3) There is no significant adverse impact on neighbouring residential amenity.
  - 4) There are no identified adverse effects on highway safety or traffic generation.

# 4.0 Site and Surroundings

- 4.1 The site is a two-storey semi-detached property which is sited in a well-established residential area comprising two storey single family dwellings. The property is not listed or within a Conservation Area and the ground level falls to the east. There is a single car parking space at the frontage and the crossover is shared with the adjoining property at no. 57.
- 4.2 The development pattern within the vicinity features a variety of build forms, scale and designs. There have been no residential conversions along the street.



Figure 1



Figures 1 and 2: Front elevation of 59 Langham Gardens, outlined in red.



Fig. 3: Aerial view of the site indicated in red.

# 5.0 Proposal

- 5.1 The applicant seeks planning permission for the retrospective conversion of the single-family dwelling into a 6 person HMO. The HMO comprises 6 bedrooms, a storage room, a communal kitchen, lounge area, 1 shower room and 1 bathroom. All occupants have access to communal amenity space at the rear of the building.
- 5.2 The initial submission indicated 7 bedrooms and following discussions with the agent, the floor plan has been amended to reflect 6 bedrooms. The agent has clarified that the initially indicated bedroom 4 is in use for maintenance storage and rental administration filing only and it does not constitute an additional bedroom at the site.

# 6.0 Relevant Planning History

6.1 TP/93/0269 - Construction of car port at side of existing house together with formation of canopy at side and front and erection of first floor extension over to provide additional living accommodation; extension of roof and formation of rooms in roof space involving the installation of a rear dormer: GRANTED with Conditions on 27.07.1993.

#### 7.0 Consultation

# 7.1 Public

| Number notified          | 5        |
|--------------------------|----------|
| Consultation start date  | 20.04.23 |
| Consultation end date    | 14.05.23 |
| Representations made     | 25       |
| Objections               | 25       |
| Other / support comments | 0        |

In summary, the objections raise the following concerns:

- Loss of parking and inadequate parking provision
- Out of keeping with character of area
- Obstruction to driveway.
- The property has been in use as HMO since 2018 and it is surprising to see that an application has now been submitted. The property had HMO license in 2021 and there have been significant neighbouring impacts since then.

- Not enough information given on the submission.
- Legal action would be taken should the Council grant permission.
- Litter and general untidiness of the front and rear gardens.
- Use of the garden as a storage base for other properties within the agent's portfolio.
- Any approval would set a precedent for other properties in the area this is a quiet residential street.
- Loss of privacy and overlooking due to previously implemented extensions.
- The property is not well maintained. Both the front and rear gardens are unkempt and overgrown with grass.
- Loss of family home. Multiple occupancy renting is likely to increase deterioration of the property further.
- Increase of pollution.
- Overdevelopment and overcrowding with visitors.
- Strain on community resources such as GP and transport services.

Officer response: The matters raised will be assessed in the analysis section of the report.

# 7.2 <u>Internal and third-party consultees</u>

| Consultee                    | Objection | Comment                                                                           |
|------------------------------|-----------|-----------------------------------------------------------------------------------|
| Licensing and<br>Enforcement | No        | The property is the only HMO on the street and the internal layout is acceptable. |
| Sustainable Drainage         | No        | Source control SuDS measures should be incorporated within the scheme.            |
| Environmental Health         | No        | There are no significant impacts.                                                 |
| Thames Water                 | No        | There are no comments to make.                                                    |
| Metropolitan Police          | No        | Secured by design condition and informative suggested.                            |

#### 8.0 Relevant Policies

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the Committee 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).

## National Planning Policy Framework (2021)

- 8.3 The National Planning Policy Framework sets out at Paragraph 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 (8), 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 Footnote (8) referenced here advises "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 (with the appropriate buffer, as set out in paragraph 74); 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 In the three years to 2021 Enfield only met 67% of its housing requirement and this means we now fall into the "presumption in favour of sustainable development" category.
- 8.6 This is referred to as the "tilted balance" and the National Planning Policy Framework (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'. 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 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 2004 requires, in accordance with the development plan unless material considerations indicate otherwise.

8.7 The NPPF (2021) advises that local authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy 5 of the Core Strategy seeks to ensure that new developments offer a range of housing sizes to meet housing needs whilst ensuring that the quality and character of existing neighbourhoods is also respected.

## The London Plan (2021)

8.8 The London Plan is the overall strategic plan for London setting out an integrated economic, environmental, transport and social framework for the development of London for the next 20-25 years. The following policies of the London Plan are considered particularly relevant:

D3 Optimising site capacity through the design-led approach

D6 Housing quality and standards

D14 Noise

H1 Increasing housing supply

T2 Healthy Streets

T4 Assessing and mitigating transport impacts

T5 Cycling

T6.1 Residential parking

#### Core Strategy (2010)

8.9 The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable. The following is considered particularly relevant:

CP2 Housing supply and locations for new homes

CP4 Housing quality

CP5 Housing types

CP22 Delivering sustainable waste management

CP25 Pedestrians and cyclists

CP30 Maintaining and improving the quality of the built and open environment

# <u>Development Management Document (2014)</u>

8.10 The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy.

The following local plan Development Management Document policies are considered particularly relevant:

| DMD3  | Providing a Mix of Different Sized Homes          |
|-------|---------------------------------------------------|
| DMD4  | Loss of Existing Residential Units                |
| DMD5  | Residential Conversions                           |
| DMD6  | Residential Character                             |
| DMD8  | General Standards for New Residential Development |
| DMD9  | Amenity Space                                     |
| DMD37 | Achieving High Quality and Design-Led Development |
| DMD45 | Parking Standards and Layout                      |
| DMD47 | Access, New Roads and Servicing                   |
| DMD68 | Noise                                             |

# 8.11 Other Material Considerations

National Planning Practice Guidance (NPPG), 2021 Nationally Described Space Standard (NDSS, 2015) London Plan Housing, Supplementary Planning Guidance (2016)

# 8.12 Enfield Local Plan (Reg 18) 2021

The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for several sites. It is Enfield's Emerging Local Plan.

As the emerging Local Plan progresses through the plan-making process, the draft policies within it will gain increasing weight, but at this stage it has relatively little weight in the decision-making process.

Key local emerging policies from the plan are listed below:

Policy DM DE1 – Delivering a well-designed, high-quality and resilient environment Policy DM DE13 – Housing standards and design

#### 9.0 Assessment

The main issues arising from this proposal to consider are:

Principle of development
 Quality of accommodation
 Character and appearance within the setting
 Impact upon the amenity of neighbours
 Parking and cycle parking
 SuDS

#### Principle of development

9.1 Policy DMD 5 of the Development Management Document at paragraph 2.3.7 states that Houses of Multiple Occupation (HMO) are houses occupied by members of more than one household who share basic amenities such as a kitchen or bathroom. Amendments to legislation in 2010(3) allowed changes of use from single dwellinghouses (Use Class C3) to Houses in Multiple Occupation (Use Class C4) to take place without the need for planning permission. However, in October 2013, the Council confirmed an Article 4 Direction covering the whole borough, withdrawing permitted development rights for this change of use.

- 9.2 Policy DMD 5 is used to assess planning applications for the conversion of single family dwellings into HMOs and it states that development involving the conversion of existing units into self-contained flats and House in Multiple Occupation (HMO) or any other residential conversions will only be permitted if the following criteria are met. All development must:
  - a) Provide a high quality form of accommodation which meets internal floor space standards in the London Plan;
  - b) Not harm the residential character of the area or result in an excessive number or cluster of conversions.
  - c) Not lead to an unacceptable level of noise and disturbance for occupiers and adjoining properties.
  - d) Incorporate parking and refuse storage arrangements that do not, by design or form, adversely affect the quality of the street scene.
- 9.3 The C4 use class is a residential use referring to small houses which are used by between 3 and 6 unrelated residents as a house for multiple occupation where they share basic amenities such as a kitchen or bathrooms. The planning agent has confirmed to the LPA that the HMO is occupied by a maximum of 6 people. As a result, the application is considered on this basis. It should be noted that a condition would be attached to any permission to ensure that no more than 6 people live in the HMO at any one time. If more than 6 persons are to occupy this dwelling, planning permission would be required for a larger HMO which, in planning terms, has a Sui Generis use (outside use Class C4).
- 9.4 Although the conversion has resulted in the loss of a single family dwelling, the HMO would not result in an excessive number or cluster of conversions in the immediate area or along Langham Gardens as a whole; this would be in accordance with Policy DMD5 and is therefore acceptable. The conversion is the only conversion that has occurred along the street. The retrospective 6 person HMO provides accommodation for residents with this particular type of housing need and it is deemed acceptable in principle, subject to further planning considerations as outlined below..

#### Quality of accommodation

- 9.5 The HMO has six bedrooms for a maximum of six people. The HMO comprises 6 bedrooms, storage room, a communal kitchen, lounge area, 1 shower room and 1 bathroom. The bedrooms meet the minimum nationally described space standard which require a single bedroom to have a minimum gross internal area of 7.5sqm and a width of at least 2.15m. Each of the bedrooms has a window providing natural light, ventilation and outlook. Furthermore, there is a garden to the rear which provides private amenity space of adequate quantity and quality.
- 9.6 The minimum floorspace requirement for a three storey 6b7p unit as detailed in the London Plan (2021) is 129sqm. The submitted plans indicate that the proposed HMO would retain a floorspace of 150sqm, which meets the above requirement.

| Unit               | GIA (sq,m) |
|--------------------|------------|
| Room 1             | 15.8       |
| Room 2             | 11.4       |
| Room 3             | 18.9       |
| Office and storage | 9.79       |
| Room 4             | 9.58       |

| Room 5 | 9.5   |
|--------|-------|
| Room 6 | 15.92 |

9.7 The revised floor plans submitted indicate that the storage room at first floor would be used for property management only and not as an additional bedroom at the site, as the application is for 6 bedrooms and not for a 7 person HMO *sui generis*. A suitably worded condition is recommended above to ensure that the storage room remains in perpetuity and is not used as a bedroom.

### Amenity space

9.8 DMD9 of the Development Management Document seeks to ensure that new development retains sufficient amenity spaces. The submitted floorplans indicate that the proposed amenity space for the development would be circa 200sqm which is acceptable.

### Character and appearance

- 9.9 Policy DMD6 of the DMD provides standards for new development with regard to scale and form of development, housing quality and density. Policy DMD8 provides general standards for new residential development and reiterates the requirement for a development to be of an appropriate scale, mass and bulk, provide high quality amenity space and provide access to parking and refuse areas. DMD37 encourages achieving a high quality and design led development, which is reiterated within policies D4 and D8 of the London Plan (2021).
- 9.10 The existing development pattern on the streetscene features a variety of properties that generally maintain a uniformity in scale and character.
- 9.11 The retrospective HMO does not involve any extensions to the property and given this arrangement, the retrospective works are not considered to have altered the existing character of the property or the streetscene in view of policy DMD5 and DMD8.

# Impact upon the amenity of neighbours

- 9.12 Policies DMD8, DMD10 and DMD11 of the Development Management Document seek to maintain residential amenities in regard to levels of outlook, sunlight and daylight. The HMO involves no extensions to the footprint of the property and is not considered to impact neighbouring amenity in view of daylight/sunlight.
- 9.13 The existing first floor flank window at the site retains obscure glazing and would have no impacts on the near neighbour. Although this existing first floor flank window retains obscure glazing, it has not been annotated as such on the elevation plans. To reduce any actual and perceived overlooking from the flank rooflights that previously served a storage space, a condition is suggested to ensure that these flank rooflights retain obscure glazing to mitigate the impact of overlooking to the near neighbour in view of policy DMD8.

9.14 Notwithstanding the objections received, the conversion with a maximum of 6 people living in the property would not lead to an unacceptable level of noise and disturbance for occupiers and adjoining properties. A total of 6 occupants is not dissimilar o the number of occupants that can live in a single family dwellinghouse, The Environmental Health Officer was also consulted on the application and raised no concerns in terms of noise and disturbance.

### Transportation, servicing and parking

9.15 The site retains a single car parking space which is served by a shared crossover with no. 57. It is observed that the street has off-street parking spaces, however, there is capacity along the street to park and the site is not located in a CPZ. Furthermore, the Transportation team have not raised an objection to the scheme. To encourage the use of sustainable transport and ensure adequate recycling and waste facilities are provided, appropriate conditions would be attached to any permission.

## Sustainable Drainage Systems (SuDS)

9.16 The application site is not located within a flood risk area and no extensions or landscaping alterations are proposed to the scheme. It is therefore considered appropriate to attach an informative to encourage the use of SuDS on the site.

# **Other Matters**

- 9.17 The following concerns regarding the impact of the proposal have been raised by residents:
- Noise nuisance, doors slamming, cars horning at 3am, loud music etc
- Anti-social behaviour and the smoking of illicit substances impacts a quiet residential neighbourhood and impacts on the younger community.
- The proposal would affect house prices on the street.
- Sense of insecurity when children are returning from school.
- 9.18 Officers consider that issues pertaining to antisocial behaviour and house prices are not material planning considerations and these need to be discussed with the relevant Council departments that oversee such resident concerns. An informative would be attached to any permission to encourage the applicant to seek advice of the Metropolitan Police Service Designing Out Crime Officers with regard to matters such as CCTV, lighting and visitor access.

#### 10.0 Community Infrastructure Levy (CIL)

10.1 The proposed development would not be liable to pay CIL at borough or mayoral levels.

# 11.0 Public Sector Equalities Duty

- 11.1 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.
- 11.2 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).
- 11.3 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.
- 11.4 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.
- 11.5 In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impact has been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.
- 11.6 The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

#### 12.0 Conclusion and Recommendation

- 12.1 Having regard to the assessment in this report, the development would provide HMO accommodation at the site. This would contribute towards the Borough's strategic objectives in terms of delivering a variety of housing needs. The quality of accommodation that the retrospective 6 person HMO would provide is acceptable, based on the up-to-date housing quality standards outlined in The London Plan (2021). The development would not result in the harmful overlooking of neighbours nor would it result in harm to the amenity and living conditions of neighbours.
- 12.2 The above assessment against the development plan policies has produced the following conclusion:
  - The proposal would provide a 6 person HMO with an acceptable standard of accommodation that would contribute to the housing stock in the borough.
  - The proposed development is considered appropriate in form and design and would not result in detrimental harm to the character and appearance of the setting.
  - The proposal, by virtue of its form and small scale, would not harm the amenity of occupying and neighbouring residents.
  - There are no identified adverse effects on highway safety or traffic generation.
- 12.3 Having regard also to the mitigation secured by the recommended conditions it is considered that the benefits of the development would outweigh any identified impacts. When assessed against the suite of relevant planning policies, it is considered that planning permission should be granted subject to conditions.



Aerial View





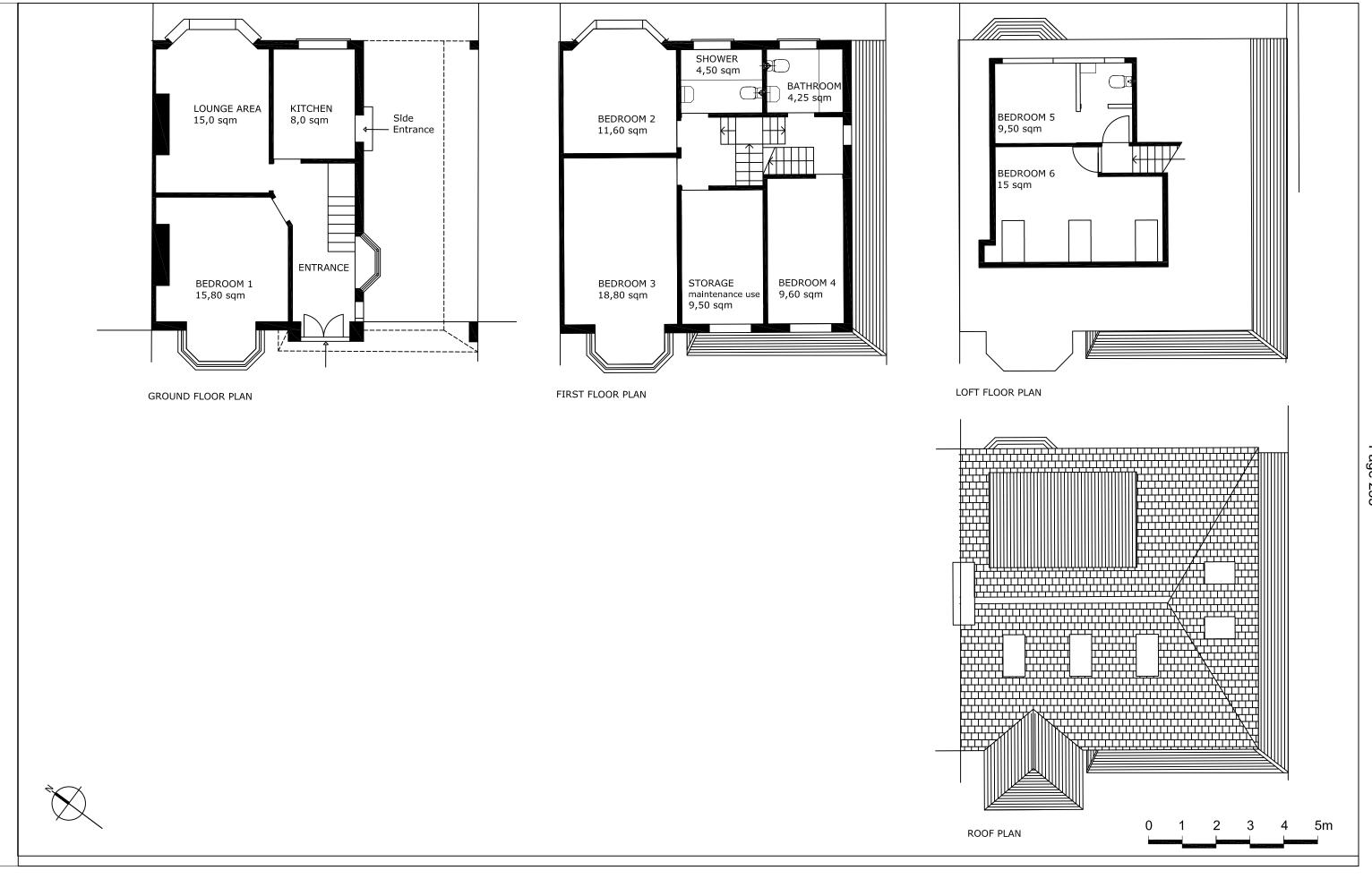
monicagigli@hotmail.co.uk giorgia.porcu@gmail.com TITLE BLOCK AND AERIAL VIEW













monicagigli@hotmail.co.uk

giorgia.porcu@gmail.com

# H.M. LAND REGISTRY GENERAL MAP

GREATER LONDON MIDDLESEX

SHEET VII. 6

**SECTION** 

Scale  $\frac{1}{1250}$  or 104-2 Feet to One Inch

BOROUGH OF ENFIELD



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