

LONDON BOROUGH OF ENFIELD**PLANNING COMMITTEE****Date: 4th June 2024****Report of**Head of Planning & Building
Control – Karen Page**Contact Officers:**Tendai Mutasa- Case Officer
Sharon Davidson- Planning
Decisions Manager**Category**

Minor

Ward

Town

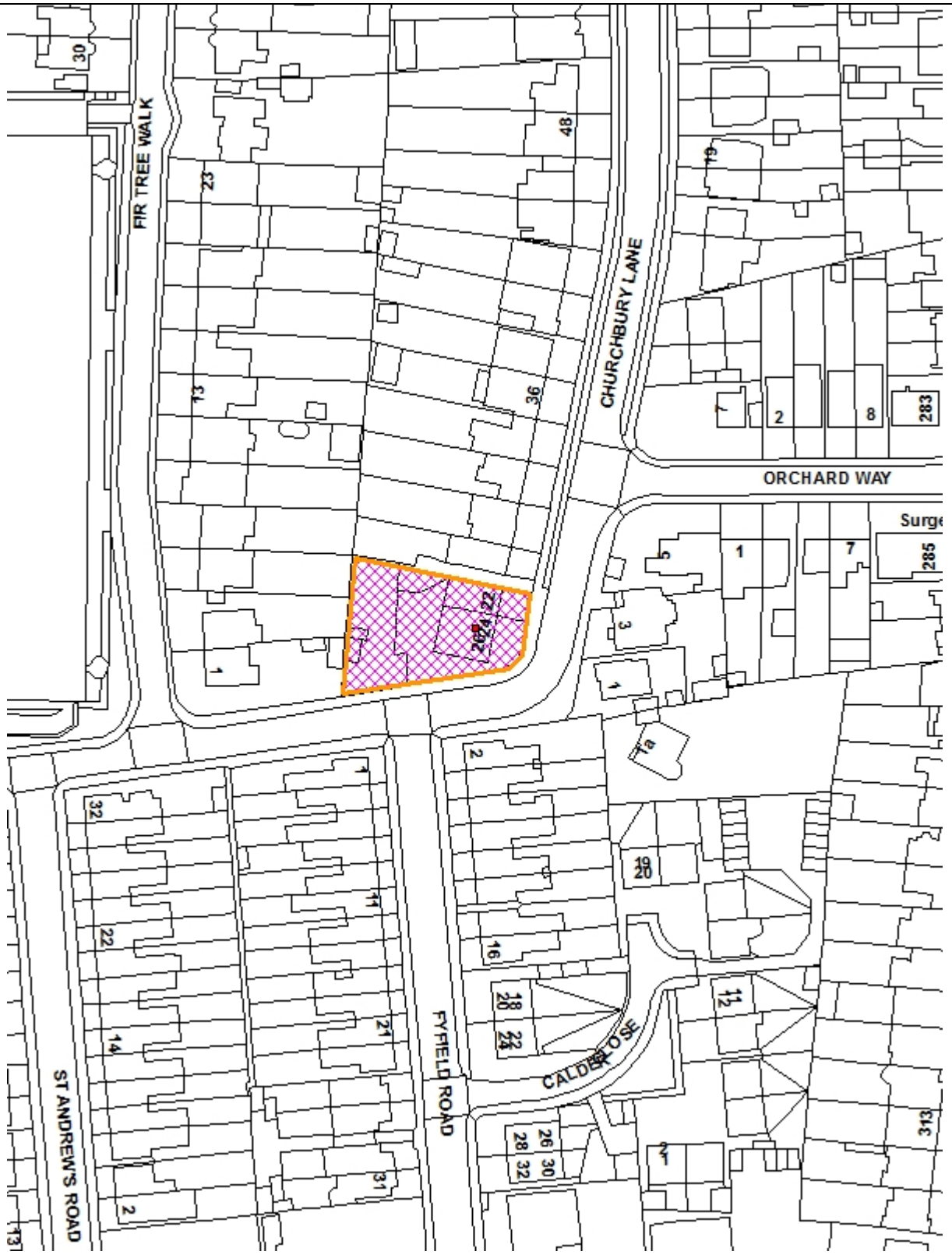
Councillor Request

Cllr Emma Supple

LOCATION: 24 - 26 Churchbury Lane, Enfield, EN1 3TY**APPLICATION NUMBER:** 22/02248/FUL

PROPOSAL: Demolition of the existing buildings providing supported living accommodation and erection of a detached 2-storey building with additional accommodation in the roof area, to provide 4 clusters of accommodation including 2 x 1-person self-contained units with associated office space for support staff, 5 individual bedrooms with ensuite facilities and shared facilities and 12 x 1 person self-contained units with additional and ancillary shared living accommodation and office space for support staff, all for residents receiving care (19 persons) (Class use Sui Generis) and provision of associated car parking, cycle parking and refuse/recycle storage.(Amended Description).

Applicant Name & Address:Mr Paul Buxton
163 Church Hill Road
East Barnet
EN4 8PQ**Agent Name & Address:**Mr Joe Henry
163 Church Hill Road
East Barnet
EN4 8PQ



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Scale 1:1250

North



Recommendation:

1. That the Head of Planning and Building Control be authorised to **GRANT** planning permission subject to conditions listed in this report:
2. That the Head of Planning and Building Control be granted delegated authority to agree the final wording of the conditions.

1 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 Emma Supple due to the local interest.

2 Recommendation

1. That the Head of Planning and Building Control be authorised to **GRANT** planning permission subject to conditions outlined below:
2. That the Head of Planning and Building Control be granted delegated authority to agree the final wording of the conditions.

Conditions:

1. Time limit
2. Approved plans
3. The flank windows on the side elevations shall be fixed/obscure-glazed up to 1.7m above floor level.
4. Details of materials
5. Water consumption
6. Energy statement
7. Details of electric charging provision.
8. Details of levels
9. Details of refuse
10. Details of enclosure, boundary treatments
11. Details of cycle parking
12. Private vehicles only – parking areas
13. Construction Management Plan
14. Compliance to Tree Protection measures
15. SUDS
16. Restriction on number of residents (maximum 19)
17. Delivery and servicing
18. Compliance to Landscaping details and replacement tree planting.
19. Biodiversity enhancement provision

3. Executive Summary

3.1 This application was considered at the 20th June 2023 Planning Committee when Members resolved to defer consideration for the following reasons:

- To provide certainty as to how the internal layout would work.
- Regarding Trees – what is being retained, provided and any replanting.
- What amenity space is being offered for 1st and 2nd floor occupants, and if adequate with specific reference to whether there are any standards from social services for amenity space for supported living of this nature.
- Fire safety – to see if standards are being met
- Investigate if there are any access to daylight/sunlight issues

3.2 Amended plans have been submitted to demonstrate:

- How the layout will function in the context of wheelchair accessible accommodation, with this being focused on the ground floor;
- To confirm only the protected Ash tree in the rear garden is to be retained; 3 new trees are to be planted to the rear of the site and 5 new trees to the front garden area
- To confirm that ground floor units 1 and 2 will have an area of private amenity space, all other units will have access to the remaining communal garden area to the rear of the site
- How the proposed development complies with fire safety and what accommodation will be suitable for wheelchair users, with only the ground floor cluster unit being wheelchair accessible. Amended plans have been submitted to demonstrate compliance and in addition to the planning process, the applicant will be required to achieve separate approval for the scheme as a whole under the Building Regulations.
- To confirm that the upper floor units would have sufficient daylight/sunlight by inserting longer rooflights.

Neighbor re-consultation has been undertaken on the revised plans and the description of development has been amended to reflect a Sui Generis use. It is considered that the new description reflects a Sui Generis use which is more accurate in terms of what is being proposed and the class use.

- 3.3 Members should also be aware that the applicant has commenced work on the implementation of planning permission 22/00915/FUL for part single, part two-storey side and rear extensions, front and rear rooflights and ancillary works to expand existing supported living facility to accommodate up to 8 residents. In so doing, all trees on site with the exception of the protected Ash tree have now been removed. Through the re-consultation process, residents have made the point that this application should not be progressed as the applicants have commenced development on this alternative permission. Whilst officers have asked the applicant if they intend to withdraw the current application, they have been clear that they want their application to progress to determination and they will not be withdrawing it. The current application is for the demolition of the existing building and that would include any works undertaken in connection with the alternative permission. The application can therefore continue to be considered and determined.
- 3.4 The applicant seeks permission for the demolition of the existing building that provided supported living accommodation and erection of a detached 2-storey building with additional accommodation in the roof area, to provide four cluster of accommodation; 2 of the clusters providing accommodation for up to 6 people living in self-contained accommodation but with access to additional shared living space and supported, 1 cluster providing accommodation for up to six people living together as a single household and receiving care, and 2 self-contained units with access to on site support, together with the provision of associated car parking, cycle parking and refuse/recycle storage.
- 3.5 This application follows an earlier refusal of planning permission under application reference 20/02821/FUL. An appeal against this decision (appeal reference number APP/Q5300/W/21/3273405) was dismissed on 8 April 2022.
- 3.6 The Inspector raised no concerns regarding:
- the design, height and massing of the proposed building and found no harm to the character and appearance of the area;
 - harm to the amenities of the occupiers of Nos. 1 and 3 Fyfield Road in terms of light, outlook or privacy;
 - the level of parking provision to support the quantum of development proposed.
- 3.7 However, the Inspector did find harm from:
- overlooking and loss of privacy to number 28 Churchbury Lane from proposed side windows.
 - quality of accommodation for future residents in terms of floorspace, ceiling heights and amenity space;
 - the accessibility of the parking spaces to the rear of the site and the requirement to reverse onto Churchbury Lane to leave the site;
 - lack of clarity over deliveries and servicing;
 - the lack of a tree survey and impact assessment which meant the impact on trees and the tree the subject of the TPO was not known.
 - Lack of information on sustainable drainage

- 3.8 In response, this application now proposes obscure or partially obscure glazed windows to the flank elevation of the new building along the shared boundary with number 28. The floor areas of the self-contained supported living units meet or exceed the minimum floor space standards for 1 person units. Ceiling heights have increased to 2.5m to meet the relevant guidelines for the ground and first floor accommodation, with the 2nd floor accommodation achieving 2.8m. Amenity space has been apportioned so one of the ground floor units (identified as Unit 2 on the submitted plans) and the 5 bedspace cluster (identified as Unit 1 on the submitted plans) have access to some private amenity space. The remaining units would have access to the communal garden space to the rear of the proposed building. The number of parking spaces in the rear garden has been reduced from 5 to 3, with the turning area available sufficient to ensure cars are able to exit the site in forward gear. A tree survey and impact assessment has been submitted identifying the trees for removal and the protection measures for the protected tree. A drainage strategy has been provided.
- 3.9 The Inspector accepted conditions could be used to cover a construction management plan.
- 3.10 Having regard to the above, it is considered that the reasons for refusal have now been overcome and hence the recommendation is for approval subject to conditions as identified above.

4 Site Description

- 4.1 The subject site is located on Churchbury Lane opposite the junction with Fyfield Road. The site contains a pair of semi-detached two storey buildings with access for vehicle parking shared between Nos.26 and 28 to the north and a driveway to the west providing access to an outbuilding (garage) for No.24. Works have commenced on the implementation of planning permission reference 22/00915/FUL, the roof of the original building has been removed and all trees with the exception of the protected Ash tree have been removed.
- 4.2 The property was previously used for the accommodation of 5 adults with physical and learning disabilities.
- 4.3 An Ash tree to the rear of the site is the subject of a Tree Preservation Order (TPO - NO 107 1980). No other trees on site were the subject of protection.

4.4 The site is not located within a conservation area nor is it statutorily or locally listed.

Proposal

4.5 This application proposes the demolition of the existing building which provided supported living accommodation for 5 residents and the erection of a detached 2-storey building with additional accommodation in the roof area, to provide four clusters, Sui Generis use : 2 of the clusters providing accommodation for up to 6 people living in self-contained accommodation but with access to additional shared living space and supported, 1 cluster providing accommodation for up to six people living together as a single household and receiving care, and 2 self-contained units with access to on site with on site. All clusters will share a common single entry point to the south elevation of the building. The clusters are as follows:

- Cluster 1(Ground Floor) – 2 x 1person self-contained units with a small ancillary office space and toilet;
- Cluster 2 (Ground Floor) - 5 individual bedrooms with ensuite facilities, shared living, eating and cooking facilities, shared special care shower room and WC, ancillary office space and toilet facilities;
- Cluster 3 (First Floor) – 6 x 1 person self-contained units, together with shared living, dining and cooking space, ancillary office and WC
- Cluster 4 (Second floor)– 6 x 1 person self-contained units, together with shared living, dining and cooking facilities, ancillary off and WC.

4.6 Five parking spaces in total are proposed; two to the site frontage and 3 to the rear garden area. Refuse storage and cycle parking spaces are proposed to the rear.

Revised landscaping plans have been submitted that confirm the retention of the protected Ash tree only (all other trees on site have now been removed) . Eight new trees are to be planted; 3 to the rear garden and 5 to the front garden.

5 Relevant Planning History

Historical applications

5.1 TP/04/2322 - Part single, part two storey side and rear extension. (Revised scheme). Granted With Conditions 30 Dec 2004. This permission was implemented in 2005

TP/05/1193 - Single storey rear extension (retrospective). Granted 03 Aug 2005

TP/05/1025 - Use of single-family dwelling house as a residential care home for 5 people with learning and physical disabilities. Granted With Conditions 21 Jul 2005.

Alternative planning permission on which works have commenced

5.2 22/00915/FUL - Part single, part two-storey side and rear extensions, front and rear rooflights and ancillary works to expand existing supported living facility to accommodate up to 8 residents. – Granted with conditions on 28.07.2022

24-26 Churchbury Lane – Appealed application

5.3 20/02821/FUL - Demolition of the existing buildings providing supported living accommodation and erection of a detached 2-storey building with additional accommodation in the roof area, to provide four class C3(b) uses (up to six people living together as a single household and receiving care) and provision of associated car parking to the front and side, cycle parking and refuse/recycle storage. Refused 18.03.2021 for the following reasons:

1. *The proposed development, by virtue of inadequate floor areas, floor to ceiling heights, internal layouts, poor quality of outlook, insufficient natural light, the insufficient provision of private/communal amenity space and required measures to ensure privacy would result in substandard accommodation and be harmful to the amenities of future occupiers, contrary to Policy D6 of the London Plan (2021), Policies CP4 and CP30 of the Enfield Core Strategy (2010), Policies DMD6, DMD8 and DMD9 of the Enfield Development Management Document (2014).*
2. *The proposed development, by virtue of its form, height, depth, bulk, massing and detailed design would appear visually intrusive, overly dominant and out of keeping with the character and appearance of the streetscene of which it forms part and the surrounding area, contrary to the Policies D3 and D4 of the London Plan (2021), Policy CP30 of the Enfield Core Strategy (2010) and Policies DMD8 and DMD37 of the Enfield Development Management Document (2014).*
3. *The proposed development, by virtue of its size, proximity and siting would give rise to an unneighbourly loss of privacy as perceived from neighbouring properties including No. 28 Churchbury Lane and Nos.1 and 3 Fir Tree Walk, contrary to Policies D3 and D6 of the London Plan (2021), Policies CP4 and CP30 of the Enfield Core Strategy (2010) and Policies DMD8 and DMD10 of the Enfield Development Management Document (2014).*
4. *The proposed development, in the absence of an adequate justification to demonstrate vehicle parking commensurate with the use proposed, would give rise to conditions prejudicial to the free flow and safety of vehicular traffic and fail to promote or prioritise the use of sustainable modes of transport or reduce car use, contrary to Policies T4, T6 and T6.1 of the London Plan (2021), Policies CP 24 and CP25 of the Enfield Core Strategy (2010) and Policies DMD45, DMD47 and DMD48 of the Enfield Development Management Document (2014).*
5. *The proposed development, in the absence of a legal agreement securing a construction and demolition management plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to Policy T7 of the London Plan (2021), Policy CP24 and 32 of the Enfield Core Strategy 2010 and Policies DMD48 and DMD 68 of the Enfield Development Management Document 2014.*
6. *The proposed development, in the absence of an adequate arboriculture report, has failed to demonstrate that the proposal would retain and protect trees (including those the subject of a Tree Preservation Order) of visual amenity and biodiversity value within the site / in adjacent sites and the surrounding area, contrary to Policy G7 of the London Plan (2021), Policies CP30 of the Enfield Core Strategy (2010) and Policies DMD37 and DMD80 of the Enfield Development Management Document (2014) and the British Standard for Trees in relation to design, demolition and construction (BS 5837:2012).*

7. The proposed development, in the absence of an adequate sustainable drainage strategy, fails to demonstrate how proposed measures manage the risk of flooding from surface water run-off and follow the drainage hierarchy in the London Plan, contrary to Policy SI 13 of the London Plan (2021), Policies CP21 and CP28 of the Enfield Core Strategy (2010), Policies DMD59, DMD60, DMD61 and DMD62 of the Enfield Development Management Document (2014) and the Enfield Strategic Flood Risk Assessment (2008).

5.4 The subsequent appeal against this decision was dismissed. The Inspector did not support the Council's decision in terms of reasons 2, and 5, accepting in relation to reason 5 that a construction management plan could be secured by condition. He partially supported the Council's decision in respect of reason 3, accepting a harmful impact on No.28 Churchbury Lane arising from windows in the side facing elevation but considered there would be no harmful impact on the amenities of the occupiers of 1 and 3 Fyfield Road. He did not support the Council's concern about the level of parking but did raise concerns about the inability of vehicles to exit the rear parking spaces in a forward gear. He supported the Council's decision in terms of the quality of the accommodation to be provided, lack of information on servicing and delivery and the lack of information to assess impact on trees and flood risk.

5.5 21/02621/FUL - Change of use from Care Home(C2) into 8 supported Living accommodation units with 24 hour care involving two-storey side, rear and roof extensions, rear rooflights, Juliet balconies and associated works. – Refused on 27.09.2021 for the following reasons:

- *The proposed development, by virtue of its form, height, depth, bulk, massing and detailed design would appear visually intrusive, overly dominant and out of keeping with the character and appearance of the streetscene of which it forms part and the surrounding area, contrary to Policies CP30 of the Enfield Core Strategy (2010), DMD8 and DMD37 of the Enfield Development Management Document (2014), D3 and D4 of the London Plan (2021) and the National Planning Policy Framework 2021 as a whole.*
- *The proposed development, in the absence of an adequate arboriculture report, has failed to demonstrate that the proposal would retain and protect trees (including those the subject of a Tree Preservation Order) of visual amenity and biodiversity value within the site / in adjacent sites and the surrounding area, contrary to Policies CP30 of the Enfield Core Strategy (2010), DMD37 and DMD80 of the Enfield Development Management Document (2014), 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).*

5.6 This refusal was not appealed.

6 Consultation

6.1 Statutory and Non-Statutory Consultees

6.1.1 Transport – No objections subject to conditions.

6.1.2 SUDS – No objections subject to conditions.

6.1.3 Trees – The Tree Officer raised no objection to the removal of the 7 category U trees that were originally identified for removal but have since now been removed. Amended plans have been provided to ensure no new tree planting within the root protection area of the protected tree, which is supported, appropriate siting for new tree planting to the front and rear of the proposed building and new soft landscaping to the front of the building and to the Churchbury Lane return frontage

6.1.4 Building Control Officer - No objections raised on access and fire safety.

7.0 Public Consultation

7.1 Forty two adjoining and nearby properties have been consulted on the planning application and the receipt of revised plans. A total of 14 representations have been received, and the issues raised are largely the same as those from the previous rounds of consultation and have been summarised below and given additional comment in the body of the report:

Summary of responses

- Overdevelopment
- Incorrect use proposed
- Proposal does not meet standards for specialist housing
- Strain on existing community facilities
- Out of Keeping with the character of area
- Detrimental scale of building proposed
- Detrimental impact on privacy / light
- Detrimental proximity to neighbouring building
- Loss of privacy to houses and gardens
- Windows and balconies overlook gardens
- Detrimental impact on parking
- Insufficient parking provision
- Increased congestion/pollution
- Incorrect Information
- Fire safety issues
- Future usage of site could be changed
- Traffic volume and noise will be increased
- Affect local ecology/TPO trees
- Amended description is not correct as the proposed accommodation is clearly for specialist care housing with a total of 30 non-resident carers working in shifts. As such it falls very neatly into the C2 class. Near identical

accommodation in the borough, including the building currently on site, has been defined as C2. It is therefore not in a class of its own - or Sui Generis.

Officers' response

Whilst these objections are noted a number of the issues raised have been considered by the Inspector at appeal and have not been supported, particularly related to the principle of this form of development, the nature of the use, the number of residents to be accommodated, the size/form and massing of the building and the level of parking provision. Other 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 to have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 National Planning Policy Framework (NPPF) 2023

8.2.1 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.

8.2.3 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.

8.2.4 In relation to achieving appropriate densities Paragraph 128 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.

8.2.5 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:

8.2.6 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:

(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 (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.

8.2.7 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 73); 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."

8.2.8 The Council's recent housing delivery has been below Enfield's increasing housing targets. This has translated into the Council being placed in the "presumption in favour of sustainable development category" by the Government through its Housing Delivery Test

- a) 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
- b) 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.”

8.2.9 In 2019, Enfield met 77% of the 2,394 homes target for the preceding three-year period (2016/17, 2017/18, 2018/19), delivering 1,839 homes. In 2020 Enfield delivered 56% of the 2,328 homes target. In 2021, Enfield delivered 1777 of the 2650 homes required, a rate of 67%. The consequence of this is that Enfield is within the “presumption in favour of sustainable development” category.

8.2.10 This is referred to as the “tilted balance” and the NPPF states that for decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole – which also includes the Development Plan. Under the NPPF paragraph 11(d) the most important development plan policies for the application are deemed to be ‘out of date’. However, the fact that a policy is considered out of date does not mean it can be disregarded, but it means that less weight can be applied to it, and applications for new homes should be considered with more weight (tilted) by the planning committee. The level of weight given is a matter of planning judgement and the statutory test continues to apply, that the decision should be, as section 38(6) of the Planning and Compulsory Purchase Act 2004 requires, in accordance with the development plan unless material considerations indicate otherwise.

8.3 London Plan (2021)

8.3.1 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:

- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D14 Noise

- Policy H10 Housing size mix
- Policy H12 Supported and specialised accommodation
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 13 Sustainable drainage
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.1 Residential parking
- Policy T7 Deliveries, servicing and construction

8.4 Enfield Core Strategy

8.4.1 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 policies of the Core Strategy is considered particularly relevant:

- 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
- CP24: The road network
- CP25: Pedestrians and cyclists
- CP26: Public transport
- CP28: Managing flood risk through development
- CP30: Maintaining and improving the quality of the built and open environment
- CP32: Pollution
- CP36: Biodiversity

8.5 Enfield Development Management Document

8.5.1 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
- DMD6 Residential Character
- DMD8 General Standards for New Residential Development
- DMD9 Amenity Space
- DMD 10 Distancing
- DMD15 Specialist Housing Needs
- DMD37 Achieving High Quality Design-Led Development
- DMD38 Design Process
- DMD45 Parking Standards

DMD47 New Roads, Access and Servicing
 DMD48 Transport Assessments
 DMD49 Sustainable Design and Construction Statements
 DMD50 Environmental Assessment Methods
 DMD51 Energy Efficiency Standards
 DMD53 Low and Zero Carbon Technology
 DMD58 Water Efficiency
 DMD61 Managing Surface Water
 DMD65 Air Quality
 DMD68 Noise
 DMD69 Light Pollution
 DMD70 Water Quality
 DMD72 Open Space Provision
 DMD79 Ecological Enhancements
 DMD80 Trees on Development Sites
 DMD81 Landscaping

8.6 Enfield Local Plan (Regulation 18) 2021

8.6.1 The Council has published the Enfield Local Plan 2019-2041 for Regulation 19 Consultation between 28 March and 20 May 2024. The Enfield Local Plan is at an advanced stage of preparation and is considered by the council to be sound and will not be modified significantly prior to examination. NPPF 2023 Paragraph 48 states that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the London Plan and NPPF 2023. For example, a policy that receives few objections at the Regulation 19 consultation can be given more weight than a policy that receives many objections. As such, policies must be considered on a case-by-case basis for larger schemes during the consultation and examination period and the weight given to specific policies must be determined at the time a decision is made. Enfield's adopted Development Plans remain the starting point for decision taking until the new Enfield Local Plan is adopted.

8.6.2 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
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 DE11	Landscape design
Policy DM DE13	Housing standards and design
Policy DM H3	Housing mix and type
Policy DM T2	Making active travel the natural choice
Policy SP D1	Securing contributions to mitigate the impact of development

8.7 Other Material Considerations

National Planning Practice Guidance
London Housing SPG (2016)
DCLG Technical Housing Standards (2015)
Refuse and Recycle Storage Guide Enfield (2020)

9 **Analysis**

9.1 The principal considerations material to the determination of this application are considered as follows:

- Land Use
- Design
- Impact on neighbouring amenity
- Transport
- Trees
- Biodiversity
- Energy and Sustainability
- Sustainable Drainage Systems (SuDS)
- Inclusive Design and Fire Safety
- Community Infrastructure Levy (CIL)

9.2 This application follows a refusal of planning permission under application reference 20/02821/FUL which was subsequently appealed. The appeal (reference APP/Q5300/W/21/3273405) was dismissed on 8 April 2022 and a summary of the Inspectors findings is given above. This decision carries significant weight in this assessment.

Land Use

9.3 Permission was granted in 2005 (TP/05/1025) for the use of the site as a residential care home for 5 people with learning and physical disabilities. The submitted documents forming part of this application noted:

- All of the residents need a high level of support because of their physical disabilities which includes periodic care over the 24 hour period and the provision of personal care. It was anticipated that three members of staff would be at the premises during the day with one or two at night. The plans provided for the provision of a staff bedroom but staff would normally be awake and they would not reside at the premises. [An additional parking space] was provided for staff and visitors and 6 off-street spaces were available.

9.4 Condition 2 of this planning permission requires:

- Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987, or any amending Order, the premises shall only be used for the accommodation of adult residents with physical and learning disabilities and shall not be used for any other form of accommodation or purpose within use class C2. Reason: To safeguard the residential amenities of adjoining occupiers.

9.5 The site is therefore established to provide supported living accommodation for 5 people under the C2 Use Class.

9.6 With respect to the current application, the applicant's description reads:

- Demolition of the existing buildings providing supported living accommodation and erection of a detached 2-storey building with additional accommodation in the roof area, to provide 4 clusters of accommodation including 2 x 1-person self-contained units with associated office space for support staff, 5 individual bedrooms with ensuite facilities and shared facilities and 12 x 1 person self-contained units with additional and ancillary shared living accommodation and office space for support staff, all for residents receiving care (19 persons) (Class use Sui Generis) and provision of associated car parking, cycle parking and refuse/recycle storage.

9.7 The submitted documents forming part of this application noted:

- Residents live in an environment where they have control over their day to day lives but with the ability to immediately call upon a range of flexible services. Level of care and services provided can increase or decrease dependent upon the needs of the individual.

Concern has been raised by residents about how the application is being assessed with some documents describing the use as C2 and others as C3(b). In light of this, it has now been considered more accurate to amend the description of development to reflect a Sui Generis use. This is because some of the units are for more independent living and some are shared. Notwithstanding the fact that the Inspector in the appeal did not question the description of development as this was not a reason for refusal before him, this issue was raised in the officer report. In reviewing the application in preparation for this planning committee, we have considered again the description of development and the layout and function of the development proposed. There are two ground floor totally self-contained units, and the remaining accommodation comprises a mix of supported living units where residents have self contained accommodation but also with access to shared amenities in the form of living and dining spaces and one cluster where residents have a bedroom only and access to shared living, eating and dining facilities. Given this, it is considered that the development would not fall clearly within C2, C3(b) and nor would it be general C3. We consider it to be a hybrid application and as such should more appropriately be considered a sui generis use and as such it has been considered prudent to amend the description to reflect this.

9.8 The application is for 'assisted' or 'supported living', with residents being able to reside in the property with supervision.

- 9.9 The proposal does not result in the loss of a conventional single family residential unit, as the permitted use of the property is as a residential care home for 5 people with learning and physical disabilities. Instead, the scheme proposes the replacement of one type of residential accommodation with an alternative form of supported living accommodation, albeit now accommodating up to 19 people. The proposed use would not conflict with Enfield Core Strategy Policy CP4 (Housing quality) and Enfield Development Management Document Policy DMD4 (Loss of Existing Residential Units).
- 9.10 It is noted that the proposal would result in an intensification of the site, with up to 19 persons living on site in either the self-contained units or within the shared accommodation.
- 9.11 The applicant states each of the clusters would be operated independently as follows:
- Cluster 1 - 2 x 1-person flats and 1 small office.
 - Cluster 2 - 5 bedrooms each with ensuite bathrooms and a shared dining/kitchen area and 1 small office.
 - Cluster 3 - 6 x 1-person flats and a shared communal living/dining/kitchen area and 1 small office..
 - Cluster 4- 6 x 1-person flats and a shared communal dining/kitchen area and 1 small office.
- 9.12 The site was occupied by 5 residents, occupying 5 rooms and assisted by 5 full time staff (3 during the day and 2 during the night). The proposal would result in 19 residents, assisted by 20 full time staff (10 during the day and 10 during the night).
- 9.13 Notwithstanding the intensification in the use of the site, the appeal decision did not find this harmful and therefore the proposals are acceptable in this context. A condition is recommended requiring the accommodation to be occupied by no more than 19 residents, given the mix and arrangement of accommodation proposed, and the lack of private amenity space to support all units. The condition will also require that the communal kitchen/living/dining space and office space needed to support the specific type of accommodation proposed is retained.

Standard of Accommodation

- 9.14 The Mayor's Housing SPG advises that the nationally described space standards and the optional Building Regulations do not apply to specialist forms of housing such as student housing and supported living; however, the space needed for furniture, activity and movement should be considered when designing all forms of housing. Policy D6 of the London Plan states the standards apply to all new self-contained dwellings of any tenure. This application includes units of self-contained accommodation, albeit the majority also have access to shared living/dining and kitchen facilities in addition to those within the individual units.
- 9.15 Policy DMD 8 (General Standards for New Residential Development) of the Enfield Development Management Document provides wider considerations of what constitutes acceptable levels of habitable accommodation within development.

- 9.16 With the refused application, 20/02821/FUL it was considered that the proposed development, by virtue of inadequate floor areas, floor to ceiling heights, internal layouts, poor quality of outlook, insufficient natural light, the insufficient provision of private/communal amenity space and required measures to ensure privacy would have resulted in substandard accommodation and be harmful to the amenities of future occupiers, contrary to Planning Policy.
- 9.17 The Appeal Inspector supported the Council on this reason for refusal and concluded that on balance, the proposal would not provide suitable living conditions for future occupiers having regard to the quality and quantity of internal and external space.

- 9.18 In addressing the above reasons for refusal, the applicants have amended the plans so that each self-contained unit is provided with a minimum of 37sqm in floor space which meets the London Plan floorspace standard for a single person unit. Objections have been raised as to why the units are not double rooms and the applicant has advised that the service users will be living as single persons and as such the rooms as proposed are considered acceptable and they meet the requirements for a single person.

Two of the ground floor units have access to private amenity space. Identified on the submitted plans as Unit 1, a cluster of 5 bedrooms with shared living facilities and Unit 2 a self-contained single person unit. The remaining units (one self-contained one bedroom unit to the ground floor and the shared clusters at first and second floor level) would have access to the shared communal garden which is 169sqm over and above the requirement for conventional C3 use which is 4sqm of communal amenity space from DMD policy 9 per 1 bedroom person apartment. The amenity space standards for conventional C3 housing for 1 person accommodation would look to the provision of 4sq.m of private outdoor amenity space for a self-contained 1 bed unit. There are only 2 such units within the development and one of these would have amenity space in excess of this with the second, due to its location within the block, not having any private outdoor amenity space. The failure of this unit to meet the private outdoor amenity space standards needs to be considered in the overall planning balance. Unit 1, the cluster of 5 single bedrooms alongside shared living space would have access to 47sq.m of private amenity space. The equivalent size conventional C3 dwelling 4b5p/4b6p units would require private amenity space of 8/9sq.m respectively where there is also communal amenity space available. The remaining upper floor accommodation within the development that would not have access to private outdoor amenity space is not conventional C3 housing. These upper floor cluster units have additional indoor space in the form of communal living/kitchen/dining facilities over and above their private kitchen/living/dining spaces. This is an 'amenity' for the residents albeit not outdoor space. The communal garden area to the rear of the block will provide the outdoor amenity space for those units that do not have private outdoor amenity space. The failure to meet the minimum standards for outdoor amenity space for these units needs to be considered in the planning balance.

Within the refused application the garden space available to support the development had not been clearly defined in terms of how it would be used by future residents. This amended scheme identifies a private garden for one of the ground floor self-contained units and for the residents of Cluster 2 (described above). A further communal area beyond the provision of private amenity space would be accessible to all residents. The cluster that is to accommodate residents requiring wheelchair access has direct access to a private garden area and there is level access to this space. This application has now therefore clarified the apportionment of amenity space. Whilst all units do not have access to private outdoor amenity space, given this is supported living where residents live in a more communal way, encouraged through the provision of communal living/dining and kitchen facilities, the reliance on communal amenity space for the majority of residents is considered on balance acceptable.

Given the development does not meet the requirements of amenity space for conventional self-contained C3 residential accommodation and there is reliance on additional internal space to support some of the units, a condition is recommended to ensure that the units remain in use as supported living accommodation only and as one person units as proposed and the communal indoor amenity, provided through the additional shared living/dining/kitchen spaces must be retained .

- 9.19 In terms of floor to ceiling heights, the earlier refused application's had ceiling heights of 2.4m to the ground and first floor level of the building, whilst the second floor had 2.8m. The current application proposes a floor to ceiling height of 2.5m to the ground and first floor and retains the 2.8m height at second floor level. This is in compliance with planning guidance. The plans have been amended so that the proposed rooflights serving some of the upper bedrooms are enlarged to ensure that the rooms receive adequate daylight and better outlook.
- 9.20 The units overall have adequate light and outlook. One of the ensuite bedrooms within Cluster 2 has its sole bedroom window to the flank elevation. This window needs to be fixed and obscured at the lower level to protect the privacy of the occupiers of No.28 Churchbury Lane. As this is a bedroom and the occupier would have access to a sizable communal living/dining/kitchen space, with good natural light, this in the overall planning balance is considered acceptable.
- 9.21 Having regard to the amendments to the scheme, it is considered that the concerns previously raised regarding the quality of the accommodation have been satisfactorily addressed.

Design

- 9.22 Enfield Core Strategy Policy CP30 (Maintaining and improving the quality of the built and open environment) seeks to ensure that new developments are high quality and design-led, having regard to their context.
- 9.23 Enfield Development Management Document Policy DMD8 (General Standards for New Residential Development) states that new developments should preserve amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance. DMD37 (Achieving High Quality Design-Led Development) states that development that is not suitable for its intended function that is inappropriate to its context, or which fails to have appropriate regard to its surroundings, will be refused. However, it also recognised there is a degree of subjectivity in this assessment of acceptable design.
- 9.24 The principle of demolition has already been accepted under the refused application and this was not disputed in the appeal decision. It was concluded that the existing buildings are of limited value and therefore limited weight shall be given to their conservation. In the absence of making a significant positive contribution to the wider area, the complete demolition of all site buildings is acceptable subject to a suitable replacement.

- 9.25 The proposal would result in a change to the form/shape of the building and the extent of site coverage. The proposed building is neither massed to address the recognised and typical principal elevation (east), nor the south facing elevation and surrounding views. The proposal will result therefore in an atypical building, formed in an 'L' shape with an apex serving as an entrance on the corner of Churchbury Lane, with principal elevations facing east (14.9m) and south (18.5m). Where the more typical built format in the locality is that of semi-detached rectangular buildings with a single principal elevation, this proposal would introduce 2 principal elevations which under the previous scheme was previously considered to be at odds with the locality.
- 9.26 However, the Inspector did not support the Council's earlier objections to the design of the building. He considered the area to be of mixed character and that there was no single, defining dominant character and appearance at the site or around it. He did not therefore consider the form of development proposed to be harmful to the character and appearance of the area. This current scheme has the same form and massing and therefore in the light the appeal decision, which carries significant weight in the assessment of this application, no objection is now raised to the design of the building.

Impact on neighbouring amenity

- 9.27 Enfield Core Strategy Policy CP9 (Supporting community cohesion) supports community cohesion by promoting attractive, safe, accessible and inclusive neighbourhoods. Enfield Development Management Document Policies DMD 8 and 10 seek to ensure that developments do not negatively impact on the residential amenities of neighbouring properties. Policy DMD 8 states residential development will only be permitted if it preserves amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance. Policy DMD 10 states that distancing between developments serves a number of purposes: it helps to maintain a sense of privacy; it is also key to avoiding overshadowing and ensuring adequate amounts of sunlight are available for new and existing developments. The spacing between development at the rear offers the space for amenity uses. It is therefore important that an appropriate distance is achieved and maintained as a result of the development of new residential units and extensions. Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree. Spaces that are overlooked lack privacy. The most sensitive areas to overlooking are habitable spaces such as living rooms, bedrooms, kitchens and the part of a garden nearest to the house.
- 9.28 The massing and form of the proposed building would be greater than the existing built form and therefore the impacts to the neighbouring residential amenity requires assessment.
- 9.29 The area surrounding the site is predominantly residential. The following properties are contiguous to the application site:
- No.28 Churchbury Lane – neighbouring to the north of the application site. This building has several flank wall windows facing the development site, at ground, first and second floor level.
 - Nos.1 and 3 Fir Tree Walk - neighbouring to the west of the application site. These buildings have a number of upper floor windows facing the development site serving habitable spaces.

- 9.30 All other adjacent properties on the opposite side of Churchbury Lane (including Nos.1 and 3 Churchbury Lane, Nos. 1 and 2 Fyfield Road and 5 Fir Tree Walk), by virtue of their proximity and orientation are considered to experience no greater harm as a result of the development than the existing arrangement.
- 9.31 The size and scale of the development and its relationship with neighbouring properties has been found acceptable through the previous appeal decision.
- 9.32 Within the refused application it was considered that due to new upper floor windows facing the windows and gardens of number 28 Churchbury Lane and Nos.1 and 3 Fir Tree Walk, this would give rise to an unneighbourly loss of privacy from overlooking which would be harmful to the amenities of these neighbouring properties.
- 9.33 The Appeal Inspector disagreed with the harm to numbers Nos.1 and 3 Fir Tree Walk but concluded that whilst he was satisfied that the proposal would not cause harmful overlooking or loss of privacy to the gardens of No 28 Churchbury Lane and Nos.1 and 3 Fir Tree Walk, as the relationship would be fundamentally the same as existing, he found that the side facing windows in the side wall of the proposed building would give rise to an unacceptable loss of privacy and perceived loss of privacy to the occupiers of No 28.
- 9.34 In addressing the above reason for refusal, the applicant has made changes to the scheme by removing some windows from some rooms including a bedroom and also by designing the rooms such that all the side windows facing number 28 are obscure glazed and non-opening, with the bedroom within Unit 1 being obscured glazed and fixed to a height of 1.7m above floor level and thereafter clear glazed. The quality of accommodation is not compromised by inserting obscure glazed windows as most of these rooms are non-habitable rooms. One of the ensuite bedrooms within Cluster 1 would have its sole window as a partially obscure glazed window. However, this is a bedroom and the occupier would have access to a large communal living/dining/kitchen space. In the overall planning balance, this is considered acceptable. The reason for refusal on harm to the amenities of number 28 is therefore considered to have been overcome.

Transport

- 9.35 Policies DMD45 and DMD47 provide the criteria upon which developments will be assessed with regard to parking standards / layout and access / servicing. Enfield Development Management Document Policy DMD 45 (Parking Standards and Layout) and DMD48 (Transport Assessments) seeks to minimise car parking and to promote sustainable transport options. The Council recognises that a flexible and balanced approach needs to be adopted to prevent excessive car parking provision while at the same time recognising that low on-site provision sometimes increases pressure on existing streets.
- 9.36 The site is located on the corner junction of Churchbury Lane and Fyfield Road. The site is located within the Enfield Town Controlled Parking Zone (CPZ), and the site has a PTAL of 4, which is good.

9.37 There are currently two vehicle access points into the site; one on the north (closest to the junction with Orchard Way) which is shared with No.28 Churchbury Lane and one to the south of the site, facing the junction with Fyfield Road. The Council recognises that a flexible and balanced approach needs to be adopted to prevent excessive car parking provision while at the same time recognising that low on-site provision sometimes increases pressure on existing streets. As part of this proposal, both crossovers would remain, with formal parking areas provided serving the front and rear of the site with 2 spaces and 3 spaces respectively. The provision of 7 car parking spaces to service the previous scheme was considered excessive within the refused application. However, the Inspector did not agree with the Council on this issue and was satisfied that the over-provision of parking would not in itself be harmful to the free flow and safety of vehicular traffic. It is considered a reduction in parking as now proposed from 7 to 5 spaces, does not undermine the Inspectors decision and is more in line with the Council's original position.

9.38 The Inspector was concerned with the combination of the particular parking layout and access to the car parking spaces, meaning vehicles would need to reverse onto the public highway, and the uncertainty over deliveries and servicing which would give rise to harm to the free flow of vehicular traffic and the safety of all other road users. In reducing the number of parking spaces in the rear garden, the two spaces that required a reversing movement have been removed. This area of concern has therefore been addressed. The Council's Transport Team raise no objections to the proposed parking layout.

With respect to servicing and delivery, the applicant has provided information to explain the expected servicing and delivery details to support the proposed use. This confirms:

- It is anticipated that overall, there will be 20 members of staff working at the site (10 during the day and 10 at night)
- The proposal includes 5 on site parking spaces, including 1 disabled space (two at the front and three to the rear)
- As a result of their disabilities, the residents of the supported living accommodation are unlikely to be car drivers. Parking is mainly intended for staff use.
- Refuse and recycling will be collected by the Council refuse team, from Churchbury Lane.
- Residents will shop for themselves. If they are unable to shop for themselves, carers will go shopping locally on foot to a local supermarket (Tesco's is 5 minutes walk away). Any medication or clothing requirement would be dealt with in the same way.
- Delivery of goods and services are anticipated to be occasional by common private delivery services
- If the building needs maintenance or repairs, the applicant's maintenance team based at the Holtwhites Hill site would walk over or if materials are needed then a van will be parked in one of the parking spaces or if there is space, on street.

In response, the Transportation Team have advised that deliveries and servicing requirements are likely to be modest in scale and associated vehicles can be accommodated on street or through use of the off-street parking spaces. It should also be noted that traffic calming features have recently been implemented on

Churchbury Lane, including raised tables and making it no entry from Parsonage Lane, resulting in both a reduction in traffic volume and traffic speeds along this section of the road. The interventions also mean the highway conditions are materially different since the Inspector's comments were originally made, and further mitigate the highway safety impacts should any vehicles attempt to reverse out of the parking spaces. However, it should be noted these have also been reconfigured since the previous application by the deletion of 2 spaces to the rear, which are the spaces the Inspector raised concerns over the need to reverse out from.

- 9.39 A condition is recommended to require a Construction Management Plan as directed by the Planning Inspector who stated that subject to the imposition of an appropriate condition, the implementation of the proposal would not be likely to give rise to conflicts with other road users and not be detrimental to the amenity of the area.
- 9.40 With regard to cycle parking, the proposal indicates an area for 10 cycle spaces., Policy DMD 45 (Parking Standards and Layout) would expect a pre-commencement condition to secure the siting, number and design of the secure and covered cycle parking spaces. A condition is recommended to cover this.

Trees

- 9.41 Enfield Development Management Document Policy DMD80 (Trees on Development Sites) states that all development including subsidiary or enabling works that involve the loss of or harm to trees covered by TPO's or trees of significant amenity or biodiversity value will be refused. Policy DMD81 states that development must provide high quality landscaping that enhances the local environment.
- 9.42 The site contained a number of trees, including an Ash Tree in the rear garden that is the subject of a Tree Preservation Order. All trees other than the protected Ash tree have now been removed. These were identified as category U trees in the Arboricultural Assessment that supports the application. The protected tree will be retained within an area of communal garden to the rear. The entire boundary to the west will remain as existing, a mixture of timber fence and a concrete wall to avoid any unnecessary disturbance to the protected Ash tree. The position of the cycle store now sits outside the root protection zone for the protected tree. The tree officer has raised no objection to the development in terms of impact on trees. The proposed landscaping details have been amended to more appropriately relate to the site context and avoid new tree planting within the root protection zone of the Ash tree. Eight new trees are to be planted; 3 to the rear garden and 5 to the front garden.

A condition is recommended to ensure compliance with the tree protection measures during construction and after. This reason for refusal is now considered to be satisfactorily addressed.

Biodiversity

- 9.43 Policy G6 of the London Plan (Biodiversity and access to nature), Enfield Core Strategy Policy 36 (Biodiversity) and Development Management Document Policy DMD79 (Ecological Enhancements) would expect a condition to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures including bird and bat boxes. A condition is recommended.

Energy and Sustainability

- 9.44 Enfield Core Strategy Policy CP4 sets a strategic objective to achieve the highest standard of sustainable design and construction throughout the Borough, whilst policies 49 (Sustainable Design and Construction Statements) and 50 (Environmental Assessment Methods) of the Development Management Document relate to the highest sustainable design and construction standards having regard to technical feasibility and economic viability and compliance with targets relating to the relevant adopted environmental assessment methods respectively.
- 9.45 An Energy Statement has not been provided at this stage and therefore a condition is recommended requiring the submission of one pre-commencement.

Sustainable Drainage Systems (SuDS)

- 9.46 London Plan Policy SI 12 (sustainable drainage) outlines that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the following drainage hierarchy:
1. rainwater use as a resource (for example rainwater harvesting, blue roofs for irrigation)
 2. rainwater infiltration to ground at or close to source
 3. rainwater attenuation in green infrastructure features for gradual release (for example green roofs, rain gardens)
 4. rainwater discharge direct to a watercourse (unless not appropriate)
 5. controlled rainwater discharge to a surface water sewer or drain
 6. controlled rainwater discharge to a combined sewer.
- 9.47 Enfield 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 DMD 61 (Managing Surface Water) expects a Drainage Strategy will be required for all developments to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan.

- 9.48 The previous application was refused as it was considered that the proposals had failed to demonstrate how proposed measures manage the risk of flooding from surface water run-off and follow the drainage hierarchy. The Appeal Inspector concluded that given it is fundamental to the acceptability of the proposal, it would be inappropriate to defer such an important detail to condition. The applicants have now submitted a SUDS strategy which has been assessed by the Council's drainage team who have concluded that these details are sufficient and can be supported in principle with a condition requiring further technical details. This reason for refusal of a previous application has been addressed.

Inclusive Design and Fire Safety

- 9.49 Policy D5 (Inclusive design), of the London Plan states that Development proposals should achieve the highest standards of accessible and inclusive design. It states that developments should be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment, be able to be entered, used and exited safely, easily and with dignity for all. Above all the policy states that proposals should be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 9.50. Policy D12 of the London Plan on Fire safety states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- 1) identify suitably positioned unobstructed outside space:

A community garden area at the rear has been provided and is unobstructed

- a) for fire appliances to be positioned on
this has been annotated on the proposed ground floor plan at the rear of the site
- b) appropriate for use as an evacuation assembly point
this has been annotated on plan at the rear and front of the site

- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures

This has been annotated on the ground floor plan and will also be tied to a final condition for compliance purposes

- 3) are constructed in an appropriate way to minimise the risk of fire spread

this has been annotated on plan which shows fire doors and evacuation routes.

4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users

A fire strategy has been submitted with this application and there is no objection from the Building Control Officers, this has also been annotated on plan.

5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in

A fire strategy has been submitted with this application and there is no objection from the Building Control Officers, this has also been annotated on plan.

6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

This has been demonstrated in the Fire Strategy submitted with this application and also annotated on plan

The plans have been amended to comply with the above policy requirements.

- 9.51 Following on from the deferment of the application at committee, in order to address issues regarding inclusive access and fire safety, amended plans have been submitted demonstrating how the proposed development complies with M4 (3) and M4(2) of the Building Regulations regarding wheelchair accessible and adaptable units. The plan shows wheelchairs turning points, fire doors, and doors with clear openings which the previous plan did not show. This more detailed plan has been submitted which clearly shows that the ground floor cluster unit will be wheelchair accessible. The Council's Building Control Officer has been consulted and has not raised any objections in terms of fire safety and the internal arrangements. Clearly, in addition to the planning process, the applicant will be required to achieve separate approval for the scheme as a whole under the Building Regulations.

Affordable Housing

- 9.52 Concern has been raised through the consultation process that if the application is to be considered as Class C3(b) accommodation it must make provision for affordable housing as a total of 19 units are included within the scheme. The application is not seeking planning permission for 19 self-contained residential units, but 4 clusters of accommodation, three of which are clusters of accommodation so no more than 6 people live within each cluster having care provided. Accordingly, as the number of units at 4 is less than the threshold of 10 that would potentially trigger an affordable housing contribution, no affordable housing contribution is required.

Community Infrastructure Levy (CIL)

- 9.53 This development would be liable for both Mayoral and Enfield CIL. The Mayoral CIL liability is expected to be £33,060.00 and the Enfield CIL liability is also expected to be £33,060.00. Final calculations would be undertaken at the point a CIL liability notice is issued.

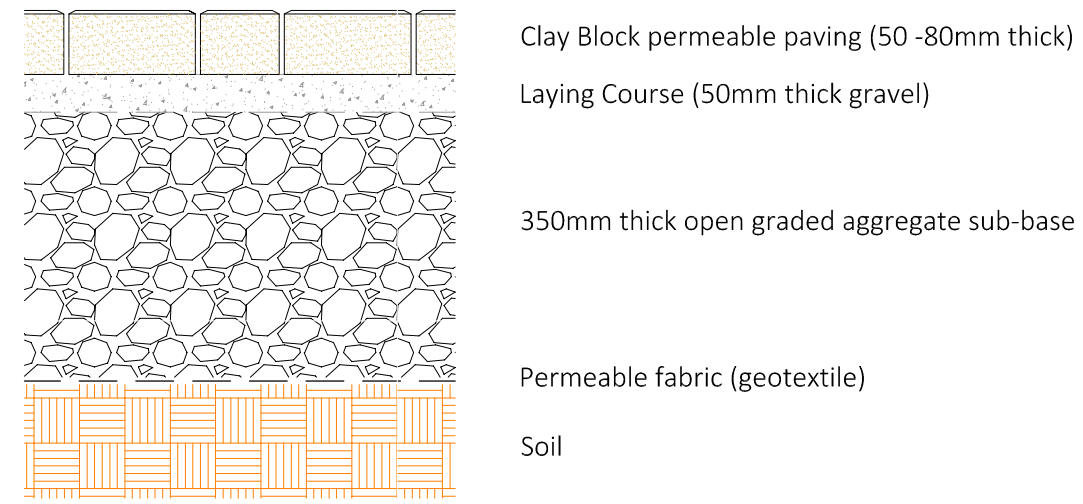
Public Sector Equality Duty

- 9.54 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. It is considered that the proposal to grant planning permission for this development would not disadvantage people who share any of the different nine protected characteristics compared to those who do not have those characteristics and therefore it is considered that the development would not have a disproportionate equalities effect. Accordingly, the recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

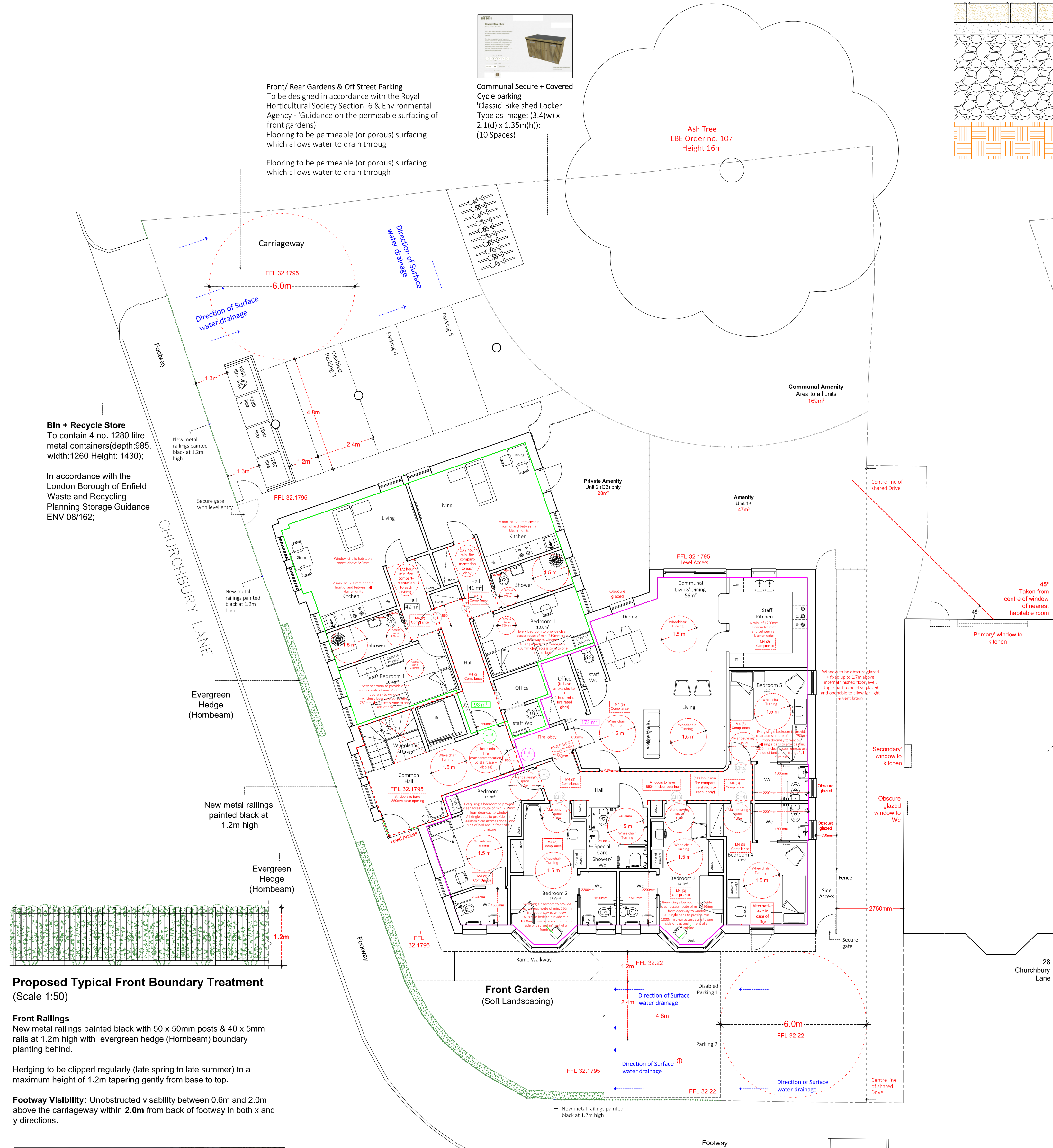
10. Conclusion

- 10.1 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".
- 10.2 It is acknowledged that the consideration of this report has involved some balanced judgements, in relation to residential quality, the impacts of the development on neighbouring occupiers and transport impacts. The appeal decision has been a material consideration in this balance. The Inspector raised no issues with the type of accommodation proposed and the use of the site for supported living purposes, the design, height or massing of the building and its impact on the character or appearance of the area. The issues raised with regard to residential quality, overlooking of the neighbouring property at No.28 Churchbury Lane and highways impact, trees and sustainable drainage are now considered to have been satisfactorily addressed. For these reasons it is recommended that planning permission be granted with conditions as set out above.

Section through off street parking area (scale 1:10)
 (To be designed in accordance with the Royal Horticultural Society Section: 6 & Environmental Agency - 'Guidance on the permeable surfacing of front gardens')
 Flooring to be permeable (or porous) surfacing which allows water to drain through



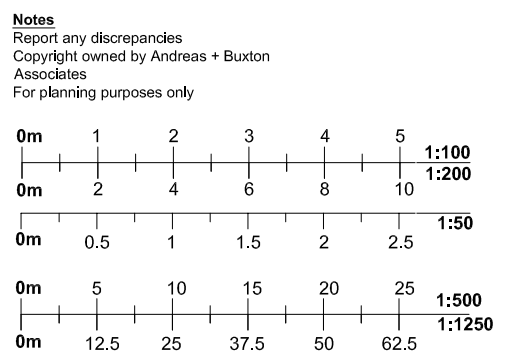
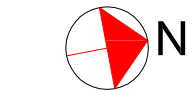
Site area = 941 m ²				Unit	m ²
	Ground	First	Second	Total	
Existing	169	131		300 m ²	Unit 1 173
Proposed	296	317	293	906 m ² (+ 606 m ² / 302%)	Unit 2 98
					Unit 3 301
					Unit 4 279
					Total 851 m ²



Proposed Ground Floor Plan

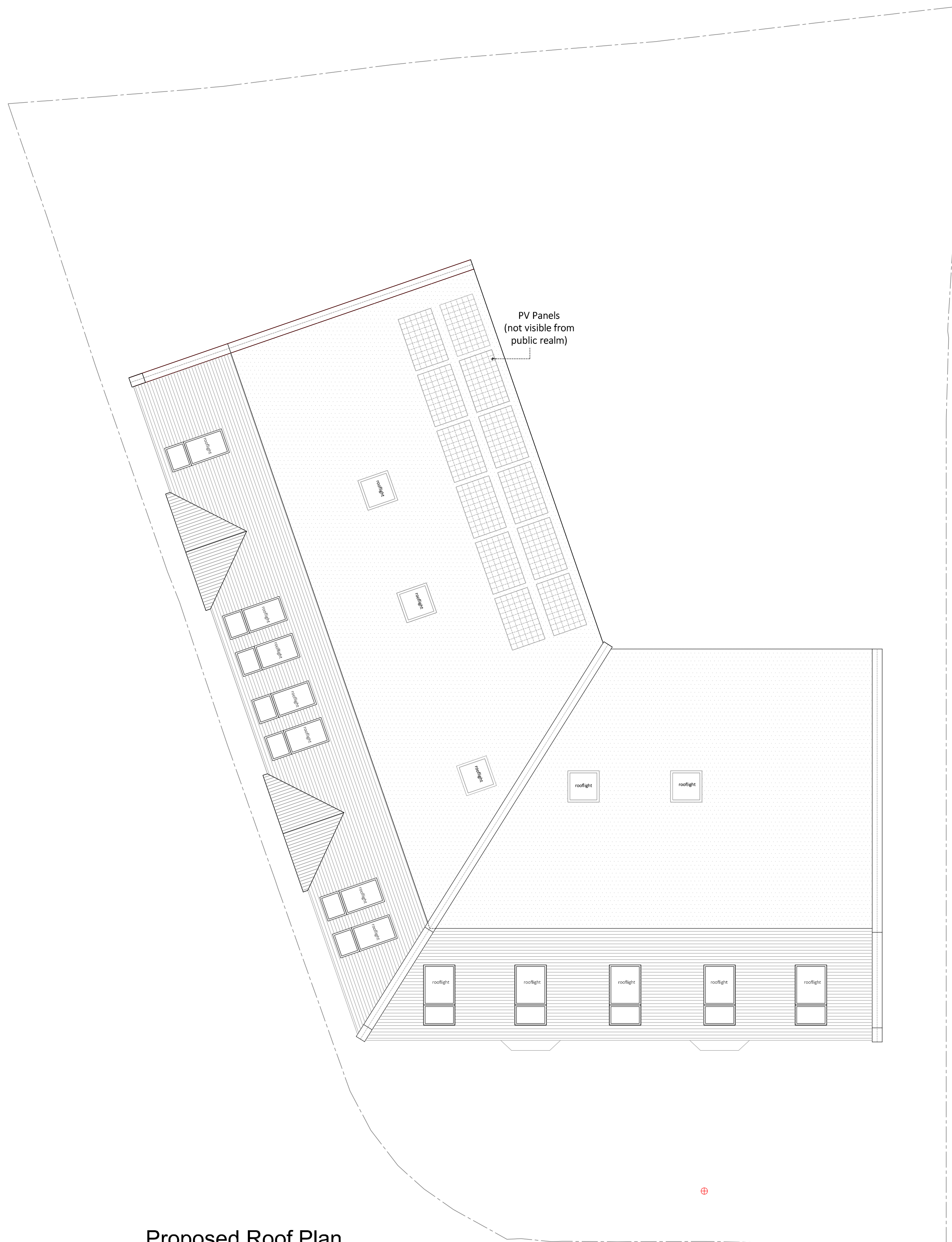


Proposed First Floor Plan





Proposed Second Floor Plan

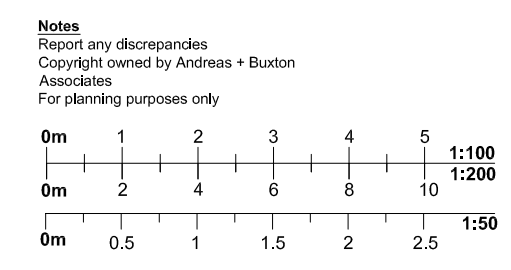


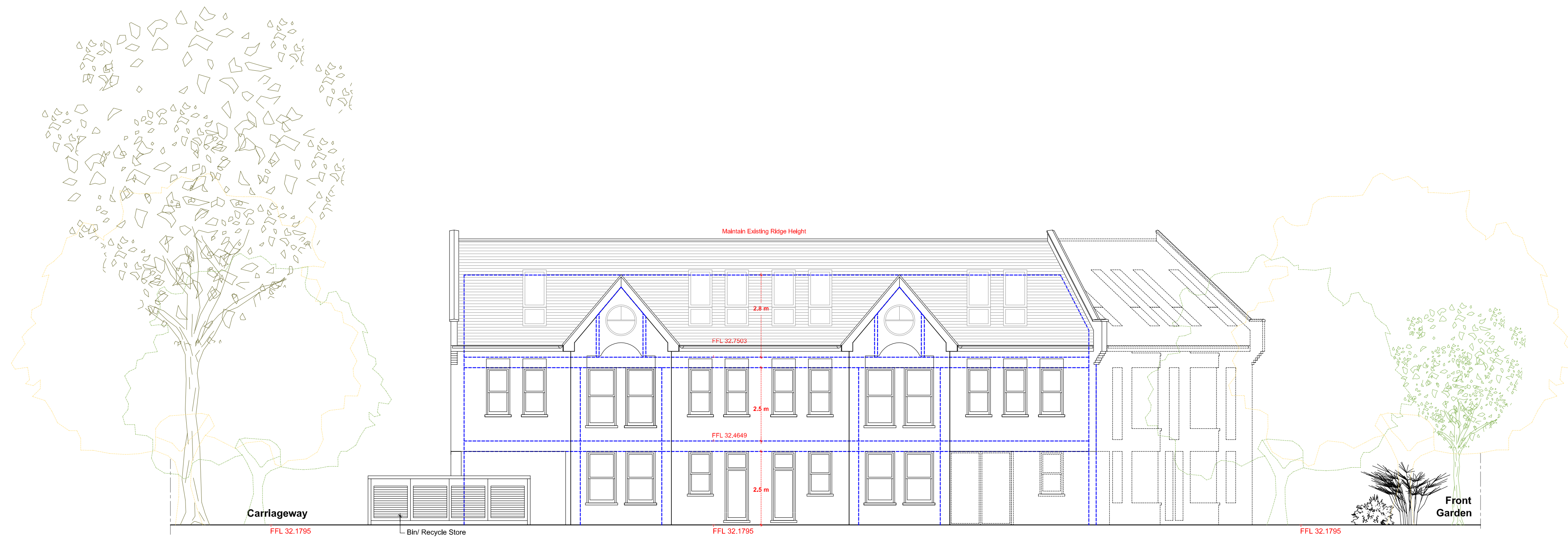
Proposed Roof Plan



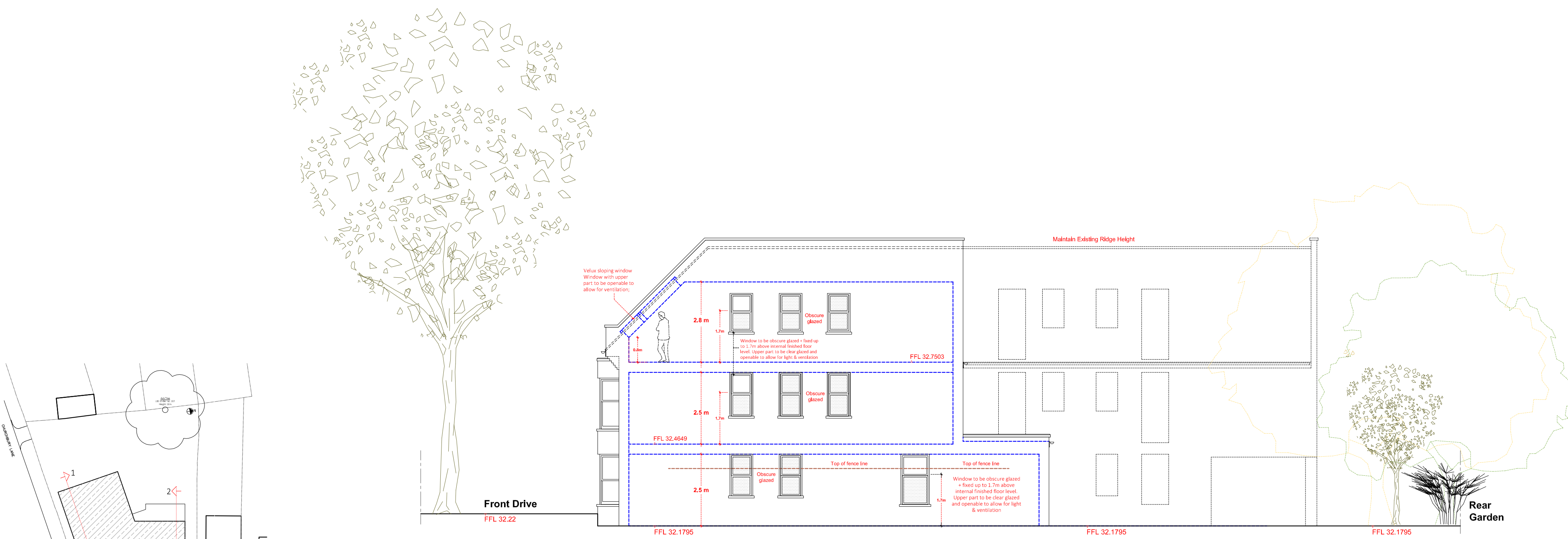
Site area = 941 m ²				
	Ground	First	Second	Total
Existing	169	131		300 m ²
Proposed	296	317	293	906 m ² (+ 606 m ² / 302%)
				Total 851 m²

Unit	m ²
Unit 1	173
Unit 2	98
Unit 3	301
Unit 4	279
Total	851

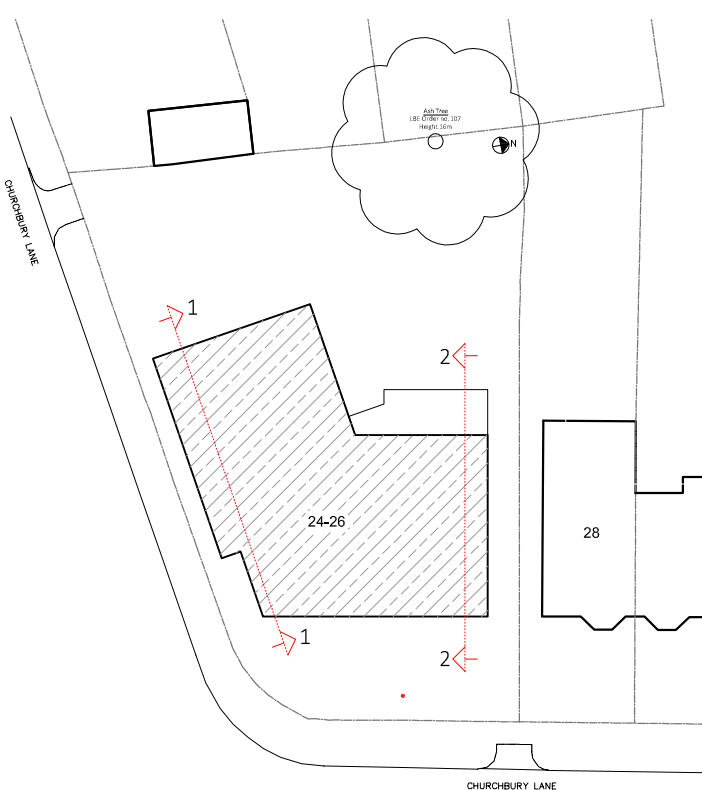




Proposed Front Elevation/ Section : South (1)
(Scale 1:100)



Proposed Side Elevation/ Section: North (2)
(Scale 1:100)



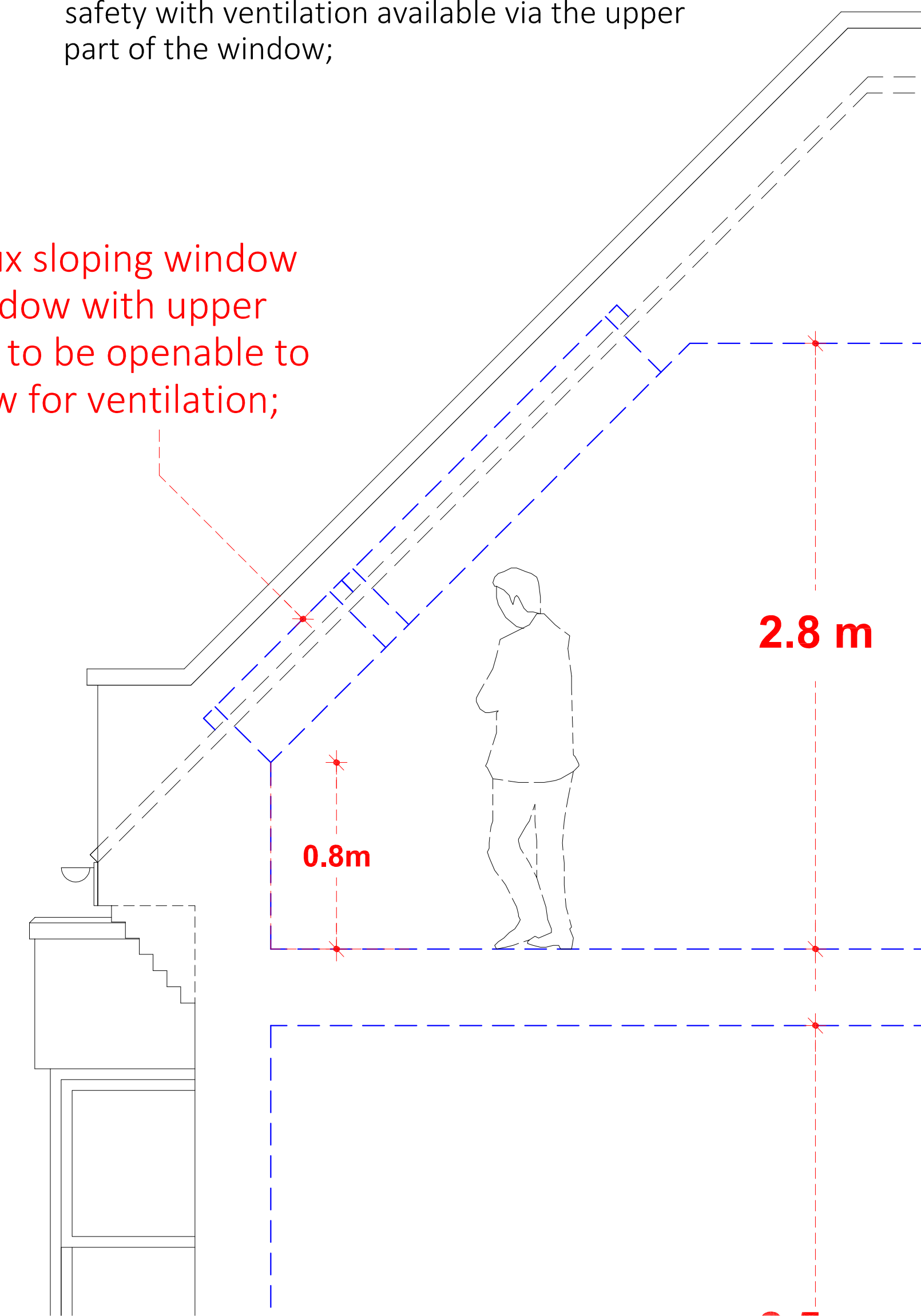
Proposed Site Plan
(Scale 1:500)



Typical image of 'floor-to-ceiling' window for expansive views, more natural daylight and light depth into the room.

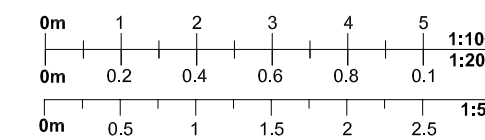
The fixed lower part of the window ensures safety with ventilation available via the upper part of the window;

Velux sloping window
Window with upper
part to be openable to
allow for ventilation;



Proposed Section
(Scale 1:20)

Notes
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Rev. No.	Date	Drawing Name	Project	Project Description	Drawing Name	Date	Scale	Rev. No.
01	30.07.23	Proposed Sections with Levels	24-26 Churchbury Lane Enfield EN1	Proposed Works	Proposed Sections with Levels	30.07.23	1:100 + 1:20 @ A1	Chu/22/PP/07C
Planning Application								

Fire Strategy Document

Rev A 16th September 2023

24 – 26 CHURCHBURY ROAD ENFIELD EN1 3TY

Proposal: Demolition of the existing buildings providing supported living accommodation and erection of a detached 2-storey building with additional accommodation in the roof area, to provide four class C3(b) uses (up to six people living together as a single household and receiving care) and provision of associated car parking, cycle parking and refuse/recycle storage.

Prepared by. Mr M McHugh MCIQB MCABE who has worked in Building Control for over 25 years at Tower Hamlets Building Control, Carillion, HCD Building Control and was also Director and shareholder at a Corporate Approved Inspector - LB Building Control.

He provides Building Regulations and Fire Safety advice for clients such as The Cabinet Office, Pizza Express and City Lit.

He has successfully completed similar Planning Fire Strategy Documents in Greater London

1. Information on space provisions for fire appliances and assembly points (criteria 1).

Fire Brigade Access is via the front entrance on Churchbury Road. The width of the road is greater than 3.7m and therefore complies with Approved Document B1 Table 13.1.

A dry riser will be provided in the central stair core to allow Fire Brigade hose coverage within the 45m requirement contained in Approved Document B1 clause 13.1.

2. Information on passive and active safety measures (criteria 2).

Heat and smoke detection will be provided in accordance with BS5839 Part 1 to an L1 standard.

The purpose of the building is to provide some independent level of living to the occupants and this is why a flat style layout is being adopted.

A progressive horizontal type evacuation strategy will be used with the central corridors providing 60 minutes fire compartmentation and giving direct access to the escape staircase. The occupants are not being moved in beds (as per the ADB guidance) and this is where there is a crucial difference between the Approved Document B guidance and this

arrangement. The residents are able to escape on their (own although some co ordination / assistance maybe required). All occupants will escape vertically at the time of an evacuation (another difference from ADB) however the introduction of a fully compartmented central corridor ensures that travel distances from the habitable rooms into the corridor are reasonable.

Each bedroom and habitable room will be enclosed in fire resisting construction (minimum REI 30) with fire resisting doors (minimum E 30).

Every internal corridor serving bedrooms should be a protected corridor (see paragraph 2.24).

The central corridors will be provided with 60 minutes fire compartmentation including 60 minute fire doors. Smoke vent (1sq m) will be provided to the staircase.

An evacuation lift will be provided within the central core.

The evacuation strategy is augmented by the provision of sprinklers to BS 9251.

Floors will provide 60 minutes fire separation.

Fire rated lobbies will be provided between habitable rooms and the central corridors.

Smoke shutters and fire rated glass will be provided to the offices to maintain the compartmentation to the corridors.

An alternative exit will be provided from the ground floor flats to the left hand side of the common room so they do not need to escape via the common room.

A fire rated lobby will be provided between the common room and the escape stair.

3. Information and data on construction products and materials (criteria 3).

Walls to the building will comprise cavity masonry wall which provides 60 minutes fire protection. This is in accordance with Approved Document B1.

Wall insulation will be mineral wool which is non combustible.

Ceiling linings will be plasterboard which typically achieves a class B – s3, d2 European classification or Class) (National Classification).

Structural steel work will be encased in fireline plasterboard to achieve 60 minutes fire protection.

4. Information on means of escape and evacuation strategy (criteria 4).

Means of escape is a progressive horizontal evacuation strategy.

Travel distances into the central corridor are less than 9 metres.

It's likely that only one bedroom or habitable room will be the source of the fire. The early warning L1 fire alarm will alert staff who can commence an evacuation. An evacuation will commence automatically if the alarm is not dealt with within 2 minutes (time tbc). The level of compartmentation and smoke lobbies will ensure fire and smoke spread will be limited and will not block the escape routes.

5. Information on access and equipment for firefighting (criteria 6).

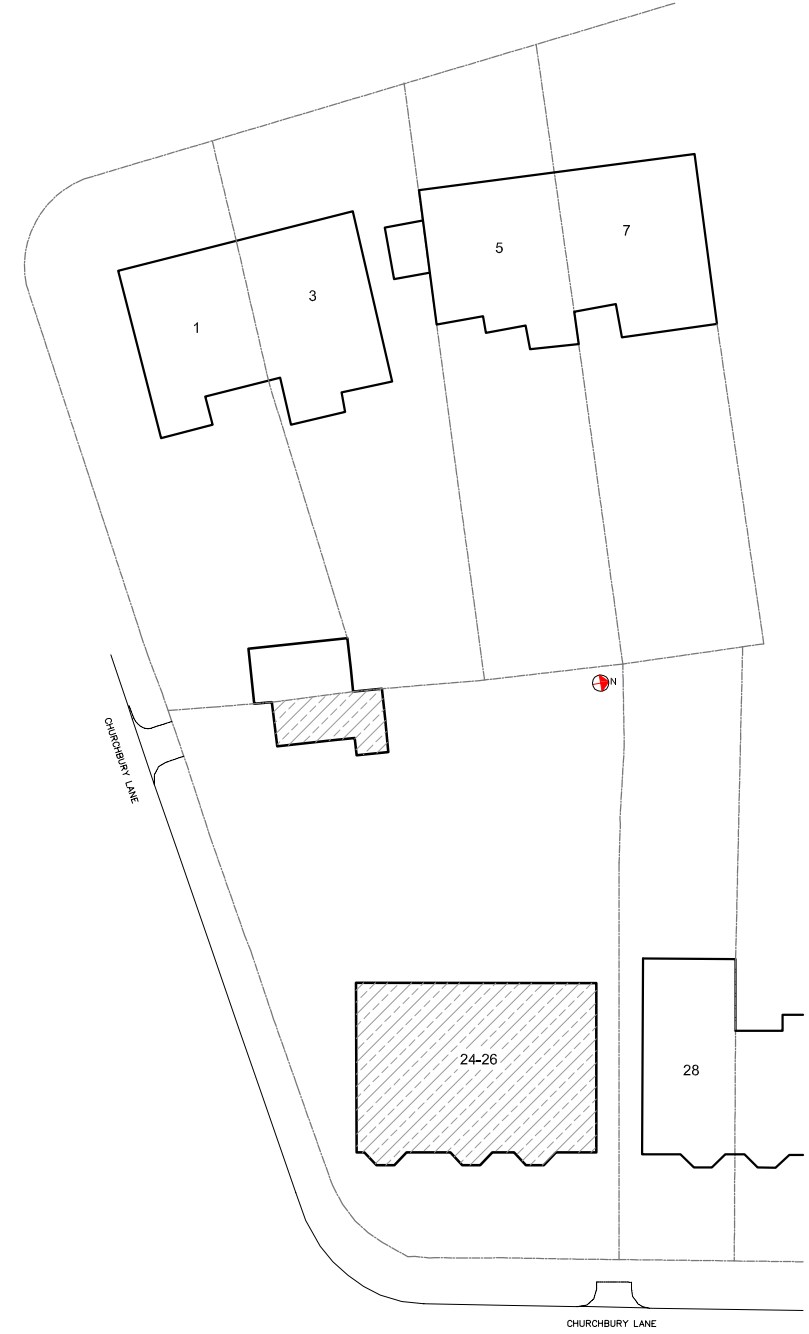
Access to the property will be via the front door.

No alternative water supply is required and on street hydrants will be utilised.

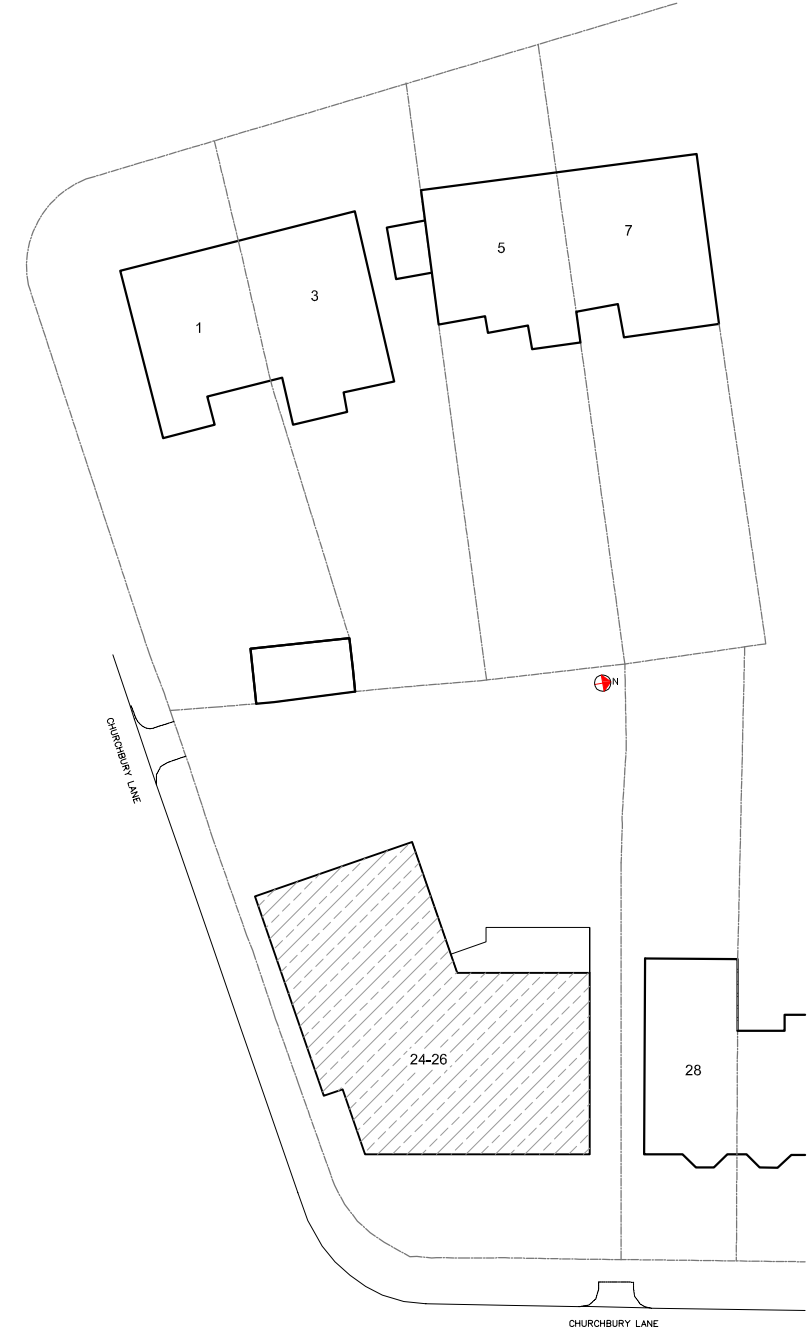
Existing Photographs of Site



Existing Site Location Plan
Scale 1:1250

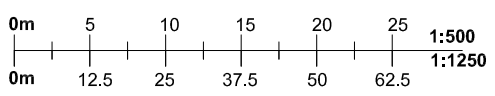


Existing Site Plan
(Scale 1:500)



Proposed Site Plan
(Scale 1:500)

Notes
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Rev: _____ Date: _____ Drawing Status: _____
Planning Application

Project: 24 - 26 Churchbury Lane Enfield
EN1

Project Description: Proposed Works

Drawing Name: Existing Site Location Plan, Photos + Site Plans

Date: 19.07.19
Scale: 1:1250 + 1:500 @ A2

Drw. No.: Chu/19/P/01
Rev: _____