

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 16 July 2024

Report of:
Head of Planning & Building
Control: Karen Page

Contact Officer:
Gideon Whittingham

Ward:
Brimmsdown

Application Number: 21/01140/FUL

Category: Major

LOCATION: Public House, Green Street, Enfield EN3 7SH

PROPOSAL: Redevelopment of site to provide a mixed-use development scheme of 17 storeys comprising 15 residential floors in addition to 2 commercial ground and mezzanine floors with associated landscaping and parking *REVISED DESCRIPTION*

Applicant Name & Address:
Mr Tepe

Agent Name & Address:
Mr Murat Aydemir
Intelliarch Ltd
47 Eversley Park Road
London
N21 1JJ

RECOMMENDATION:

1. That planning permission be **REFUSED**
2. That the Head of Planning & Building Control be granted delegated authority to agree the final wording of the reasons for refusal as indicated in the Recommendation section of the report, subject to:
 - I. The inclusion of any changes requested by the GLA in their stage 2 referral and/or government body.
 - II. Prior to the decision being issued after consultation with the Chair, Vice Chair and Opposition lead on the materiality of any changes arising from any other development plan document or any new/altered other material planning consideration.

1. NOTE FOR MEMBERS

- 1.1 Although a planning application for this type of development would normally be determined under delegated authority where recommended for refusal, in the interests of transparency given the scale of development; the application is reported to the Planning Committee for determination.

2. EXECUTIVE SUMMARY

- 2.1 This application was reported to Planning Committee on 19 July 2022 and 18 October 2022.
- 2.2 On each occasion, the application was recommended for refusal and on each occasion, Members resolved to defer the application to enable additional information to be assessed and so as to allow time for further negotiations with the Applicant on the reasons for refusal identified.
- 2.3 Following Planning Committee on 18 October 2022, significant negotiations with the Applicant on the reasons for refusal identified took place, involving Enfield's Director of Planning and Growth, Head of Development Management, Planning and Design officers.
- 2.4 Over the course of 12 months, extensive negotiations primarily focused on design and character, however meetings did cover incidental elements regarding highway and transport implications, impacts on neighbouring amenity and sustainable drainage and water infrastructure. It was agreed by both parties that material considerations requiring specific technical /specialist input, such as viability/affordable housing, sunlight and daylight, flooding, biodiversity for example would be better served outside of these meetings, to be addressed by the Applicant once substantive design matters had been agreed.
- 2.5 Concluding on 24 October 2023, the Council's Planning Team provided formal commentary based on the progress of amendments thus far.
- 2.6 In April 2024, the Applicant submitted an amended proposal for the Council's consideration.
- 2.7 The most recent scheme presented to Members at Planning Committee on 18 October 2022 proposed the redevelopment of site to provide mixed use residential development, involving the erection of a 21 storey building with double basement, comprising 100 self-contained (private and social residential units), in addition to commercial and retail areas on ground and mezzanine.
- 2.8 The proposal now involves the redevelopment of the site, including the demolition of the existing public house and ancillary buildings (Sui Generis) totalling 531sqm, for the construction of buildings 53m in height, ranging from 8 to 17 storeys to provide two flexible commercial units (Use Class E) at ground and mezzanine level, 81 residential units at upper floor levels, including vehicular access from Green Street, car/cycle parking, landscaping, and other associated works.
- 2.9 The site is considered brownfield and a sustainable location and has the potential to accommodate an appropriately scaled mixed use development that could significantly intensify the usage of this site adjacent to one of the boroughs transport nodes.

- 2.10 Developing existing brownfield land protects the Borough's 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.
- 2.11 The proposal would support London Plan policies, which seek to increase housing supply and optimise site capacity. The site is assessed to be a sustainable location suitable for delivery of new high-quality housing – which is supported in principle. The introduction of residential accommodation is supported in strategic and placemaking terms and given great weight in the assessment of the application. The proposed level of family-housing (15%) is less than Local Plan policy calls for. However, this has been informed by the characteristics of the scheme.
- 2.12 Given its height, prominence and status as a landmark, the proposal, by virtue of its visual, functional and cumulative impacts fails to demonstrate exceptional design quality.
- 2.13 The identified harm to the non-designated heritage assets (site building) has been balanced against the benefits of the development, noting that considerable importance and weight should be attached to this harm, in reaching a conclusion as to the acceptability of the proposals.
- 2.14 The financial viability of the proposal indicates no affordable homes would be deliverable as part of this proposal.
- 2.15 The proposal would represent a flood risk for the occupiers of the site and an increased flood risk for its neighbours and this part of Enfield.
- 2.16 The report details all relevant national, regional, and local policy implications of the scheme, including supplementary planning guidance. Overall, whilst we recognise the proposal would provide housing and employment that contributes to meeting the needs of the Borough, identified elements of substantial harm result from the proposal which would not be outweighed by the public benefits of delivering new residential accommodation. and is therefore recommended for refusal.
- 2.17 This report shall focus on the now amended proposal, as opposed to a comparison of the various iterations presented to Members at Planning Committee on 19th July 2022 and 18 October 2022. The relevant committee reports have been attached within the appendices for review.
- 2.18 All comments received as a result of public consultation for each iteration of the scheme have been carried over and robustly accounted for within this report.

3. RECOMMENDATION

3.1 The Head of Planning & Building Control be authorised to **REFUSE** planning permission for the following (updated) reasons:

- The proposed development, form, appearance and design, is not well designed and would represent an insufficiently high quality, incongruous form of development that, 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. The proposal is therefore contrary to the design objectives as set out in the National Planning Policy Framework 2021 (in particular Section 12); Policies D3, D4 and D9 of the London Plan 2021; Policy CP30 of the Core Strategy 2010; Policy DMD37 and DMD 43 of the Development Management Document 2014 and Objective 10 of the Enfield Heritage Strategy 2019.
- The proposed development is not accompanied by an adequately comprehensive sustainable drainage strategy that would clarify how the development shall meet Greenfield Runoff rates for 1 in 1 year and 1 in 100 year (plus climate change) events and utilise Sustainable Urban Drainage Systems (SuDS) in accordance to the London Plan Drainage Hierarchy and the principles of a SuDS Management. As such the proposal fails to accord with Policies SI12 and SI13 of the London Plan (2021), Policy CP21 and CP28 of the Enfield Core Strategy (2010) and Policy DMD61 of the Enfield Development Management Document (2014).
- That the Head of Planning & Building Control be granted delegated authority to agree the final wording of the reasons for refusal to cover the matters in the Recommendation section of this report.

4. SITE AND SURROUNDINGS

- 4.1 The site is an irregularly kite-shaped parcel of land located on the eastern side of Green Street, within the Brimsdown ward.
- 4.2 The site, approximately 0.14 hectares in size, contains a vacant two-storey public house, last operated as 'The Station Tavern'. The site also contains a car park and two single-storey ancillary buildings located on the eastern boundary.
- 4.3 In terms of the wider context, to the southwest of the site is a 2-storey parade (Nos. 245 – 257 Green Street), where the ground floors are in commercial use with the upper floors being in residential use.
- 4.4 To the southeast of the site is a 3-storey residential block of 12 flats (Langley Court – No.243 Green Street).
- 4.5 To the east, the site is bound by Brimsdown Railway Station and beyond which lies a large swathe of designated land.
- 4.6 To the north of the site, across the highway of Green Street is the distinctive 4 storey block of 44 flats (No.44 Stonycroft Close) with a dodecahedron shaped footprint, at a distance of approximately 19m.
- 4.7 To the west of the site, across the highway of Green Street are semi detached 2-storey dwellings on Brimsdown Avenue (Nos.1-15) and Green Street (Nos.342-356), at a distance of approximately 28m. Behind Green Street is Goldsdown Close.
- 4.8 The site is moderately well connected in terms of public transport and has a good Public Transport Accessibility Level (PTAL) rating of 3 and is sited adjacent to the Brimsdown Railway Station, which offers access to rail services on the West Anglia main line.
- 4.9 The following policy designations / characteristics apply to the site:
- Brimsdown Local Centre
 - Flood Zone 2
 - North East Enfield Area Action Plan
- 4.10 The main site building itself forms a non-designated heritage asset, derived from its architectural, historic and communal value.
- 4.11 The site is neither located within or near a conservation area or statutorily listed building.
- 4.12 The following designations are adjacent to the site:
- Area of Architectural Importance
 - Strategic Industrial Location

5. PROPOSAL

- 5.1 This is a 'Full' planning application for the comprehensive redevelopment of the site.
- 5.2 The proposal involves the demolition of the existing public house and ancillary buildings (Sui Generis) totalling 531sqm for the construction of buildings 53m in height, ranging from 8 to 17 storeys to provide two flexible commercial units (Use Class E) at ground and mezzanine level, 81 residential units at upper floor levels, including vehicular access from Green Street, car/cycle parking, landscaping, and other associated works.
- 5.3 The flexible commercial units facing Green Street, would be located at ground and mezzanine floor level within the building.
- 5.4 The residential element, located at upper floor level would contain 81 residential units in total, comprising 29no. one bed units (36%), 37no. two bed units (46%) and 15no. three bed units (18%).
- 5.5 The supporting documents indicate the provision and quantum of affordable housing would be determined on the basis of the viability assessment. On this basis, no affordable housing shall be provided as part of this proposal.
- 5.6 With regard the quality of accommodation, all units feature private amenity space via balconies. Whilst 69 out of 81 units would be dual aspect.
- 5.7 The building would be served by two lift cores and two staircases up to the 12th floor, with the remaining upper floor levels served by one lift core and two staircases.
- 5.8 Outdoor communal space would be located at 7th, 9th, 11th and 13th floor levels. Indoor communal space (for the sole use of the residents) would be located at mezzanine floor level, along with ancillary communal areas such as creche, and management office.
- 5.9 The 1st – 6th, 8th, 10th, 12th, 14th-15th main roof levels would not serve as communal amenity spaces.
- 5.10 With regard to transport infrastructure, the development would be car-free, except for 3no. disabled off street parking bays and 3no. off street parking spaces (drop off). The site would provide a total of 180 cycle spaces, of which 124no. are internal and 56no. are external. Refuse storages and recycling areas would be located at ground floor level.
- 5.11 For clarity, the Applicant describes the floor above ground level as the 'mezzanine level'. As a result, the plans describe the top level of the building as the fifteenth floor. Irrespective, the above description of the proposal provides the necessary clarity as to what the development entails.
- 5.12 In addition, the Applicant describes a number of 'possible drop off zones' and a 'possible multi-purpose communal area' at ground floor, along with a 'possible multi-purpose communal area' at mezzanine level. The relevant portion of the report shall comment on the assessment these matters received.

6. RELEVANT PLANNING DECISIONS

- 6.1 **17/04984/PREAPP** - Proposed change of use and extensions to existing building to provide 40 x residential units and 3 x commercial units. Advice Issued 25.01.2018

Conclusion - The development raises an in-principle objection, in that it involves the loss of a public house – a community facility, although this objection can potentially be overcome through robust justification. However, the development as currently proposed, will not receive officer support in its present form.

The overall design of the building will need to be reconsidered. The design principles espoused in adopted policy and guidance must be clearly demonstrated in order to provide a development which will relate better to its immediate surroundings. As advised above, there is some potential to provide a building which is taller than the surrounding developments, to act as a way-marker for the adjacent station but given the low-rise developments adjacent to this site, a gradual step up from the boundaries should be considered.

The scale of the development is considered an overdevelopment of the site. Whilst the LPA will have regard to policies which seek to maximise the provision of housing and therefore could potentially accept development which does not strictly conform to the suggested density ranges of the London Plan, however, all other elements of the scheme must be acceptable.

The lack of any landscaping around the site is a cause for concern and will need to be addressed.

- 6.2 **19/03610/PREAPP** - Proposed redevelopment of site to create 148 residential units, 4 retail units, 12 offices, 2 restaurants and gym. Advice Issued 05.02.2020

Conclusion - The Council would be supportive of a housing led mixed use redevelopment of the site. The proposals in development suggest significant regenerative benefits that would spring from the optimisation of the usage of this important urban site including the renewal of the urban fabric, delivery of much needed affordable housing and new street facing commercial activity.

The Council needs to balance these potential benefits against the unfeasibly high residential densities proposed and the proposed scale, bulk and mass which, at 24 storeys is wholly at odds with the scale of the existing surroundings.

Whilst the redevelopment of this site has the potential to be a catalyst for development nearby, the proposed scale has significant difficulties in its relationship with the smaller residential and mixed use buildings in the immediate vicinity. Accordingly, the scale of the proposals may need to be reconsidered in the context of their present surroundings.

There remain significant highways related matters that would need to be resolved before any application is made.

7. CONSULTATIONS

Public Consultation

- 7.1 Accounting for Enfield's Statement of Community Involvement (SCI), public consultation on the application involved:
- Notification letters being sent to 825 neighbouring properties on 22 May 2024 (giving people 21-days to respond)
 - A site notice placed outside the site (giving people 21-days to respond)
 - A press advert in the Enfield Independent on 8 May 2024 (giving people 14 days to respond).
- 7.2 The number of representations received from neighbours, local groups etc. in response to the above notification and publicity of the application are outlined below.
- 7.3 Number of representations received in support: 1
- **Positive Contribution:** Enhances surroundings, contributes to regeneration, and improves the quality of the area.
 - **Economic Benefits:** Brings inward investment and creates new employment opportunities.
 - **General Approval:** Receives general support for its high-quality design and good access arrangements.
 - **Public Realm and Housing:** Improves the public realm and provides new, including affordable, homes.
 - **Transport Impact:** Expected to have no negative impact on the transport network.
- 7.4 Number of representations objecting received: 30

Environmental Impact:

- **Local Ecology:** The development is expected to negatively affect the local ecology, disrupting existing natural habitats.
- **Pollution:** Concerns about an increase in pollution levels, which could further harm the environment and residents' health.

Design and Scale:

- **Height:** The development is considered excessively high, overshadowing surrounding buildings and altering the skyline unfavourably.
- **Character:** It is perceived to be out of keeping with the character of the area, which consists of lower, more traditional structures. The scale and design do not blend with the existing architectural style.
- **Overdevelopment:** The proposal is seen as an overuse of the available land, leading to overcrowding and a lack of green spaces.

Infrastructure:

- **Access:** The development offers inadequate access routes, potentially causing congestion and making it difficult for emergency services to operate efficiently.
- **Parking:** The plan does not provide enough parking spaces for residents and visitors, likely resulting in parking spill over into neighbouring areas.

- Public Transport: There are insufficient public transport provisions to support the increased population, potentially leading to higher car usage and traffic.

Community Impact:

- Noise: The construction and subsequent increase in population are expected to lead to higher noise levels, disturbing the current residents.
- Light: The height and density of the new buildings will result in a significant loss of natural light for adjacent properties.
- Privacy: Neighbours will experience a loss of privacy due to the proximity and height of the new buildings.
- Parking: The development will lead to a loss of existing parking spaces, exacerbating parking issues in the area.
- Community Facilities: The increased population will put additional strain on already stretched community facilities such as schools, healthcare, and recreational centres.
- Insufficient Information: The application is criticized for not providing enough detailed information, making it difficult for stakeholders to fully understand the impacts and plan accordingly.

General Disapproval:

- Open Space: There is a call for more open spaces within the development to ensure a balanced living environment.
- Dislike of Proposal: Overall, there is a general dislike that it does not benefit the community and could degrade the quality of life for current residents.

7.5 A petition of objections was received with 136 signatures stating:

- Inadequate response time for residents to assess the proposal.
- The 17-story building exceeds local Enfield plan limits.
- The building's height is excessive and does not fit the neighbourhood's character.
- Close to Brimsdown Train Station, construction could disrupt rail services and cause traffic congestion.
- The proposal does not meet London's green space standards.
- Concerns about fire safety due to the building's height.
- Lacks enough two and three-bedroom homes needed for families.
- The site has historical value that needs preservation.
- Building height will reduce privacy and light for existing residents.
- Elevated gardens lack detailed safety measures, posing risks.
- Increased traffic from construction poses pedestrian safety concerns.

Statutory and Non-Statutory Consultees

7.6 *Internal Consultations:*

- Traffic & Transportation – No objection, subject to conditions and package of measures/contributions including CPZ (separate fee), loading bay (separate fee), car club, cycle infrastructure, travel plan, pedestrian infrastructure, parking surveys at £90,000. Further comments are incorporated in the body of the report.
- Sustainable Drainage – Objection raised regarding several aspects of the proposal. Comments are incorporated in the body of the report.
- Design – Objects. Concerns regarding several aspects of the proposal. Comments are incorporated in the body of the report.
- Viability - Additional comments shall be reported at the meeting.
- Heritage – Objects, subject to benefits outweighing harm and meeting design standards. Comments are incorporated in the body of the report.
- Section 106 – No additional comment provided in respect of financial and nonfinancial contributions applicable for a scheme of this nature.
- Environmental Health – No objection, subject to conditions regarding noise, air quality and contamination. Further comments are incorporated in the body of the report.
- Building Control – Fire Strategy requires amendment secured by condition, to the extent that it affects land use planning. Comments are incorporated in the body of the report.
- Refuse/Waste – No additional comment provided. Comments are incorporated in the body of the report.
- Energy – No additional comment provided. Comments are incorporated in the body of the report.
- Crossovers - No additional comment provided. Comments are incorporated in the body of the report.
- Planning Policy – No additional comment provided. Comments are incorporated in the body of the report.

7.7 *External Consultations:*

- Environment Agency – No Objection. The proposed development falls within Flood Zone 2, which is land defined in the planning practice guidance as being at risk of flooding. We therefore do not wish to raise an objection to the proposal based upon our published flood maps. We note however, that the Enfield Level 1 Strategic Flood Risk Assessment highlights that this development falls within the 1 in 100 + 17% Climate Change extent. This means that the local authority may wish to consider requesting finished floor levels above the depth of this extent, flood plain compensation, and other flood mitigation and resilience measures to ensure that the development is not at risk of flooding or does not increase flood risk elsewhere. Further comments are incorporated in the body of the report
- British Transport Police - No Objection. Amendment to design request so that no balconies face railway, to prevent crime and disruption by reducing the likelihood of objects being thrown onto the railway. Further comments are incorporated in the body of the report.

- Metropolitan Police – No objection subject to conditions regarding secured by design. Further comments are incorporated in the body of the report
- Greater London Authority (Mayor):
 - i. The GLA issued a Stage 1 report based on the originally submitted scheme presented to Members at Planning Committee on 19 July 2022, namely the redevelopment of site to provide mixed use residential development, involving the erection of a 21 storey building with double basement, comprising 100 self-contained (private and social residential units), in addition to commercial and retail areas on ground and mezzanine. In summary, comments were as followed:
 - Land use principle: Justification required in relation to loss of public house
 - Affordable housing: In absence of affordable housing, viability assessment by GLA, paid for by Applicant, would be required at Stage 2
 - Design and heritage: significant concern regarding the height, massing, layout, architectural design and appearance of the building
 - Issues also need to be resolved in relation to play space, fire safety, inclusive design, sustainable development and transport.
 - ii. The GLA provide commentary on the current submission noting:
 - Following a resolution to either grant or refuse permission, Stage 2 referral to the Mayor for his final decision would take place.
 - In absence of affordable housing, viability assessment by GLA, paid for by Applicant, would be required at Stage 2
 - Public benefits of scheme require further explanation
- Thames Water – No objection subject to conditions regarding pilling, groundwater and water sewerage. Further comments are incorporated in the body of the report
- Health and Safety Executive (HSE/ Planning Gateway One): We cannot comment on planning applications from local planning authorities submitted prior to that date (unless a subsequent application, after 1st August 2021, is made under section 73 of the Town and Country Planning Act 1990). Therefore, on this occasion we will not be able to provide a response to this application. Please also note for future reference a fire statement should be provided by the developer as part of their planning application for relevant buildings.
- Energetik: No additional comment provided
- NHS The London Healthy Urban Development Unit (HUDU) - No additional comment provided
- Historic England: No comment provided
- Historic England (GLAAS): No comment provided
- Network Rail: No comment provided

8. 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 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 (February 2023)

- 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 recognizes 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 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.

- 8.5 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.
- 8.6 Paragraph 11 of the NPPF sets out 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.”
- 8.7 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.”
- 8.8 The Council’s recent housing delivery has been below our increasing housing targets. This has translated into the Council being required to prepare a Housing Action Plan in 2019 and more recently being placed in the “presumption in favour of sustainable development category” by the Government through its Housing Delivery Test.
- 8.9 The Housing Delivery Test (HDT) is an annual measurement of housing delivery introduced by the government through the National Planning Policy Framework (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.
- 8.10 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.
- 8.11 In the period 2019/20 to 2021/2022, the Council has met 73% of its housing target delivering 995 homes in 2021/22. This is an improvement on the previous year (847 completions) despite challenging market conditions. However, as delivery across three years is 73% of the Government’s requirement, the Council is

placed in the 'presumption' category. This requires the Council to prepare a Housing Delivery Action Plan and add a 20% buffer to the Council's 5-year housing land supply which is monitored through the AMR.

- 8.12 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.

National Planning Practice Guidance (NPPG)

- 8.13 The Government published NPPG sets out further detailed guidance on the application of policies set out in the NPPF. NPPG guidance covers matters such as decision making, planning conditions and obligations, Environment Impact Assessments (EIAs), the historic and natural environment and design.

The London Plan 2021

- 8.14 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
- GG4 Delivering the Homes Londoners Need
- GG6 Increasing efficiency and resilience
- SD1 Opportunity Areas
- 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
- D9 Tall Buildings
- D11 Safety, Security and Resilience to Emergency
- D12 Fire Safety
- D13 Agent of Change
- D14 Noise
- E11 Skills and Opportunities for All
- H1 Increasing Housing Supply
- H4 Delivering Affordable Housing

H5	Threshold Approach to Applications
H6	Affordable Housing Tenure
H10	Housing Size Mix
HC1	Heritage Conservation and Growth
HC7	Protecting public houses
G1	Green Infrastructure
G5	Urban Greening
G6	Biodiversity and Access to Nature
G7	Trees and Woodlands
S1	Developing London's Social Infrastructure
S3	Education and childcare facilities
S4	Play and Informal Recreation
SI1	Improving Air Quality
SI2	Minimising Greenhouse Gas Emissions
SI3	Energy Infrastructure
SI 4	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

Enfield Local Plan

- 8.15 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, it forms the statutory development policies for the borough and sets out planning policies to steer development according to the level it aligns with the NPPF. Whilst many of the policies do align the London Plan (2021), it is noted that the London Plan supersedes 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

Local Plan – Core Strategy (2010)

- 8.16 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.
- 8.17 The following local plan Core Strategy policies are considered particularly relevant:

CP 1	Strategic Growth Areas
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 16	Taking part in economic success and improving skills
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 31	Built and Landscape Heritage
CP 32	Pollution
CP 34	Parks, Playing Fields and Other Open Spaces
CP 36	Biodiversity
CP 40	North East Enfield

Local Plan - Development Management Document (2014)

- 8.18 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.
- 8.19 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 39 | Design of business premises |
| DMD 40 | Ground Floor Frontages |
| DMD 43 | Tall Buildings |
| DMD 44 | Conserving and Enhancing Heritage Assets |
| 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 Roofspace/ 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 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 78	Nature Conservation
DMD 79	Ecological Enhancements
DMD 80	Trees on Development Sites
DMD 81	Landscaping

Additional Material Considerations and guidance

8.20 The following guidance is also considered particularly relevant:

BRE: Site layout planning for daylight and sunlight, A guide to good practice (2022)
 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 S106 SPD (2016)
 Enfield Decentralised Energy Network Technical Specification SPD (2015)
 Environmental Agency: Flood Risk Assessment Guidance for New Development (2005).
 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: Housing SPG (2016)
 GLA: Homes for Londoners: Affordable Housing and Viability SPG (2017)
 GLA: Threshold Approach to Affordable Housing on Public Land (2018)
 GLA: Upper Lee Valley Opportunity Area Planning Framework (2013)
 Healthy Streets for London (2017)
 Institute Of Highway Incorporated Engineers: Home Zone Design Guidelines (2002)
 London Councils: Air Quality and Planning Guidance (2007)
 Mayor's Transport Strategy (2018)
 Mayor's London Plan Guidance: Housing Design Standards (2023)
 Manual for Streets 1 & 2, Inclusive Mobility (2005)
 National Design Guide (2019)
 New Enfield Local Plan 2041: Level 1 Strategic Flood Risk Assessment (2021)

North East Enfield Area Action Plan (2016)
North London Waste Plan (2022)
TfL London Cycle Design Standards (2014)

Enfield Draft New Local Plan and Draft Proposals Map

- 8.21 The New Enfield Local Plan (ELP) was published at Regulation 19 Stage between 28 March and 28 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.
- 8.22 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. As the emerging Local Plan progresses through the plan-making process, the draft policies within it will gain increasing weight. At this stage, it has relatively little weight in the decision-making process.
- 8.23 It is not yet known whether the Council will submit the ELP for examination but it is possible that more than limited weight could be given to a policy or group of policies if it were clear (i) that they are consistent with the NPPF and (ii) that there is no objection to them (in relation to the parts of the policies relevant for the decision).
- 8.24 However, if there are substantial objections to any policy then it would be unlikely that the Council could justify giving it more than limited weight.
- 8.25 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 emerging policies from the plan are listed below:

DM SE2	Sustainable design and construction
DM SE4	Reducing energy demand
DM SE5	Greenhouse gas emissions and low carbon energy supply
DM SE7	Climate change adaptation and managing heat risk
DM SE8	Managing flood risk
DM SE10	Sustainable drainage systems
DM BG8	Urban greening and biophilic principles
DM DE1	Delivering a well-designed, high-quality and resilient environment
DM DE2	Design process and design review panel
DM DE6	Tall buildings
DM DE7	Creating liveable, inclusive and quality public realm
DM DE10	Conserving and enhancing heritage assets
DM DE11	Landscape design
DM DE13	Housing standards and design
DM H2	Affordable housing
DM H3	Housing mix and type
DM T2	Making active travel the natural choice

CL6	Protecting and attracting public houses
SP D1	Securing contributions to mitigate the impact of development
SPBG3	Biodiversity net gain, rewilding and offsetting

First Homes

8.26 On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. To the extent that it is relevant to this application, the WMS has been taken into account as a material consideration when considering this report and the officer's recommendation.

9. ANALYSIS

9.1 The main planning issues raised by the Proposed Development are:

- Land Use Principles
- Housing and Affordable Housing
- Design and Townscape
- Heritage
- Residential Quality and Amenity
- Impact on Neighbouring Residential Amenity
- Transport, Access and Parking
- Habitat Regulations Assessment
- Open Space, Landscaping and Trees
- Biodiversity and Ecology
- Sustainability and Climate Change
- Noise and Air Quality
- Contaminated Land
- Fire Safety
- Flood Risk and Drainage
- Socioeconomics and Health
- Waste and Recycling
- Public Sector Equality Duty
- Section 106 and Community Infrastructure Levy

Land Use Principles

9.2 In terms of the overarching principle of development 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.

9.3 Additionally, the aim is that planning should facilitate the delivery of sustainable development. This is achieved by ensuring that the right development is built on the right land; that development helps to support communities with sufficient homes, accessible services, and open spaces; and development protects and where appropriate, enhances the natural, built and historic environment.

9.4 Paragraph 185 of the NPPF in "Section 15: Conserving and enhancing the natural environment"

9.5 Paragraph 8 of the NPPF sets out three overarching objectives, in order to achieve sustainable development. These objectives are interdependent and

need to be pursued in mutually supportive ways and include the following (with detail provided on the most relevant objective to this section): a) an economic objective; b) a social objective; and, c) an environmental objective –to contribute to protecting and enhancing our natural, built and historic environment.

- 9.6 With regards to the existing land use, it is noted that the paragraph 124 of the NPPF advocates the promotion and support the development of under-utilised land and buildings, particularly where this would help to meet identified needs for housing; where land supply is constrained; and where it is considered sites could be used more effectively.
- 9.7 Furthermore, paragraph 1.2.5 of the London Plan states that ‘all options for using the city’s land more effectively will need to be explored as London’s growth continues, including the redevelopment of brownfield sites and the intensification of existing places, including in outer London’. In particular, Policy GG2 requires development to prioritise sites that are well-connected by public transport, particularly for intensifying the use of brownfield land and delivering additional homes.

Residential Use

- 9.8 The London Plan (LP) supports the building of more homes through Policy GG4. This policy promotes the delivery of genuinely affordable homes and the creation of mixed and inclusive communities, with good quality homes that meet high standards. Policy GG2 requires development proposals to make the best use of land by enabling development on brownfield land well-connected by public transport and by applying a design-led approach to determine the optimum development capacity of sites.
- 9.9 The LP also supports increasing housing supply and optimising housing potential through Policy H1, which states that the potential for housing delivery on all suitable and available brownfield sites should be optimised.
- 9.10 The LP Policy H1 sets a London wide 10-year housing target for 522,870 net additional homes to be completed by 2029, with Enfield set a 10-year target of 12,460 new homes during this period. The proposals would result in a significant net increase of 1,233 additional homes (2,028 less 795 existing homes). This equates to approximately 10% of Enfield’s 10-year housing target.
- 9.11 Enfield’s Core Strategy (CS) (adopted 2010) supports the provision of high quality, inclusive and affordable homes, seeking to meet and exceed the borough housing targets (set by the Mayor of London).
- 9.12 Spatial Strategy 4.1 of the Council’s CS takes a proactive approach to focusing change in areas of the Borough where regeneration and the revitalisation of communities is needed identifies that sustainable locations for development would be concentrated in town centres, on previously developed land and that new homes will be planned through the intensification of land uses. The site is located within the Upper Lee Valley Opportunity Area that extends approximately 14 kilometres from the M25 in the north, to Lea Bridge in the south and is approximately 3.5 kilometres across at its widest point. Large amounts of housing (it is home to around a quarter of a million people); and the A10/A1010 Corridor, with its town centre functions; form key features of the area, along with industrial land and retail parks. The Upper Lee Valley

Opportunity area has been identified in LP Policy SD1 for redevelopment with new well-designed homes.

- 9.13 Enfield Housing's Trajectory Report 2019 shows that during the preceding 7-years, the Borough had delivered a total of 3,710 homes which equates to around 530 homes per annum. Enfield's 2019 Housing Action Plan recognises that the construction of more affordable high-quality homes is a clear priority, with 51% of approvals over the preceding 3-years have been implemented. A Local Housing Need Assessment (LHNA) was undertaken in 2020 and identifies an annual housing need of 1,744 homes across the Borough based on a cap of 40% above the London Plan annual target of 1,246 homes, in line with the Government's standard methodology.
- 9.14 It is clear there is an identified need for additional housing and, in particular, affordable housing. The proposal for 81 homes accords with London Plan Policy GG2, which advocates making the best use of land and building to suitable densities on well-connected sites. The aim to strengthen the provision of a site within a residential setting is supported. The proposal seeks to extend the provision of housing by making more efficient use of land and providing a high quality of homes where the existing building no longer presents an optimal housing offer.
- 9.15 Reviewed against strategic policies of the Development Plan and emerging Local Plan policies, the principle of residential housing at this site is supported. The residential-led regeneration of the Site would make a substantial contribution towards meeting local and strategic housing targets and is strongly supported, in accordance with LP Policy H1, which seeks to increase housing supply by optimising the potential for housing delivery on suitable brownfield sites.

Non-Residential Uses

- 9.16 Paragraph 97 of the NPPF in "Section 8: Promoting healthy and safe communities" sets out how policies and decisions should provide the social, recreational and cultural facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and services the community needs.
- 9.17 LP Policy HC7 "Protecting public houses" aims to protect pubs that have a heritage, economic, social or cultural value to local communities, or where they contribute to wider policy objectives for town centres, night-time economy areas, Cultural Quarters and Creative Enterprise Zones. The following text provides a guide for assessing the value of the pub:

"When assessing whether a pub has heritage, cultural, economic or social value, boroughs should take into consideration a broad range of characteristics, including whether the pub:

- a. is in a Conservation Area*
- b. is a locally- or statutorily-listed building*
- c. has a licence for entertainment, events, film, performances, music or sport*
- d. operates or is closely associated with a sports club or team*
- e. has rooms or areas for hire*
- f. is making a positive contribution to the night-time economy*
- g. is making a positive contribution to the local community*

h. his catering for one or more specific group or community.”

- 9.18 Paragraph 7.7.7 of the LP also suggests 24 months marketing evidence needs to be provided in order to rule out demand for its existing use or any alternative community use.
- 9.19 Whilst limited weight is given to the emerging Draft Enfield Local Plan, the Draft Plan approach seeks to resist the loss of public houses. Policy CL6 and SC2 of the Draft Enfield are relevant to the loss of a public house where policy SC2 seeks to protect community facilities (including pubs) by resisting their loss unless the criteria set out in part 1 of the policy have been met. Policy CL6 focuses specifically on public houses and resists their loss unless robust evidence is provided as set out in part 1 of the policy.
- 9.20 Policy CL1 (Promoting culture and creativity) of the Draft Plan takes a similar approach and aims to protect pubs unless they are:
1. surplus to requirements and unviable;
 2. alternative provision has been made in the vicinity; and,
 3. appropriate marketing for continuous period of at least 18 months has taken place.
- 9.21 Policy DMD17 states that the Council will protect existing community facilities in the borough unless a suitable replacement is provided or there is no demand for the existing use or any alternative community use. In some areas of the borough where community service provision is already low this may include public houses. Examples of community facilities include:
- Recreation, leisure, culture and arts facilities, including theatres;
 - Libraries;
 - 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.
- 9.22 The Applicant has submitted marketing evidence, albeit not continuously, to demonstrate the condition of the building, demand for its existing use and viability.
- 9.23 The Applicants evidence indicates that the Station Tavern, formerly known as the Izaak Walton, ceased trading in the early part of 2017. Built in 1924, the interior of the main building is that of a single room with a pool area and fixed seating to the right, beyond which are public toilets and an external paved/patio area facing the car park, whilst to the left are public toilets and fixed seating for a more defined dining area of approximately 31 covers and an external paved/patio area. The bar/serving area is to the rear, with the operational element such as the kitchen and store beyond. A portion of the ancillary building also serves as a store. The Station Tavern lacked sufficient communal space to serve as a focal point for community activities such as sports teams, social groups, local societies, and community meetings, with the upper floor in

ancillary use to the operational side of the public house, as opposed to function rooms.

- 9.24 Although the Applicants marketing exercise would not meet the requirement of 'authoritative marketing evidence', as per the London Plan and criterion b of DMD17, the supporting information demonstrates the established public house has struggled to remain open. The Applicants evidence indicates that without significant investment and redevelopment to provide a greater or diverse offer to the wider community, such as quiz nights, live music, sports or social clubs, children's play areas and evening classes for example, the current public house format is neither attractive to an operator nor commercially viable.
- 9.25 Objections have been received in regard to the loss of the existing use, however the public house has not been formally designated as an Asset of Community Value (ACV). Listing a pub as an ACV gives voluntary groups and organisations the opportunity to bid for it if it is put up for sale. The 'right to bid' is not a right to buy and although owners of the asset have to consider bids from community groups, they do not have to accept them. An ACV listing does, nevertheless, give communities an increased chance to save a valued pub or other local facility. The listing of a public house as an ACV is however a material consideration when assessing applications for a change of use.
- 9.26 With regard to a suitable replacement community facility provided, the proposal would include two flexible (Use Class E) commercial units of 100sqm and 187sqm.
- 9.27 Use Class E of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020 and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class.
- 9.28 As a result, the flexible commercial units proposed could continue to meet local community needs, facilitate social interaction, and promote inclusive communities as Use Class E would permit their use for early years provision, health facilities or indoor sports facilities for example. Whilst Use Class E would not extend to a public house, the proposal would not result in the unacceptable loss of community facilities, but a replacement facility to a suitable degree.
- 9.29 The proposed flexible commercial units would support the Brimsdown Local Centre and provide a service that is compatible and appropriate, in accordance with DMD 28. Local flexible commercial units remain essential in the locality and have a key role to play in delivering sustainable economic growth and, would cater for the future needs created by the projected population increase and higher density living as a result of this development.

Efficient use of land and optimising site capacity

- 9.30 Objections have been received that the proposals would result in overdevelopment and excessive density within the locality. Officers have assessed density and site capacity and consider the proposals are aligned with adopted local and regional (London) policies and guidance in respect of density.
- 9.31 Officers have assessed that the proposal is aligned with requirements of the NPPF, that planning decisions should give substantial weight to the value of

using suitable brownfield land within settlements for homes and that planning decisions should promote and support the development of under-utilised land, including through the more effective use of car parks.

9.32 Paragraph 124 of the NPPF in “Section 11: Making Effective Use of Land” sets out 5 points planning decisions should consider in promoting the effective use of land. It supports development of under-utilised land and buildings, particularly where this would help to meet identified needs for housing; where land supply is constrained; and where it is considered sites could be used more effectively. Paragraph 124 parts (c) and (d) are particularly relevant, stating that planning decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs...;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

9.33 Paragraph 127 encourages that local authorities take a positive approach to applications for alternative uses, where land is currently developed but not allocated. Paragraphs 128 and 129 set out provisions for achieving appropriate densities – providing clear support for avoiding low densities in areas where there is existing or anticipated shortage of land for meeting identified housing needs. Paragraph 129(C) of the NPPF is relevant and states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies of the NPPF.

9.34 In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

9.35 Paragraph 128 of the NPPF states that in respect of development density, consideration should be given to whether a place is well designed and ‘the desirability of maintaining an area’s prevailing character and setting...or of promoting regeneration and change’.

9.36 Policy H10 of the LP promotes higher density development in locations with a good PTAL score and in close proximity to a local centre in order to ensure the most efficient use of land and to optimise the provision of housing. The LP incorporates a different approach to assessing density – advocating a design-led approach. LP Policy D3 does not follow a matrix approach providing indicative densities. It instead advocates for the best use of land by following a design-led approach that optimises the capacity of sites. Policy D2 of the LP states that development proposals should consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels and be proportionate to the site’s connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services).

9.37 Additionally, Policy D3 refers to optimisation of site capacity to provide a development that is the most appropriate form and land use for the site. It also states that development proposals should respond to form and layout,

experience, quality and character. Furthermore, the policy details that density measures related to the residential population will be relevant for infrastructure provision and measures of density related to the built form and massing will inform its integration with the surrounding context.

- 9.38 Enfield policies CP4 and CP30 of the Core Strategy stress the need for high-quality housing and the need to maintain and improve the quality of the built and open environment.
- 9.39 Policy DMD37 calls for a design-led approach to ‘capitalising’ on opportunities in accordance with urban design objectives relating to character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and durability and diversity. Policy DMD8 requires proposals be in an appropriate location and of a suitable scale, bulk and massing.
- 9.40 Policy DMD6 promotes density appropriate to the locality – in line with the previously superseded London Plan Policy 3.4 density matrix.
- 9.41 Policy DMD8 which requires proposals to be in an appropriate location and of a suitable scale, bulk and massing. In this instance the proposed development is in an accessible location with a PTAL rating of 3, within close proximity to an overground station and several bus routes.
- 9.42 The testing of height, footprint, quality of dwellings and open space provision, as well as connectivity of the site, infrastructure and development potential has been considered to determine the quantum of the scheme and thus concluded that the proposed quantum, on balance, was considered acceptable.
- 9.43 The scheme, when assessed against adopted density policy, would not result in overdevelopment or excessive density. The scheme would provide 81 residential units across the site. When considering the proposed density in the round alongside the site’s moderate PTAL rating, its acceptable impact on residential amenity and its sufficient social infrastructure, it is considered that the scheme results in an appropriate level of development for the site. Furthermore, the quantum of units proposed is acceptable in its specific local setting, subject to all other material planning considerations being met. In density terms the proposed development is in line with adopted policy both at local and regional level.
- 9.44 Accordingly, considering the above policy considerations, the development proposals represent appropriate land use/future uses in the overall redevelopment of the site and amount to public benefits in support of the proposal, subject to all other material planning considerations being met.

Housing and Affordable Housing

- 9.45 The LP acknowledges the extent of the housing crisis in London. The population is projected to increase by 70,000 a year, reaching 10.8 million by 2041. This means that just to meet demand, tens of thousands of new homes need to be built every year.
- 9.46 The LP provides a ten-year housing target for each of the London Boroughs. The 10-year target for Enfield is 12,460 homes over the period 2019/20 to 2028/29. This identifies a need for a minimum of 1,246 dwellings per year to

be delivered over the next 10 years in the Borough an increase over the previous target of 798.

- 9.47 Enfield's Housing Delivery Test Action Plan 2023 found that in the period 2019/20 to 2021/2022, the Council met 73% of its housing target delivering 995 homes in 2021/22. This is an improvement on the previous year (847 completions) despite challenging market conditions. However, as delivery across three years is 73% of the Government's requirement, the Council is placed in the 'presumption' category. This requires the Council to prepare a Housing Delivery Action Plan and add a 20% buffer to the Council's 5-year housing land supply which is monitored through the AMR.
- 9.48 Enfield, with close to 40% of the land currently designated as Green Belt or Metropolitan Open Land and a further 400 hectares providing critical industrial land that serves the capital and wider south-east growth corridors. These land designations underpin the need to optimise development on brownfield land.
- 9.49 The New Enfield Local Plan (ELP), was published at Regulation 19 Stage between 28 March and 28 May 2024, acknowledges the scale of the growth challenge for the Council and the Council's Housing and Growth Strategy 2020-2030 aims to deliver the London Plan targets for the borough and to continue to delivery housing growth to 2041.
- 9.50 Taking into account the housing needs of Enfield's population, nationally- and regionally-set housing delivery targets and shortfalls in meeting targets, it is evident that this proposal to provide homes at a high-quality and with a range of housing types is supported by policy, most notably London Plan Policies GG2, GG4, D1, D3, H1, H2 and H11, Core Strategy Policies 1, 2, 44 and 4.1 (Spatial Strategy) and advice contained within the NPPF. As such the Development is supported in principle terms subject to other material planning considerations as outlined below.

Housing mix and tenure

- 9.51 LP Policy H10 sets out that all residential development should generally consist of a range of unit sizes, which should be based on, amongst other things, local evidence of need. Regarding low-cost rented homes, Policy H10 states Boroughs should provide guidance on the size of units required by new development to ensure affordable housing meets identified needs. This should take account of evidence of local housing needs, including the local housing register and the cost of delivering larger units and the availability of grant.
- 9.52 Enfield Core Policy 5 seeks to provide a mix of housing borough wide. The evidence bases to support the unit mix set out in Core Policy 5 dates from 2008. The preferred housing mix in the Core Strategy (based upon local housing need information and market signals) has been updated through the Local Housing Need Assessment 2020 (LHNA), which has been prepared as part of the evidence base to support the preparation of the ELP. This has identified a shifting priority for housing mix that more accurately reflects the needs of the Council's housing waiting list and is an important material planning consideration in context of providing a more up-to-date empirical position.
- 9.53 While it is not adopted policy, Draft Local Plan Policy H3, outlines priority types for different sized units across different tenures.

- 9.54 The proposed breakdown of the 81 residential units would comprise 29 x one bed units (36%), 37 x two bed units (46%) and 15 x three bed units (18%).
- 9.55 Although the overall housing mix is inconsistent with the balance of dwelling types sought by CP5, the proposal would fulfil the aims of LP Policy H10 by providing well-designed one- and two- bedroom units in a suitable location. This would provide opportunities for those in the Borough looking to downsize, enabling larger dwellings elsewhere to become available for new occupiers. In addition, one-bedroom units play an important role in meeting housing need, and provision in new developments can help reduce the pressure to convert and subdivide existing larger homes.
- 9.56 The proposed housing mix is considered appropriate, having regard to policies CP5 of the Core Strategy, DMD3 of the Development Management Document and H10 of the LP and the information contained within the Councils Strategic Housing Market Assessment.

Affordable Housing

- 9.57 The NPPF must be regarded in the preparation of local plans and is a material consideration in planning decisions. Annex 2 of 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)”. LP Policies H4 and H5 outlines a strategic target for 50% of all new homes delivered across London to be affordable.
- 9.58 Core Policy 3 sets a borough-wide affordable housing target of 40% in new developments, applicable on site capable of accommodating ten or more dwellings. Affordable housing should be delivered on-site unless in exceptional circumstances, and the mix of affordable housing should reflect the need for larger family units, in accordance with policy CP5 of the Core Strategy. The Council will aim for a borough-wide affordable housing tenure mix ratio of 70% social rented and 30% intermediate provision. However, having regard to the Council’s ‘presumption in favour of sustainable development category’, further weight is attributed to LP policies and the evidence obtained for the emerging Local Plan policy, including the Local Housing Needs Assessment (2020).
- 9.59 According to the Enfield Local Housing Needs Assessment (LHNA), there is a requirement for 1,407 affordable homes annually to address the combined need for affordable/social rented housing (711 homes) and affordable homeownership or intermediate rented housing (696 homes). This points toward a policy approach involving an equal split of 50% for social/affordable rented housing and 50% for intermediate housing.
- 9.60 Policy DMD1 refers to affordable housing comprising three tenures: social rent, affordable rent, and intermediate housing. It states that development should provide the maximum amount of affordable housing with an appropriate mix of tenures to meet local housing need.
- 9.61 This current target of 40% affordable housing delivery is not currently being met in the Borough. The Housing and Growth Strategy (2020) sets out an ambition to increase the target of 50% of new homes to be affordable housing in the next Local Plan. Enfield’s Housing and Growth Strategy (2020) states the Borough’s ambition to develop more homes that are genuinely affordable to local people,

so more people can live in a home where they spend a more reasonable proportion of their household income on housing costs.

- 9.62 LP Policy H4 recognises that viability might be an issue in certain circumstances. Where a proposal does not meet the affordable housing requirements it is necessary for it to follow the viability tested route. This means the Applicant should supply viability evidence to ascertain the maximum level of affordable housing using the methodology and assumptions set out in the plan and in the Affordable Housing and Viability Supplementary Planning Guidance.
- 9.63 The Applicant has submitted a Financial Viability Assessment (FVA), in place of an Affordable Housing Statement. The appraisals show that both a 100% open market housing provision and a policy compliant affordable housing scheme both produce a deficit. Therefore, the scheme is unable to viably provide any affordable housing in line with planning policy.
- 9.64 The assessment estimates that the proposal delivering 100% Open Market tenure generates a residual land value of negative -£1.95 million from a Gross Development Value (GDV) of £42.10 million and based upon an assumed developer return of £6.25 million. Total costs for delivering the scheme are estimated at £37.80 million.
- 9.65 The proposal delivering 40% affordable housing (32no. units), generates a residual land value of negative -£4,260,223 million from a Gross Development Value (GDV) of £36.43 million and based upon an assumed developer return of £4.44 million. Total costs for delivering the scheme are estimated at £36.24 million.
- 9.66 The reason given within the FVA is due to the low efficiency of the scheme, as a result of the mezzanine floor which includes a large amount of space that is not income producing. While there is an element of commercial space (connected to the ground floor commercial space), the majority is taken up by the play area, creche and multi-purpose communal area as well as the expected core and communal space (hallways etc.).
- 9.67 Given the scheme is unable to viably provide any affordable housing, the proposal would not deliver a policy-compliant level of affordable housing and a tenure split that is in accordance with London Plan Policies H4, H5 and H6.
- 9.68 Being in the category of “presumption in favour of sustainable development”, Enfield’s Development Plan is deemed to be out of date. Further, Enfield’s CP and DMD both exceed the five-year time limit established by NPPF paragraph 33 to review and update plans as necessary. This also means that the evidence supporting these plans is out-of-date. Under these circumstances, it is reasonable to allocate significant weight to the viability of the site in consideration of the present application.
- 9.69 In light of the “tilted” balance that applies, as well as all material considerations, including the site’s viability, the challenges to housing delivery in Enfield, officers accept the proposal without affordable housing.
- 9.70 The legal agreement will secure an early stage and late stage viability review, essentially re-runs of the viability assessment process, but at a later point post-decision and prior to completion of all units. These reviews compare the viability

assessment submitted at the application stage with actual achieved values and costs. Early reviews are usually engaged if a certain amount of progress has not been made onsite within several years, while late reviews can be triggered at the point where a percentage, typically 75% of the units onsite have been let or sold.

Residential Quality and Amenity

- 9.71 Paragraph 135 of the NPPF in “Section 12: Achieving well-designed and beautiful places” identifies good design as a key aspect of sustainable development, stating that ‘the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve’. The guidance states that developments should seek to:
- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - 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;
 - e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.72 Policy D6 of the LP outlines housing quality and design standards that housing developments must consider ensuring they provide adequate and functional spaces; sufficient daylight and sunlight; avoid overheating; and maximise the provision of outside space. 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 LP provides qualitative design aspects that should be addressed in housing developments.
- 9.73 Alongside this, policies D5 and D7 of the LP 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.

Accessible Housing

- 9.74 Policy D7 of the LP states that at least 10% of dwellings meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’, and ii) all other dwellings meet

Building Regulation requirement M4(2) 'accessible and adaptable dwellings.' At a local level, policy DMD8 has similar policy objectives. LP Policy D7 sets out that 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: i) at least 10% of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings', and ii) all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

- 9.75 A condition shall ensure that where appropriate, 10% of units in the scheme will be reserved as dedicated accessible homes in accordance with the Building Regulation 2010 requirement M4(3): "Wheelchair user dwellings". A condition shall ensure that, where appropriate, all other units shall 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. On that basis, the proposal would be acceptable in planning policy terms.

Residential quality

- 9.76 All of the units either meet or exceed internal floorspace standards required by policy D6, Table 3.1 of the LP and comply with the qualitative design aspects to be addressed in housing developments required by Table 3.2. All 81 units would meet or exceed Nationally Described Space Standards and would include private balconies and communal amenity space at various upper floor levels. Overall, the units proposed would be served by reasonably sized windows to all habitable rooms, providing adequate outlook, daylight, sunlight and ventilation in the context of an urban location, whilst making efficient use of land in accordance with the advice contained within the NPPF.
- 9.77 In accordance with Appendix 3 of the "London Plan Guidance: Housing Design Standards", the definition of dual aspect is clarified. The provision of bay windows, stepped frontage, shallow recesses, or projecting facades does not constitute dual aspect. Therefore, a total of 12 units (labelled as 'A3' at 1st to 12th floor level - facing east) are considered single aspect. The remaining 69 units would comply with the above definition and be dual aspect.
- 9.78 Dual aspect has multiple benefits including ventilation; outlook; options in areas with poorer air quality or noise generators; and the possibility of a window to the kitchen and bathroom to allow better air movement, moisture and odour control.
- 9.79 In acknowledging this shortcoming, each single aspect unit would be served by reasonably sized east facing windows providing good levels of outlook, daylight, sunlight and ventilation, particularly to the main living areas. In addition, the units would exceed internal floorspace standards required by policy D6 and have access to external amenity space which therefore suggests flexibility when accounting for this shortfall, particularly where the overall quality of accommodation within the development remains appropriate.

Communal Amenity Space

- 9.80 In accordance with paragraph 3.6.9 of the LP, the use of roof areas, including podiums, and courtyards for additional private or shared outside space is encouraged.

9.81 Located externally at the 7th (88.5sqm), 9th (88.9sqm), 11th (62sqm) and 13th (97.9sqm) roof areas, communal amenity space is proposed, equating to 337.3sqm. Whilst this would mean residents at 1st to 6th, 8th, 10th, 12th, 14th to 5th would not have same level access to communal amenity spaces, the quantum, accessibility and functionality of these spaces in general add to the overall quality of the development.

Child Playspace

9.82 LP Policies D6 and S4 seek to ensure that development proposals include suitable provision for play and recreation noting the provision of play space should integrate with the public realm without compromising the amenity needs/enjoyment of other residents and encourage children to play.

9.83 The Mayor's 'Shaping Neighbourhoods: Play and Informal Recreation' SPG sets a benchmark of 10 sq.m. of useable children's playspace to be provided per child, with particular emphasis on playspace for children under five years old to be provided on-site. Additionally, LP Policy S4 also recommends that at least 10 sq.m of playspace per child should be provided. In comparison, at a local level Policy DMD73 does not specify a specific amount of space per child, it sets out that developments with an estimated child occupancy of ten or more children will be required to incorporate on-site play provision to meet the needs arising from the development. Also, Policy DMD9 solely refers to amenity space within new developments.

9.84 LP Policy S4.B requires that schemes that are likely to be used by children and young people should:

1. increase opportunities for play and informal recreation and enable children and young people to be independently mobile
2. for residential developments, incorporate good-quality, accessible play provision for all ages. At least 10 square metres of playspace should be provided per child that:
 - a. provides a stimulating environment
 - b. can be accessed safely from the street by children and young people independently
 - c. forms an integral part of the surrounding neighbourhood
 - d. incorporates trees and/or other forms of greenery
 - e. is overlooked to enable passive surveillance
 - f. is not segregated by tenure

9.85 Whilst indoor space can also have a role in providing sufficient play space for 0–5-year-olds, or providing activities in unsuitable weather, the majority should be external amenity space to allow for access to nature, fresh air, allow for varied uses, manage noise, encourage access and reduce maintenance requirements.

9.86 Indeed, paragraph 3.4 of the Mayor's 'Shaping Neighbourhoods: Play and Informal Recreation' SPG states 'If children and young people are to have the chance to play out in the fresh air, to be physically active and to socialise with friends and peers, they need access to out of doors space.'

9.87 A total of 181.6 sqm would be required for 18.2 children based on the GLA Population Yield Calculator, the majority of which would be under 11 years old. This figure is an estimation, in the absence Applicant clarification.

- 9.88 The Applicant indicates that children's play space would be provided indoor and outdoor, with details provided as to the nature of play provision outdoor. The indoor playspace would be located at mezzanine level, equating to 282sqm. Outdoor children's play space would be located at the 7th (88.5sqm), 9th (88.9sqm), 11th (62sqm) and 13th (97.9sqm) roof areas, equating to 337.3sqm.
- 9.89 Given the height and form of the rooftops, as opposed to integrated external spaces suitable for its function, significant boundary treatment would be required for appropriate play space. Insufficient information has been provided by the Applicant as to the feasibility of these spaces, nor measures for safeguarding the areas.
- 9.90 Although roofs and terraces can provide an alternative to ground floor open space on constrained sites, these spaces must be safe, large enough, attractive and suitable for children to play. Careful consideration should be given therefore to these options, including the need for supervision and any restrictions that this might put on the use of the facilities. This would also follow the indoor space, which could potentially require significant maintenance and represent a substantial and ongoing operational undertaking, particularly given the mezzanine floor level is effectively given to this indoor offer and the fragility of the scheme viability as a whole.
- 9.91 As such, officers are not persuaded that these spaces lend themselves to suitable childrens playspace and would in place seek a financial contribution in lieu, for the provision or improvement of local children's play space off-site. In addition, a suitable condition would ensure that the rooftops not be used as childrens play space.

Design and Townscape

- 9.92 The National Design Guidance sets out that well-designed places have ten key characteristics which work together to create its physical character and help to nurture and sustain a sense of community. The Guidance further states that these 10-characteristics contribute towards the cross-cutting themes for good design set out in the NPPF. The ten characteristics are as follows:
- a. Context – enhances the surroundings;
 - b. Identity – attractive and distinctive;
 - c. Built form – a coherent pattern of development;
 - d. Movement – accessible and easy to move around;
 - e. Nature – enhanced and optimised;
 - f. Public spaces – safe, social and inclusive;
 - g. Uses – mixed and integrated;
 - h. Homes and buildings – functional, healthy and sustainable;
 - i. Resources – efficient and resilient; and
 - j. Lifespan – made to last.
- 9.93 Additionally, at regional level policies D3, D4, D5, D6, D8, D9, D14, S4, S6, G4 and G5 are relevant alongside local level policies CP30 of the Core Strategy and DMD8, DMD37, DMD39 and DMD43 of the Development Management Document.
- 9.94 Heritage and character have been proactively considered and influenced the overall design and layout of the proposal. The proposal has been subject to extensive pre-application engagement and an independent design review in

2021 on the originally submitted scheme presented to Members at Planning Committee on 19 July 2022, namely the redevelopment of site to provide mixed use residential development, involving the erection of a 21 storey building with double basement, comprising 100 self-contained (private and social residential units), in addition to commercial and retail areas on ground and mezzanine.

- 9.95 The LP 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
- 9.96 LP 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 LP Policy D9. Produced in line with LP Policy D9 however, Policy DE6: Tall Buildings of the Enfield's draft Local Plan (regulation 19) defines this site as being within a tall building area with appropriate heights of 48m. It is acknowledged however that the emergent plan has limited weight at this stage of the plan making process.
- 9.97 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."
- 9.98 It states that tall buildings will not be acceptable in areas classified as inappropriate which includes sites in the immediate vicinity of conservation area unless it can be demonstrated how the proposal avoids the negative impacts associated with the sensitive classification. Both the London Plan and DMD tall building policies are relevant to the proposed development. The policies can be summarised into two key parts:
- Is the proposal in the right location?
 - Is it of high quality?
- 9.99 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. Consideration should be given to the potential negative impact that the introduction of 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.

- 9.100 The proposal is 53m from ground level. This classifies it as a tall building, when applying the definition of a tall building as any part of the building (including roof plant) is 21m or above, thus triggering LP Policy D9.
- 9.101 The proposed development, based on its proximity to public transport and amenities, resulting transformative change and provision of homes where there is a recognised need indicates the appropriateness of a tall building in this location. When assessed against adopted density policy, the scheme would not result in overdevelopment or excessive density, whereby the proposed development would not have a significant detrimental impact on the living conditions of the occupants of nearby residential properties.
- 9.102 A tall building in this location could mark the Brimsdown Station, stepping down in height to the lower context, in particular using setbacks and more human scale development along Green Street to reference the low rise houses to the west. Height is appropriate for this location as it assists with urban wayfinding, marks the transport node and is an inherently sustainable place for density on account of adjacent train station.
- 9.103 LP Policy D9 requires tall buildings to be of exceptional quality, making reference to close, medium and far views and the concept of a “crown, body and base” of the building being distinct components of an exceptional building.
- 9.104 The overall strategy and massing is generally supported. The use of a large-format grid with finer-grained patterns provided by window groupings will produce an interesting, yet not overly complex façade. The treatment at ground level is welcome with a strong base and bays of commercial units activating the street featuring detailed brick portals. This suggests a positive ground floor interface creating a street frontage, whilst the corner of the site at the station represents a characterful corner marking the tip of the site and pointing towards the station.
- 9.105 From an urban design perspective however, there are strong concerns in respect of the remainder of the proposal. The approach from the south along station road is the weakest elevation with a cascade of varied heights reducing the impression of a confident, landmark building that marks the station. Rather than create a distinctive “crown”, the upper element is confused in its character, where the main body of the elevation represents a poor transition, characteristic of an afterthought. Considering this is also a significant and readily identifiable element of the building to the wider area, belies the fact that this building is of exceptional quality.
- 9.106 Further shortcomings are demonstrated with the failure to illustrate the level of detail, materiality and setbacks at upper levels of the building. The lack of a set back of the taller elements, has many outcomes, one is that this likely to cause uncomfortable wind conditions/downraughts (wind microclimate) at ground level. The lack of information regarding materiality, also has many outcomes, one is that it could result in glare to occupiers and for the train drivers to the east. In both regards, no substantive technical details have been presented by the Applicant.

9.107 The proposal is however 53m, which is 4.9m greater than the potentially appropriate height of 48m set out in Policy DE9. Given the building would be visually prominent and indicate a level of importance in the Borough, effectively landmark, it is fundamental for a tall building's quality to be assured at this stage, particularly for one expected to be exceptional. The quality is unclear, and the execution is a concern.

Heritage

9.108 Paragraph 195 of "section 16: Conserving and enhancing the historic environment" of the NPPF states that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

9.109 In determining application, Paragraph 203 of the NPPF requires local planning authorities to take account of:

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

9.110 Paragraph 209 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset'. In this instance, the necessary balancing act must be undertaken but considering the loss is of a non-designated heritage asset.

9.111 LP Policy HC1 'Heritage conservation and growth' states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets.

9.112 Enfield Policy DMD 37 (Achieving High Quality and Design-Led Development) requires that Development must be suitable for its intended function and improve an area through responding to the local character, clearly distinguishing public and private spaces, and a variety of choice. Making Enfield: Enfield Heritage Strategy 2019-2024 SPD (2019) is also relevant.

9.113 The application site is not situated in a Conservation Area nor is it Listed. However, the building constitutes a non-designated heritage asset, derived from its architectural, historic and communal value.

9.114 Whilst not nationally recognised by Historic England, it has been recognised by the Council as locally significant. As a result, it does not have statutory

protection, nor would it be afforded the same weight in planning policy as a statutory designated heritage asset such as a listed building for example.

- 9.115 Constructed in 1924, the inter-war public house has changed remarkably little externally since its construction with features such as the timber six-over-six windows, ground floor bay, dentilled eaves, doors and doorcases all still surviving.
- 9.116 The proposal would be visible from a small number of heritage assets including Durrants Park (non-designated heritage asset; LHL Ref: 131) and Hertford Road Cemetery (non-designated heritage asset; LHL Ref: 128) as well as from the shared setting of the Church of St James (Grade II Listed Building).
- 9.117 The proposal would result in the total loss of the non-designated heritage asset. However, the resultant harm needs to be balanced against public benefits.
- 9.118 In this instance the existing building is no longer fit for purpose and would need significant investment and redevelopment to provide a greater or diverse offer to the wider community. The current building is neither attractive to an operator nor commercially viable as a public house or a community facility generally. This has been further demonstrated as a result of marketing, albeit limited, with little interest in the building. Having been vacant for 7 years, it has deteriorated with self-sewn buddleia together with anti-vandalism hoardings detracting from its appearance.
- 9.119 The proposed development would allow for an intensification of use of the site to meet a recognised housing need, namely 81 new residential homes of good quality accommodation. It would provide the opportunity to improve the quality of public realm and experience for local residents.
- 9.120 The proposed development would not have a significant detrimental impact on the living conditions of the occupants of nearby residential properties and could make appropriate provision for local transport infrastructure.
- 9.121 In addition, other public benefits of the proposal are considered to be:
- provision of commercial units suitable for use as range of community facilities
 - enhancement of Brimsdown and Green Street, particularly to address anti-social activity
 - employment opportunities during construction
 - investment into Brimsdown
- 9.122 It is considered that these benefits outweigh the harm to the non-designated heritage asset.
- 9.123 Although visible due to the building's height and consequential widespread visibility, this does not automatically equate to harm to heritage assets within the borough. In this instance, sufficient and proportion mitigation would be to ensure that the proposed building is of the highest architectural quality. Given the overlap of this requirement with LP Policy D9, a scheme which accords with The London Plan should be considered of sufficient design quality to mitigate the impact upon the aforementioned heritage assets. Given the scheme fails to accord with the design standards of the London Plan, the proposal would not outweigh the identified harm to these heritage assets within the borough.

Impact on Neighbouring Residential Amenity

- 9.124 LP Policy D6 states 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.
- 9.125 Enfield Policy CP30 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. Policies DMD6 and DMD8 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.

BRE Guidance - Daylight and Sunlight to Existing Buildings:

- 9.126 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.
- 9.127 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...".

Sunlight/Daylight and Outlook

- 9.128 The Applicant has submitted a Daylight and Sunlight Assessment (DSA) to identify and examine the impacts of the development upon existing properties and sites with extant planning permissions.
- 9.129 Accounting for the BRE criteria, the following buildings have been incorporated into the assessment:
- Nos.1 to 15 (odd) Brimsdown Avenue
 - Nos.1, 1a, 7, 8, 20, 22, 25, 31 and 40 Jute Lane
 - Nos.2, 4, 6 Osborne Road,
 - No.22 Enstone Road
 - Nos.241 to 257 (odd), 342 to 356 (even) Green Street
 - Nos.29, 31, 38, 40, 42, 44 Goldsdown Close
 - Nos.34, 35, 36, 37 to 44 Stonycroft Close
 - Brimsdown Station House Green Street
- 9.130 The guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops, and some offices. For completeness, buildings identified in the report as non-domestic are:
- 9.131 The ground floors of No.1a Jute Lane and No.249 Green Street

- Nos. 253 and 257 Green Street
- Nos. 1, 7, 8, 20, 22, 25, 31 and 40 Jute Lane
- Brimsdown Station House Green Street

9.132 The DSE states that a total of 1039 windows have been tested, of which, 522 have a requirement for daylight.

9.133 Of the 522 windows being either domestic and/or habitable, 27 fall short of the Vertical Sky Component (VSC) test which equates to a pass percentage of 95%.

9.134 The 27 windows that do not pass the VSC test are windows at:

- 243 Green Street
- 256 Green Street
- 354 Green Street
- 352 Green Street
- 359 Green Street
- 37 to 44 Stonycroft Close
- 5 Brimsdown Avenue
- 3 Brimsdown Avenue
- 1 Brimsdown Avenue

9.135 However, for these windows that do not pass, the following mitigating factors are given:

- The results confirm that 7 of 27 aforementioned shortfalls fall marginally short of the recommended VSC target (with before/after ratios of 0.7 and above – against the BRE target of 0.8).
- The BRE guide acknowledges that where a window has an overhang or a projecting wing on one or both sides of it, a larger relative reduction in VSC may be unavoidable, as the building itself contributes to its poor daylighting. The BRE guide explains that one way to demonstrate this is to test the windows without these existing obstructions in place. A total of 7 of the aforementioned shortfalls either surpass or achieve before/after ratios of between 0.69 and 0.79 against the BRE criteria without the wings/overhangs in place.
- Of the remaining 13 windows, 7 maintain a VSC score of 20.5% or more and 6 maintain a VSC score of 15% or more, where a VSC of 20% or more is considered reasonably good, and VSCs in the mid-teens (around 15% or more) have been accepted on the basis that fully optimising housing potential may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.

9.136 All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight, with the exception of Nos. 1, 3, 7, 9, 11 & 15 Brimsdown Avenue and 44 Goldsdown Close, pass both the total annual sunlight hours test and the winter sunlight hours test. However, for these windows (including rooflights) that do not pass, the following mitigating factors are given:

- Many of the aforementioned shortfalls appear to be part of rooms which have additional windows that meet the sunlight recommendations. The net effect of the above, is that because the rooms have windows which meet the BRE recommendations, the loss of sunlight is unlikely to be noticeable.

- The aforementioned shortfalls pass the Annual Probable Sunlight Hours test and only fall marginally short during the winter months. Furthermore, many of these windows achieve Annual Probable Sunlight Hours scores of 24%, only 1% short of the 25% target set out in the BRE guide.
- 9.137 All rooms with a requirement for daylight pass the daylight distribution test.
- 9.138 All gardens and open spaces tested meet the BRE recommendations, receiving at least two hours sunlight on 21st March before and after the development. Where losses do occur, such deviations are not unusual within an urban context. A total of 14 gardens are impacted with between 1-5% of the total area of each garden (sqm) of each garden receiving at least two hours sunlight on 21st March before the development but will receive under two hours sunlight after the development (light loss). Given this affects less than 5% of these gardens this is considered acceptable.
- 9.139 The NPPG states that developments should maintain acceptable living standards and that site location is a relevant factor when considering sunlight/daylight. Furthermore, the NPPF states that authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”
- 9.140 It is noted that there are some rooms which do not meet the recommendations, however given the overall high level of compliance with BRE recommendations, urban location and that there are other sources of light to the rooms affected, on balance the deviations are considered acceptable to provide acceptable living conditions.

Privacy and Overlooking

- 9.141 LP Policy D6 states that development proposals should provide sufficient daylight and sunlight to new and surrounding housing.
- 9.142 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.
- 9.143 Enfield Policies DMD6 and DMD8 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. Additionally, policies DMD6 and DMD8 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. Policy DMD10 is silent on distancing standards for this type of relationship but requiring that development would not compromise adjoining sites.

- 9.144 The application site is a kite shaped plot of land that adjoins public highway land and railway tracks in two of the sides and the flank elevation of the adjoining buildings. As such given its relationship with neighbouring properties it is not considered to have an acceptable impact in terms of privacy, overlooking and overbearing impact for neighbouring properties.
- 9.145 The massing and scale of the proposed buildings would be significantly greater than the existing built form and therefore the impacts to the neighbouring residential amenity levels is of concern.
- 9.146 The area surrounding the site is a mix of commercial and residential uses.
- 9.147 To the southwest of the site is a 2-storey parade (Nos. 245 – 257 Green Street), where the ground floors are commercial in use with the upper floors being residential in use. The residential windows face northwest and southeast and therefore not across or towards the development site to a significant degree.
- 9.148 To the southeast of the site is a 3-storey residential block of 12 flats (Langley Court – No.243 Green Street). The residential windows face east over the railway and west to the rear of Nos. 245 – 257 Green Street, at distance of approximately 20m. A single column of windows within Langley Court looks over the southern end of the development site at a distance of approximately 12-15m. These windows serve habitable spaces.
- 9.149 To the west of the site, across the highway of Green Street are semi detached 2-storey dwellings on Brimsdown Avenue (Nos.1-15) and Green Street (Nos.342-356), at a distance of approximately 28m. Behind Green Street is Goldsdown Close (29,31, 38,40,42,44).
- 9.150 To the north of the site, across the highway of Green Street is the distinctive 4 storey block of 44 flats (No.44 Stonycroft Close) with a dodecahedron shaped footprint, at a distance of approximately 19m.
- 9.151 Any properties sited on the opposite side of Green Street, namely No.44 Stonycroft Close and the semi detached 2-storey dwellings on Brimsdown Avenue and Green Street are afforded suitable mitigation by virtue of the separation provided by the intervening highway.
- 9.152 The properties along Nos. 245 – 257 Green Street and 9 out of 12 flats serving Langley Court, by virtue to their outlook corridor, in addition to the siting of windows and accessible amenity spaces within the development not be subject to potentially harmful overlooking and dominance to these neighbouring properties
- 9.153 The relationship with 3 out of 12 flats serving Langley Court (those located to the northernmost end of the building) means the design of the proposed development needs to respond to the existing context.
- 9.154 Commercial windows at ground floor level would be obscured by way of boundary treatment, secured by condition. At mezzanine floor level, it is considered that 1 out of 2 windows serving the space labelled 'Possible multi purpose Communal area' would require to be frosted and fixed closed to a minimum of 1.8m in height to minimise any potential for overlooking as a result of its proximity at 4m.

- 9.155 Residential windows within the development on the east and south elevations have been sited so as to minimise facing Langley Court, with no windows facing the column of windows at the northernmost end of Langley Court. Where windows at upper floor levels of the development are in proximity (8m+) to this column of windows and share an outlook corridor, these remain indirect and at angles of between 18 and 30 degrees, therefore, extremely oblique.
- 9.156 In addition, the podium roof top area adjacent to Langley Court and Nos. 245 – 257 Green Street is inaccessible for the purposes of amenity use and therefore minimises any potential for overlooking to these neighbouring properties.

Noise and Disturbance

- 9.157 Paragraph 191 of the NPPF 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 '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'.
- 9.158 Additionally, at a regional level, LP Policy D14 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...'. At a local level policy DMD68 and CP32 are also relevant.
- 9.159 The proposed residential development is consistent with the existing prevailing mix of residential and commercial uses in the area and it is therefore unlikely that any unacceptable levels of noise would be generated as a result of the nature of uses proposed. Whilst the development would result in the significant intensification of the site, the siting and form of the building and key noise generators such as plant, balconies, windows and vehicle/pedestrian access points are appropriately located to minimise unacceptable levels of noise to neighbouring residential occupiers.
- 9.160 With respect 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. The site is located adjacent to railway lines and therefore requires suitable mitigation measures by way of condition to secure the residential environment and protect residential amenities from noise and disturbance.
- 9.161 It is therefore concluded that the proposed development is considered acceptable in relation to noise levels both internally, and externally in private amenity areas, having regard to policies DMD68, CP32 and LP D14 as well as the guidance contained within the NPPF.

Light Pollution

- 9.162 Whilst it is acknowledged that such a significant development would likely generate more light than the established use as a public house or existing vacant site, an appropriate planning condition could be attached securing details of external light spill and light spill to internal communal areas to safeguard against adverse impacts.

Transport, Access and Parking

- 9.163 LP Policy T1 encourages partnership working in terms of transport and development that reduces the need to travel, especially by car whilst also supporting development with high levels of public transport accessibility and/or capacity. The policy supports measures that encourage shifts to more sustainable modes of transport. LP 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. 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.
- 9.164 Additionally, LP 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.
- 9.165 Enfield 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.
- 9.166 The application site fronts Green Street, to the south of the junction with Mollison Avenue (A1055). The site has a PTAL of 3 which is moderate, being within close proximity to Brimsdown Train Station, however the wider area has a PTAL of 2 which is poor. The site is relatively well served by local bus routes on both Green Street and Mollison Avenue.
- 9.167 The Applicant has submitted a Transport Statement (TS) to understand the likely impacts from the development and any increase in traffic, public transport use and local parking availability.

Car Parking Provision

- 9.168 The site is proposed to be car free, however, it is noted that three disabled off street parking spaces would be provided, accessed via Green Street Crescent. This is considered acceptable, having regard to policy T6.1 of the London Plan.
- 9.169 In the absence of an Applicant provided parking survey, based on census data, it is concluded that car ownership as a result of this development would be approximately 40no. cars. Given the surrounding highway network does not currently have the capacity for such additional on-street parking generated by the proposed development, this would result in an increase in localised congestion and parking pressure.
- 9.170 In addition, the commercial portion of the development would also attract a parking demand that would exceed the available spaces in the locality, resulting in indiscriminate on street parking, which could have short term negative highway safety and traffic flow impacts.
- 9.171 As there is no Controlled Parking Zone (CPZ) or one currently being implemented, residents would not be restricted from parking on the street. This lack of restrictions could lead to unacceptable congestion, which might adversely affect highway safety. Uncontrolled street parking could result in increased traffic congestion, as more vehicles may be parked on the street, reducing the available road space for moving vehicles along Green Street. This can slow down traffic flow and increase congestion, particularly during peak hours and its location adjacent to a level crossing.
- 9.172 Congested streets can also hinder the movement of emergency vehicles such as fire engines and ambulances, potentially delaying response times in critical situations. Additionally, increased street parking can force pedestrians to walk on the road and cyclists to navigate narrower spaces, raising the risk of accidents.
- 9.173 The negative impact extends to public transport as well, as buses and other forms of public transport may face delays due to congested streets, leading to a less reliable service and potentially deterring people from using public transportation. Implementing a CPZ can help manage parking demand, reduce congestion, and enhance safety for all road users by ensuring that parking is controlled and orderly.

- 9.174 Several residents have objected due to the current parking pressures and the fact the site is not within a Controlled Parking Zone (CPZ) means that on street parking pressures may still increase as a result of the development.
- 9.175 A CPZ is an area where on-street parking is restricted during specified times. The controlled hours are shown on entry signs, with bays marked within the zone to show where parking is permitted and yellow lines to show where it is not. Permits are required to park within the designated bays and are available for residents within the zone, as well as their visitors and carers. In some cases, permits are also available for businesses with the zone.
- 9.176 There are a number of variations to CPZs, including Restricted Parking Zones and Permit Parking Areas. All are based on some form of zonal control, with a permit needed to park during the restricted hours.
- 9.177 Approximately 15% of Enfield is covered by a CPZ. These are mainly focussed on town centres and other major trip attractors (such as hospitals) and rail and underground stations.
- 9.178 Generally, the existing CPZs fall into one of two broad categories, either 'all-day' controls around town centres or hospitals etc, or 'part-day' controls, typically designed to deter commuter parking around stations.
- 9.179 As part of this development, the introduction of a CPZ within the locality, could mitigate these impacts by preventing all-day commuter/service parking, improving highway safety and reducing inconsiderate and indiscriminate parking, reducing the number of vehicles circulating in and around the area looking for parking spaces, leading cumulatively to a reduction in congestion, noise and air pollution.
- 9.180 In order to implement a CPZ, this would nominally reduce on-street parking spaces in the locality by removing parking from corners and pinch-points and result in the possible displacement of parking to nearby uncontrolled roads. Therefore, the size of the CPZ would have to be sufficient to prevent the occupants of this development wanting to own a vehicle due to the inconvenience of having to park outside the zone. Based on Institute of Highway Engineers, this would be between 400m-800m, about 10-15 minutes' walk.
- 9.181 The costs associated with the implementation of the CPZ would be borne by the Applicant. Dependent of the size of the CPZ, the fee estimate would be between £24,500 – £189,000.
- 9.182 Any contributions towards a CPZ would be consulted on with local stakeholders and would mitigate the impact of the proposed development. Officers are therefore comfortable with the development being car and permit free if the site is included as a CPZ. On that basis, this would need to be secured via a legal agreement.

Vehicular Access

- 9.183 Access to the three disabled off street parking spaces would be via the existing access from Green Street. Retaining the existing access is acceptable in principle, and tracking shows that the bays can be accessed and egressed in a forward gear.

- 9.184 The submitted plans show three additional bays, two marked as “Possible Drop off Zone” and one as ‘P’. By virtue of their siting, visibility to pedestrians and oncoming traffic are considered unsuitable and a permitted scheme would require their exclusion as a parking space by way of an appropriate condition.

Delivery and Servicing

- 9.185 Policy T7 of the London, Plan states that a Delivery and Servicing Plan (DSP) should be provided to ensure that proposals facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible.
- 9.186 The proposal indicates that limited ground floor circulation space for vehicles suggests an impediment for servicing to take place off-street. The TS therefore suggests on-street parking, on the basis that the forecasted trip generation for two commercial units of this scale are considered very low. Servicing on-street however, has the potential to increase localised congestion and parking pressure, particularly waste and refuse.
- 9.187 To mitigate this matter, the public highway directly adjacent to the site on Green Street could incorporate a loading bay (including a traffic management order), at the Applicant’s expense. The highway works would be undertaken by Enfield’s highways contractor and therefore requires a highways contribution secured by way of a legal agreement/planning obligation. This would ensure suitable deliveries and servicing can be undertaken on site, in accordance with policies DMD48 of the DMD and T7 of the London Plan (2021).

Cycle Parking

- 9.188 The proposal would provide 112 internal cycle spaces and 56 external cycle spaces. The external spaces are not secure and covered and would not therefore be appropriate for the long stay parking (commercial or residential). As a result, the proposal sees the under provision of long stay spaces required by 31. A suitable condition however could require a portion of the external spaces to be secure and covered that would provide a more appropriate balance.

Trip Generation

- 9.189 Whilst vehicle journeys are unlikely to have an impact on the traffic, it is important to note that other travel modes (pedestrian, bicycle, bus, train) will also increase and could have an impact on local infrastructure.
- 9.190 In terms of Trip Generation, the submitted TS outlines the anticipated trip generation of the site using survey information obtained via the Trip Rate Information Computer System (TRICS) database. It is considered the forecasted trips presented for servicing and pedestrian vehicles are lower than anticipated, however, given that the development would be car free, supported by the introduction of the CPZ, the majority of trips would be by other modes than single occupancy car trips.
- 9.191 With regard to pedestrian, bicycle, bus and train trips as a result of the development, it is considered that these impacts can be reasonably accommodated on existing transport networks and services.

Construction Logistics Plan (CLP)

- 9.192 A Construction Logistics Plan is required in accordance with TfL's latest guidance. However, an appropriate condition could be attached outlining the construction logistics strategy and programme of works for the site. This is to ensure suitable construction works can be undertaken on site, without detrimentally impacting the surrounding road network, in line with LB Enfield DMD Policy 48 and the London Plan (2021) Policy T7.

Travel Plan

- 9.193 The development proposals do include measures to encourage and promote sustainable and active travel and these include the provision of car-free development; and the provision of cycle parking spaces to London Plan standards. To ensure that measures and targets are in place to encourage and promote sustainable travel to and from the site, a full residential Travel Plan could be secured by legal agreement, should the scheme be granted. The Applicant would be expected to instruct an independent transportation data collection company to undertake the monitoring survey.
- 9.194 To ensure that the proposed development is acceptable in terms of its impact on the local transport network, a package of measures/contributions as mentioned above and secured by legal agreement are required. This would include a car club, cycle infrastructure, travel plan, pedestrian infrastructure, parking surveys at £90,000.

Habitat Regulations Assessment

- 9.195 Both Strategic Access Management Measures (SAMMs) and Suitable Alternative Natural Greenspaces (SANGs) would be payable on this scheme to mitigate the harmful impacts by visitors to Epping Forest, designated as a Special Area of Conservation (SAC).
- 9.196 The Epping Forest SAC is one of only a few remaining large-scale examples of ancient wood-pasture in lowland Britain and has retained habitats of high nature conservation value. Epping Forest SAC is also underpinned by a SSSI designation.
- 9.197 The Council's recently adopted SANG strategy relates to residential development which is granted planning permission after 1st April 2024. It is applicable to the proposed development. As such for Class C3 residential uses, SAMMs is charged at £45.40 per dwelling and SANGs is charged at £353 per dwelling and there is a £90 administration charge.
- 9.198 Based on current details of 81 dwellings, the SAMM contribution owed is approximately £3,677. The amount of SANGs contribution owed is £28,593. The total contribution is £32,270, in addition to the administration fee of £180.
- 9.199 As such, the Local Planning Authority, as the competent authority, are satisfied with the mitigation measures incorporated. As such any impacts on the Epping Forest SAC would be appropriately mitigated.

Open Space, Landscaping and Trees

- 9.200 LP Policy G7 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. Additionally, Policies G1 and G5 refer to green infrastructure and urban greening, which can be incorporated within the development.
- 9.201 Enfield Policy DMD80 stipulates 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 Enfield Issues and Options 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 DMD81 refers to landscaping.
- 9.202 The landscaping strategy indicates 25 urban trees would be planted to compensate for the loss of the 5 urban trees on site. It has been assessed that small, native trees of moderate condition at upper floor levels (1st, 7th, 9th, 11th, 13th and 16th roof) would be achievable in this setting, along with shrubs, flower beds, and grass to be introduced on different levels. Of the 5 urban trees present on site, 4 are semi-mature sycamore and one is a semi-mature common lime, all in good health and of medium to low amenity value.
- 9.203 Policy DMD80 specifies that all development that would result in the loss of, or harm to trees of significant amenity or biodiversity value should be refused. Additionally, where there are exceptional circumstances to support the removal of such trees, adequate replacements must be provided.
- 9.204 It is accepted the loss of 5 urban trees, none of which are designated by a Tree Preservation Order, would be necessary to facilitate this form of development in this location. To offset the loss of existing trees, the planting of 25 trees proposed represents a significant net increase, particularly in terms of habitat value, outweighing the proposed loss of medium and low amenity value trees.
- 9.205 It is considered appropriate to secure a detailed tree planting and landscaping strategy to secure adequate replacement tree planting in the interests of Green Infrastructure, hard and soft landscaping which contributes to the visual amenity and character of the area and off-site tree protection measures during construction.

Biodiversity and Ecology

Ecology and Biodiversity

- 9.206 Paragraph 185 of the NPPF in "Section 15: Conserving and enhancing the natural environment" requires planning decisions to protect and enhance sites of biodiversity value, providing net gains for biodiversity and establishing resilient ecological networks.
- 9.207 LP Policy GG2 requires development to 'protect and enhance...designated nature conservation sites and local spaces and promote the creation of new infrastructure and urban greening, including aiming to secure net biodiversity gains where possible'. This guidance is also evident in London Plan policy G6 which requires developments to manage impacts on biodiversity and secure a net biodiversity gain.

- 9.208 Enfield Policy 36 of the Core Strategy requires development to protect, enhance, restore or add to existing biodiversity including green spaces and corridors. DMD Policy 78 makes clear that development that has a direct or indirect negative impact upon important ecological assets will only be permitted where the harm cannot reasonably be avoided, and it has been demonstrated that appropriate mitigation can address the harm caused.
- 9.209 The Applicant has provided a Preliminary Ecological Appraisal (PEA) to assess the site's ecological baseline and identify constraints and opportunities associated with development at the site. The main findings of the PEA are:
- The site comprises developed land; sealed surface in the form of an old public house with associated outbuildings and carpark and urban trees. The most notable habitat feature is the urban trees.
 - The site is located more than 100m from woodland, hedgerows, and water. However, the railway to the east could provide a suitable commuting corridor for bats in the area, as it is unlit, and the embankments are vegetated.
 - The site lies approximately 780 metres east of the site of the Chingford Reservoirs Site of Special Scientific Interest (SSSI), a Statutory Designated Site.
 - The site lies within the 6.2-kilometre catchment zone of the Epping Forest Special Area of Conservation (SAC) and SSSI, a Statutory Designated Site. Epping Forest SAC and SSSI is located three kilometres east of the site at its closest point.
 - The Lea Valley (SINC), a Non-Statutory Designated Sites, is located approximately 730 metres to the east of the site
- 9.210 There are three buildings located on-site comprising the main former public house building. The remainder of the site comprises areas of hardstanding formally used for parking around the buildings.
- 9.211 Five urban trees are present on site, four of which are sycamore and one common lime.
- 9.212 The habitats at the site have low to negligible ecological value with urban trees having relatively higher ecological value.
- 9.213 In respect of the buildings to suitability support roosting bats, one is high, one is low, and one is negligible. The trees on site were assessed as offering negligible potential to support roosting bats due to a lack of potential roosting features. The site is assessed as having negligible suitability to support foraging and commuting bats.
- 9.214 The habitat on site is unsuitable for otter, badger, hazel dormouse, water vole, reptiles, great crested newt (highly unlikely to occur on site) and invertebrate.
- 9.215 The scheme incorporates wildlife planting (trees, shrubs, areas of grass and permeable paving), a green roof, and provision of bird and bat boxes to contribute to improved biodiversity at the site.

- 9.216 The submitted Biodiversity Net Gain factors in the loss of habitat units across the site. Based on these calculations, the development results in a 28.73% net gain in Biodiversity with significant green roofs, in line with policy.
- 9.217 Having regard to the requirements outlined in the NPPF (Para 170), policies GG2 and G6 of the London Plan and policy CP36 of the Core Strategy, it is concluded that the following appropriate conditions could be attached to secure biodiversity enhancements at the site, new native species planting within a significant and biodiverse green roof landscaping scheme enhance the site for bats through the provision of integrated bat boxes within the proposed new building enhance the site for swifts through the provision of three integrated bird boxes per elevation within the proposed new building. Tree removal should be undertaken outside of the breeding season of March to September inclusive. If this is not possible, an ecologist should be present immediately prior to removal to check the trees. Also to be secured are the Biodiversity net gain enhancements of 28.73% (which could be secured within a legal agreement).

Sustainability and Climate Change

- 9.218 The NPPF maintains the presumption in favour of sustainable development, including environmental sustainability, where Paragraph 157 of the NPPF in “Section 14: Meeting the challenge of climate change, flooding and coastal change” requires planning to support the transition to a low carbon future in a changing climate, shaping places in ways that contribute to radical reductions in greenhouse gas emissions, minimising vulnerability and improving resilience; encouraging the reuse of existing resources, including the conversion of existing buildings; and supporting renewable and low carbon energy and associated infrastructure.
- 9.219 LP Policy G1 acknowledges the importance of London’s network of green features in the built environment and advocates for them to be protected and enhanced. The Policy notes that green infrastructure ‘should be planned, designed and managed in an integrated way to achieve multiple benefits’. Also of relevance is Policy G6 requires developments to manage impacts on biodiversity and secure a net biodiversity gain.
- 9.220 Paragraph 159 of the NPPF requires new developments to ‘be planned for in ways that avoid increased vulnerability to the range of impacts from climate change... and help to reduce greenhouse gas emissions, such as through its location, orientation and design’.
- 9.221 Enfield Council’s Cabinet declared a state of climate emergency in July 2019 and committed to making the authority carbon neutral by 2030 or sooner. The key themes of the Sustainable Enfield Action Plan relate to energy, regeneration, economy, environment, waste and health.
- 9.222 Meanwhile the LP and Enfield Issues and Options Plan each make reference to the need for development to limit its impact on climate change, whilst adapting to the consequences of environmental changes. Furthermore, the London Plan sets out its intention to lead the way in tackling climate change by moving towards a zero-carbon city by 2050.

Energy and Sustainability

- 9.223 Currently, all residential schemes are required to achieve net zero carbon with at least an on-site 35% reduction in carbon emissions relative to Part L of 2021 Building Regulations.
- 9.224 Paragraph 162 of the NPPF in “Section 14: Meeting the challenge of climate change, flooding and coastal change” requires new developments to comply with local requirements for decentralised energy supply and minimise energy consumption by taking account of landform, layout, building orientation, massing and landscaping.
- 9.225 LP Policy SI2 sets a target for all development to achieve net zero carbon, by reducing CO2 emissions by a minimum of 35% on-site, of which at least 10% should be achieved through energy efficiency measures for residential development (or 15% for commercial development) and calls on boroughs to establish an offset fund (with justifying text referring to a £95/tonne cost of carbon).
- 9.226 Enfield Local Plan Policy DMD Policy 51 calls for energy efficient buildings as the first step in applying the energy hierarchy, DMD Policy 52 requires connection to a decentralised energy network where possible, DMD Policy 53 requires the use of zero carbon green technologies and DMD Policy 54 requires financial contributions to off-set carbon where specific targets are not met. The Council published the Enfield Climate Action Plan in July 2020.
- 9.227 The Applicant submitted an Energy and Sustainability Statement (Part L of 2013 Building Regulations) calculating the carbon emissions generated by the new development, and the impact on carbon reduction of the measures that are implemented onsite alongside the LP and relevant Enfield policy requirements.
- 9.228 At the ‘Be Lean’ stage - use less energy and manage demand during operation, the proposal would see the residential portion with a 0.68% reduction, whilst the commercial portion of the scheme would see a 1.89% reduction in CO2 emissions from the development, producing a site wide reduction of 0.95% The reduction targets would fall short of the 10% target for residential developments and 15% for non-residential developments.
- 9.229 At the ‘Be Clean’ stage - exploit local energy resources, connection to a heating network local to the proposed development has been considered. The application site is located in an area where district heating is not expected to be implemented in the future. Alternatively, a site-wide heat network is proposed with a single energy centre supplied by communal gas boilers. However, based on the strategy presented, no savings are made at this stage.
- 9.230 At the ‘Be Green’ stage - maximise opportunities for renewable energy by producing, storing and using renewable energy on-site, the renewable technologies feasibility study carried out for the development identified air source heat pumps and roof mounted photovoltaic panels as suitable technologies for the development. The proposal would see the residential portion with a 52.03% reduction, whilst the commercial portion of the scheme would see a 54.91 % reduction in CO2 emissions from the development, producing a site wide reduction of 52.67%.
- 9.231 To achieve ‘zero carbon’ for the development, 50.8 tonnes per annum of regulated CO2, equivalent to 1,502.4 tonnes over 30 years should be offset offsite. At a cost of £95 per tonne of CO2, this equates to a total offset payment

amount of £142,728.00 which could be secured within a legal agreement. Such contributions would be pooled, and ring fenced into a carbon fund, to deliver carbon reduction projects across the borough, in line with Policy DMD54.

- 9.232 The strategy concludes that the proposed development is expected to reduce on-site regulated carbon emissions by 53.62% against a Part L 2013 regulations and thus complies with the 35% reduction required by the London Plan.
- 9.233 Secured alongside an appropriate condition for BREEAM 'Excellent', a condition is recommended to require an update to the Energy and Sustainability Statement to reflect the newer Part L 2021 regulations prior to the commencement of development.
- 9.234 The legal agreement would also need to account for any potential changes required to the total offset payment. In addition, a feasibility assessment would be required for a DEN connection.

Noise and Air Quality

- 9.235 Paragraph 109 of the NPPF in "Section 9: Promoting Sustainable Transport" recognises that development proposals which directly address transport issues and promote sustainable means of travel can have a direct positive benefit on air quality and public health by reducing congestion and emissions.
- 9.236 LP Policy SI 1 sets out the requirements relating to improving air quality.
- 9.237 These Policies require Development Proposals to be at least Air Quality Neutral and use design solutions to prevent or minimise increased exposure to existing air pollution.
- 9.238 Furthermore, The Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance seeks to reduce emissions of dust and specific particulate matter from construction and demolition activities in London.
- 9.239 Enfield Local Plan Core Policy 32 seeks to improve air quality by reducing pollutant emissions and public exposure to pollution while Local Plan Policy DMD 65 requires development to have no adverse impact on air quality and states an ambition that improvements should be sought, where possible
- 9.240 To ensures that adequate protection is provided for future residents by minimising noise impacts, suitable planning condition should be applied to ensure the Council's noise requirements will be met including details of the noise attenuation of the proposed glazing. The whole of London is a low emission zone for non-road mobile machinery and an appropriate condition is also called for to address this.

Contaminated Land

- 9.241 Paragraph 189 of the NPPF in "Section 15: Conserving and enhancing the natural environment" requires planning policies and decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

- 9.242 The development site is in close proximity to industrial land, several of which host current and historical potentially contaminative land uses. As a result, there is the potential for contaminants including heavy metals, petroleum hydrocarbons, fuel oils, phenols, and volatile organic compounds (VOCs) to have leached into underlying shallow soils and groundwater which presents a risk to human health.
- 9.243 The Applicant has submitted a desktop study (Contaminated Land Risk Assessment - CLRA) to provide a qualitative assessment of the risks to current and future occupants and the wider environment from any contamination which might be present on or in close proximity to the development site. The CLRA identified sources of contamination that warrant further investigation; therefore, it is advised that appropriate conditions to mitigate these risks would be required prior to commencement of development. Appropriate conditions would include:
- the recovery of soil and groundwater samples from a site to analyse if contamination is present,
 - a remediation strategy, rendering the site 'fit for purpose'
 - Once the remedial measures set out in the remediation strategy have been met, verification would be required to demonstrate no risk remain

Fire Safety

- 9.244 Policy D12 of the requires developments to be designed to incorporate appropriate features to reduce the risk to life and Policy D5 requires proposals to ensure safe and dignified emergency evacuation for all building users. The Applicant submitted a
- 9.245 A Fire Strategy produced by a BWC Fire Limited, has been submitted as part of the application to satisfy policy D12 of the London Plan.
- 9.246 The statement makes references to means of warning and escape, internal fire spread, external fire spread and access and facilities for the fire service. Policies D5 and D12 of the London Plan refer to specific considerations, which have been considered as part of this document. These include evacuation lifts, building construction method, means of escape, features which reduce the risk to life, access for fire service personnel and equipment and record keeping.
- 9.247 Although the escape strategy departs from the relevant Building Regulations, as it is based on persons leaving a staircase crossing an external terrace and re-entering a different staircase, it would be reasonable for this matter to be secured by way of condition, to the extent that it affects land use planning. This element would still require separate approval from Building Regulations and, if changes were required as a consequence, it would be for the Applicant to subsequently amend the planning permission.

Flood Risk and Drainage

- 9.248 The Flood and Water Management Act 2010 (FWMA) was introduced to address the increasing risk of flooding and water scarcity, which are predicted to increase with climate change. The act sets out requirements for the management of risks in connection with flooding and coastal erosion.
- 9.249 The Environment Agency (EA) have a range of responsibilities:

- Providing flood risk advice to LPAs regarding development proposals in Flood Zones 2 and 3.
- Managing fluvial and coastal flood risk by carrying out works.
- Issuing and operating flood warning systems.
- Facilitating works on or near main rivers, and works affecting watercourses, flood and sea defences and other structures protected by its byelaw by issuing consent.
- Providing advice on development proposals.

- 9.250 All boroughs within London are Unitary Authorities and deliver the Lead Local Flood Authorities (LLFA) role for their respective administrative areas. LLFAs have the lead operational role in managing flood risk from surface water, ordinary watercourses and groundwater sources. The London Borough of Enfield will therefore have the following responsibilities:
- Developing, applying, maintaining and monitoring strategies for local flood risk management, including being involved in the preparation of SFRAs.
 - Preparing and maintaining a Preliminary Flood Risk Assessment, flood hazard maps, flood risk maps and flood risk management plans.
 - Designating structures and features that may have an effect on local flood or coastal erosion risk.
 - Investigating and reporting flood incidents (that reach a certain threshold).
 - Creating policies and guidelines to ensure that flood risk management work is effective.
 - Providing advice on major development proposals with surface water drainage implications
 - Regulation and enforcement of works on ordinary watercourses.
- 9.251 Paragraph 165 of the NPPF in “Section 14: Meeting the challenge of climate change, flooding and coastal change” directs that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
- 9.252 Policy S112 of the London Plan requires developments to ensure flood risk is minimised and mitigated and that residual risk is addressed.
- 9.253 Additionally, London Plan Policy S113 relate to sustainable drainage whereby the preference is to reduce surface water discharge from the site to greenfield run off rates.
- 9.254 Supporting these principles is Enfield Development Management Document Policy DMD 61 which requires a drainage strategy to be produced that demonstrates the use of Sustainable urban drainage systems (SuDS) in line with the London Plan discharge hierarchy. The policy requires the use of SuDS to be maximised with consideration given to their suitability, achieving greenfield run off rates, the SuDS management train and to maximise the opportunity for improved water quality, biodiversity, local amenity and recreation value.
- 9.255 Alongside the above policy, Enfield sets out further advice in its Local Flood Risk Management Strategy which outline strategies for the mitigation of flood risk, management of surface water including the implementation of SuDS on new developments, with allowances for the impact of climate change.

- 9.256 The guidance recommends that the relevant documents are:
- 1) Preliminary Flood Risk Assessment
 - 2) Surface Water Management Plan
 - 3) Strategic Flood Risk Assessment (Levels 1 & 2)
 - 4) Local Flood Risk Management Strategy
 - 5) Sustainable Drainage Design and Evaluation Guide.
- 9.257 Finally, the Construction Industry Research and Information Association (CIRIA) 'The SuDS Manual' 2015 (C753) includes up-to-date research, industry practice and guidance in relation to delivering appropriate SuDS interventions including information on measures to deliver cost-effective multiple benefits relating to technical design, construction and maintenance of SuDS systems.
- 9.258 The number of properties at risk of flooding in Enfield is high compared to most other local authorities. This is mainly due to the geography and layout of Enfield.
- 9.259 Consequently, a wide range of flood defence systems are required to manage flooding and ensure that Enfield's residents and businesses are not faced with unacceptable risks or disruption. These defences include all aspects of the drainage network from simple road gullies to large channelised rivers, floodwalls and flood storage areas.
- 9.260 The most significant sources of flooding in Enfield are main rivers and surface water.
- 9.261 River (fluvial) flooding can be caused by rain falling far away from the location where flooding actually occurs. The rate of onset of flooding depends on the size and nature of the river catchment.
- 9.262 Surface water flooding occurs when intense rainfall generates runoff that overwhelms the drainage system leading to ponding and overland flows. Consequently, surface water flooding can be highly localised, and the onset of flooding is rapid.
- 9.263 Although these flood types are managed separately, it is important to note that they are all inter-related – surface water drains into sewers, sewers and ordinary watercourses flow into main rivers, rivers flow in and out of reservoirs, and so on. Therefore, management of the overall system must account for these various interactions.
- 9.264 The development site is at risk of fluvial flooding during a 1% annual exceedance event (AEP) with a 17% allowance for climate change. Taken from detailed flood modelling completed for the Level 1 Strategic Flood Risk Assessment (2021).
- 9.265 However, the site is at high (highest) risk of surface water flooding, with a chance of flooding of greater than 3.3% each year. This does not automatically preclude development. It simply mandates a more thoughtful, proactive approach toward the design and construction processes. By considering flood risks upfront, developments can be functional but also resilient in the face of potential flood events.
- 9.266 The Applicant has submitted a Flood Risk Assessment which has been reviewed by Enfield Council, as the LLFA.

- 9.267 The submission indicates that underground tanks will be provided underneath the building footprint for flood compensation. Flood water would enter the underground tanks via vertical shafts from ground level, controlled by automatic louvre (mechanical flood barriers).
- 9.268 Above ground green infrastructure SuDS such as swales, rain gardens and wetland features not only provide a sustainable way to provide flood compensation, but also enhance the aesthetic value of surrounding area and could contribute to improving air quality and well-being. Below ground measures, such as underground storage tanks, provide an unsustainable flood storage system only. In this context, the strategy fails to align with the drainage hierarchy in the London Plan which requires above ground systems to be considered first.
- 9.269 Enfield Council considers any asset that has the potential to cause flooding through individual failure to be significant. Therefore, large assets such as underground tanks with mechanical flood barriers are considered to be significant. This method of underground tanks and associated mechanical barriers, its operation and maintenance are at potential risk of failure and is therefore not supported by the LLFA or the EA.
- 9.270 To ensure developments do not increase flood risk elsewhere it is important that flood storage is not reduced on site. Buildings or structures can displace flood waters and increase flood risk to neighbouring sites for both fluvial and surface water flood events. To prevent this, level for level flood compensatory storage must be provided on site for the 1 in 100 year (plus climate change allowance). The volume of flood compensation required will be based on the flood level and footprint of the proposed buildings/structures. This should be calculated from the most recent modelled data and analysed with a detailed topographical survey of the site area. The required compensation has been calculated from incorrect modelled data, as is therefore inadequate. The compensation required, based on the 1 in 100 year (plus climate change allowance) flood level, is significantly greater than estimated. Therefore, the mitigation measures would be highly susceptible to being overwhelmed, leading the building to be highly susceptible to flooding when an event occurs.
- 9.271 The predicted flood level is 15.87m above ordnance datum (AOD), which means the height of the building above the standard mean sea level. The strategy however, having used incorrect modelled data and return periods (estimated average time interval between events of a given magnitude), predicts 15.31mAOD. Therefore, the low floor levels of the building would be highly susceptible to being overwhelmed and flooded when an event occurs.
- 9.272 Given the significant risk, the shortcomings of the strategy are compounded with a 'Flood Evacuation Plan' which fails to demonstrate a suitable "Very Low Hazard Level" evacuation route against the EA's Flood Risk Assessment Guidance for New Development (FD2320).
- 9.273 The development, as a result of the built form and strategy detrimentally reduces flood storage on site and would not provide level for level flood compensation on site.
- 9.274 The strategy indicates an increased discharge rate of 1.5L/s, above the Greenfield runoff rate (The rate of runoff that would occur from a site in its undeveloped - and therefore undisturbed - state) of much less than 1L/s discharge rate. Increased surface water runoff is the main cause of higher flood

risk in urban areas. Consequently, measures that seek to reduce runoff rates, either by enabling more infiltration or providing storage of excess water such as green roofs, permeable paving and rainwater harvesting that mimic natural drainage systems, are the most effective techniques of managing flood risk, but have not been suitably accounted for in this strategy. This would reduce the rate and volume of surface water runoff and therefore the risk of flooding further downstream. Therefore, well-designed SuDS are fundamental to a scheme of this size and susceptibility to flooding.

- 9.275 As a result, the proposal would represent a flood risk for the occupiers of the site and an increased flood risk for its neighbours and this part of Enfield.
- 9.276 Paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
- necessary;
 - relevant to planning;
 - relevant to the development to be permitted;
 - enforceable;
 - precise; and
 - reasonable in all other respects.
- 9.277 Any proposed condition that fails to meet one of the above should not be used. This applies even if the Applicant suggests or agrees to it, or it is suggested by the members of a planning committee or a third party. In addition, conditions which place unjustifiable and disproportionate financial burdens on an Applicant will fail the test of reasonableness.
- 9.278 Where it is justified, the ability to impose conditions requiring submission and approval of further details extends to aspects of the development that are not fully described in the application. Conditions that unnecessarily affect an Applicant's ability to bring a development into use, allow a development to be occupied or otherwise impact on the proper implementation of the planning permission should not be used.
- 9.279 In this instance, the imposition of conditions to provide an appropriate and complaint mitigation strategy requiring the fundamental amendment to the scale, form, location and siting of the structure and site would place unjustifiable and disproportionate financial burdens on the Applicant and thereby unnecessarily affect the Applicant's ability to bring the development into use.
- 9.280 In the absence of an appropriate condition that would meet Paragraph 55 of the NPPF to secure these matters, this becomes a reason for refusal.
- 9.281 The proposed development, in the absence of an adequate flood risk assessment and sustainable drainage strategy, fails to demonstrate how proposed measures manage the risk of flooding and utilise Sustainable Urban Drainage Systems (SuDS) following the drainage hierarchy in the London Plan, contrary to Section 14 of the National Planning Policy Framework (2021), Policies SI 13 of the London Plan (2021), CP21 and CP28 of the Enfield Core Strategy (2010), DMD59, DMD60, DMD61, DMD62 of the Enfield Development Management Document (2014) and the New Enfield Local Plan 2041: Level 1 Strategic Flood Risk Assessment (2021).

Socioeconomics and Health

- 9.282 Government Guidance requires public health to be taken into account in accordance with guidance outlined in the National Planning Policy Framework (NPPF).
- 9.283 Paragraph 91 of the NPPF in “Section 8: Promoting Healthy and Safe Communities” requires planning policies and decisions to aim to achieve healthy, inclusive and safe places and beautiful buildings that ‘promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.’

Health

- 9.284 The London Plan advises in “Policy GG3; Creating a Healthy City” that: “those involved in planning and development must assess the potential impacts of development proposals on the mental and physical health and wellbeing of communities, in order to mitigate any potential negative impacts, maximise potential positive impacts, and help reduce health inequalities, for example through the use of Health Impact Assessments (HIAs)”.
- 9.285 HIAs provide a systematic approach for assessing the potential impacts of development on the social, psychological and physical health of communities. Ensuring issues are considered at an early stage in developing planning proposals can lead to improvements in both the physical and mental health of the population. HIAs are designed to consider whether a development proposal might reinforce health inequalities and inadvertently damage people’s health, or actually have positive health outcomes for the local community.
- 9.286 The Applicant has submitted an HIA to establish a clear and transparent process for screening a development proposal’s possible impacts in key areas:
- Access to healthcare and other social infrastructure: in particular the number of practices such as dentists and GPs within 3km of the proposed development and how many are accepting new patients. Also, the number of social clubs including amateur sporting clubs and associations.
 - Access to open space and nature: the number and size (hectares) of local parks and accessible green spaces within walking distance of the proposed development, including allotments and playing areas for children.
 - Access to education: the number of schools, both primary and secondary within 2km of the proposed development.
 - Health indicators: that health and wellbeing levels at and immediately around the site are quite good compared to London averages. This is an advantage for future residents at the proposed development and needs to be maintained by the development.
 - Crime reduction and community safety: According to the crime statistics, the area is slightly above the Enfield average. The proposed development will incorporate elements to help design out crime.

- 9.1 The assessment indicates that the proposal would have neutral and positive overall impacts on the surrounding area, with the residents of the proposed development expecting the same. The assessment fails to identify three of the GP practices accounted for have since relocated to the Alma Healthcare Centre and many are operating at or close to capacity. It is advised that an estimated financial contribution of £63,700, in accordance with the NHS HUDU Planning Contributions Model, would be needed to mitigate the impact of the development on healthcare, as new residents would require access to primary, community and secondary healthcare services. The financial contribution would be directed towards increasing the capacity of local GP practices.
- 9.287 The financial contribution of £63,700 would be secured via a legal agreement, subject to an updated figure based on population uplift as a result of this development prior to the commencement.
- 9.288 Taking the above into consideration, the development would result in neutral and positive overall positive impacts on the surrounding area, with the residents of the proposed development expecting the same. The proposed development achieves key policy requirements and standards, delivering a scheme which is considered a 'healthy' development that can positively influence health and wellbeing.

Jobs and Employment

- 9.289 LP London Plan CG5 seeks to ensure that the benefits of economic success are shared more equally across London and Policy E11 makes clear that development should support employment, skills development, apprenticeships and other education and training opportunities in both the construction and end-use phases.
- 9.290 Enfield Core Strategy Policy 13 seeks to protect Enfield's employment offer and Core Policy 16 requires mitigation to help local people improve skills and access jobs. The Council's Planning Obligations SPD (2016) sets out guidance on implementing these policies.
- 9.291 To help ensure that Enfield residents are able to take advantage of this beneficial effect of the scheme, it is recommended that employment and skills obligations in accordance with the S106 SPD are secured with the legal agreement.

Education

- 9.292 London Plan Policy S3 seek to ensure there is a sufficient supply of good quality education and childcare facilities to meet demand. Local Plan Core Policy 8 supports and encourages provision of appropriate public and private sector pre-school, school and community learning facilities to meet projected demand across the Borough. The proposed development is estimated, in the absence of Applicant confirmation, to provide for 159 residents, of which approximately 18 are estimated to be 19 or under. The S106 SPD indicates a contribution sum (£2,535) for each place would therefore be required, secured by way of a legal agreement.

Security and Safety

- 9.293 LP Policy D11 Part C states that development should include measures to design out crime. The policy states that these measures should be considered at the start of the design process to ensure they are inclusive and aesthetically integrated into the development and the wider area.
- 9.294 Appropriate conditions are recommended to ensure that Secure by Design accreditation is achieved prior to the occupation of the development.

Waste and Recycling

- 9.295 Paragraph 20 of the NPPF in “Section 3: Plan Making” refers to the importance of waste management and resource efficiency as an environmental objective.
- 9.296 LP SI7 encourages waste minimisation and waste prevention through the reuse of materials and using fewer resources whilst noting that applications referable to the Mayor should seek to promote circular economy outcomes and aim to achieve net zero-waste.
- 9.297 Enfield Core Policy CP22 (Delivering Sustainable Waste Management) of the Core Strategy sets out that in all new developments, the Local Planning Authority will seek to encourage the inclusion of re-used and recycled materials and encourage on-site re-use and recycling of construction, demolition and excavation waste.
- 9.298 The Applicant has submitted a Site Waste Management Plan (SWMP) estimating waste streams generated during demolition, excavation and construction stages of the site works, and set out recommended procedures for the minimisation of construction waste. As this SWMP has been prepared during the concept design stage, the waste volumes set out in this plan constitute estimates, predictions and projections based on design information, as well as industry benchmarks.
- 9.299 It is advised that appropriate conditions accounting for Paragraph 7.50 of the North London Waste Plan (NLWP) be required prior to commencement of development. Appropriate conditions would include procedures for the minimisation of construction waste consistent with the principles of the waste hierarchy: reduce; reuse; recycle; recover.

Public Sector Equalities Duty

- 9.300 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.
- 9.301 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).

- 9.302 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.
- 9.303 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.
- 9.304 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.
- 9.305 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.

Section 106 and Community Infrastructure Levy

- 9.306 Both Enfield CIL and the Mayor of London CIL (MCIL) would be payable on this scheme to support the development of appropriate infrastructure.
- 9.307 Enfield adopted their local CIL Charging Schedule in April 2016. The site falls within the 'Lower Rate Eastern Zone' for Community Infrastructure Levy Residential Zones. As such, for Class C3 residential uses, CIL is charged at £40 per square metre. For retail, financial and professional services including betting shops, restaurants and cafes, drinking establishments and hot food takeaways CIL is charged at £60 per sqm across the borough. All other uses (including offices, industrial, hotels, leisure facilities, community and other uses) have a CIL liability of £0 per square metre.
- 9.308 In the London Borough of Enfield the Mayoral CIL rate is £60, plus indexation, per sqm of net additional floorspace for all development other than developed used wholly or mainly for health and education.

9.309 Credits for demolition and social housing relief can be used to reduce the amount of CIL payable.

9.310 Based on current details of 28,635sqm floorspace, certain scheme assumptions, indexation assumptions and inclusion of relief, the MCIL owed is approximately £1,718,100. The amount of Enfield CIL owed is £1,145,400.

Section 106 Heads of Terms

9.311 The NPPF requires that planning obligations must be:

- 1) Necessary to make the development acceptable in planning terms;
- 2) Directly related to the development; and,
- 3) Fairly and reasonably related in scale and kind to the development.

9.312 Regulation 122 of the CIL Regulations 2010 brought the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests. Section 106 obligations should be used where the identified pressure from a proposed development cannot be dealt with by planning conditions and the infrastructure requirement relates specifically to that particular development and is not covered by CIL.

9.313 Enfield Core Policy 46 seeks to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full costs of facilities required as a consequence of development and to contribute to resolving deficiencies where there would be made worse by the development. The Council’s Planning Obligations SPD (November 2016) provides guidance on, amongst other things, the range and nature of planning obligations that the Council will seek, including details of the formulas used for calculation.

9.314 Additionally, LP Policy S1 refers to social infrastructure and seeks to ensure that the diverse needs of London’s communities are met, including health provision, education, community, play, youth, early years, recreation, sports, faith, criminal justice and emergency facilities.

9.315 Having discussed with the Applicant matters requiring mitigation, a legal agreement would be required and will comprise the following Heads of Terms:

Heads of Terms	Description
Viability Review Mechanisms	<ul style="list-style-type: none"> • An updated viability appraisal with actual costs and values replacing estimated values as the scheme progresses • Early-Stage, Middle-Stage and Late-Stage Viability Review Mechanism • Increase to affordable housing minimum in the case of any surplus identified on early and mid-stage reviews, with a financial contribution calculated where there is a surplus on late review.
Affordable Housing	<ul style="list-style-type: none"> • Subject to viability, provision of Affordable Housing in accordance with affordable housing tenure split affordability

	<ul style="list-style-type: none"> • Enfield Nomination rights
Health	<ul style="list-style-type: none"> • £63,700 contribution for the provision of expanded health services within the vicinity of the development at the point of population uplift
Travel	<ul style="list-style-type: none"> • Travel Plans (residential & non-residential) • Travel Plan monitoring • Parking permit restrictions • £90,000 contribution towards Sustainable Transport • Loading bay financial contribution • CPZ consultation contribution at commencement • CPZ implementation contribution at conclusion of
Energy	<ul style="list-style-type: none"> • £142,728.00 Carbon Offsetting contribution. • Feasibility for connection to District Energy Network. Measures to ensure connection to a district energy network to supply low carbon heat. • Monitoring ('Been Seen') GLA Monitoring Portal. • BREEAM 'Excellent'
Education	<ul style="list-style-type: none"> • £45,630 - education per dwelling (£2,535)
Biodiversity	<ul style="list-style-type: none"> • £3,677 contribution for SAMMs • £32,270 contribution for SANGs • Administration fee
Employment	<ul style="list-style-type: none"> • An Employment and Skills Strategy to establish requirements for local resident engagement in employment opportunities, recruitment of apprentices, reporting and associated targets. – propose 1 apprenticeship for every £3million spend on the build • Request 25% local labour and a minimum of 10% local spend on materials. • scope to work with the developer to discuss employer events, school engagement and other interventions further down the line
Miscellaneous	<ul style="list-style-type: none"> • LBE Management fee (maximum 5% of value of financial contributions). • Payment of legal costs • Index linked contributions

10. Conclusion

- 10.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications must be determined in accordance the development plan unless material considerations indicate otherwise.
- 10.2 The Council has committed to an ambitious house building programme to deliver 3,500 new homes across the Borough over the next 10 years. The overarching aspiration of the programme is to create high-quality homes in well-connected neighbourhoods, to sustain strong and healthy communities. This is captured in the Council's 2020-2030 Housing and Growth Strategy.
- 10.3 For the reasons considered above whilst the Council recognises the merits of the proposal, these have been assessed against the policies of the development plan and other material planning considerations. Officers consider that on balance the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.