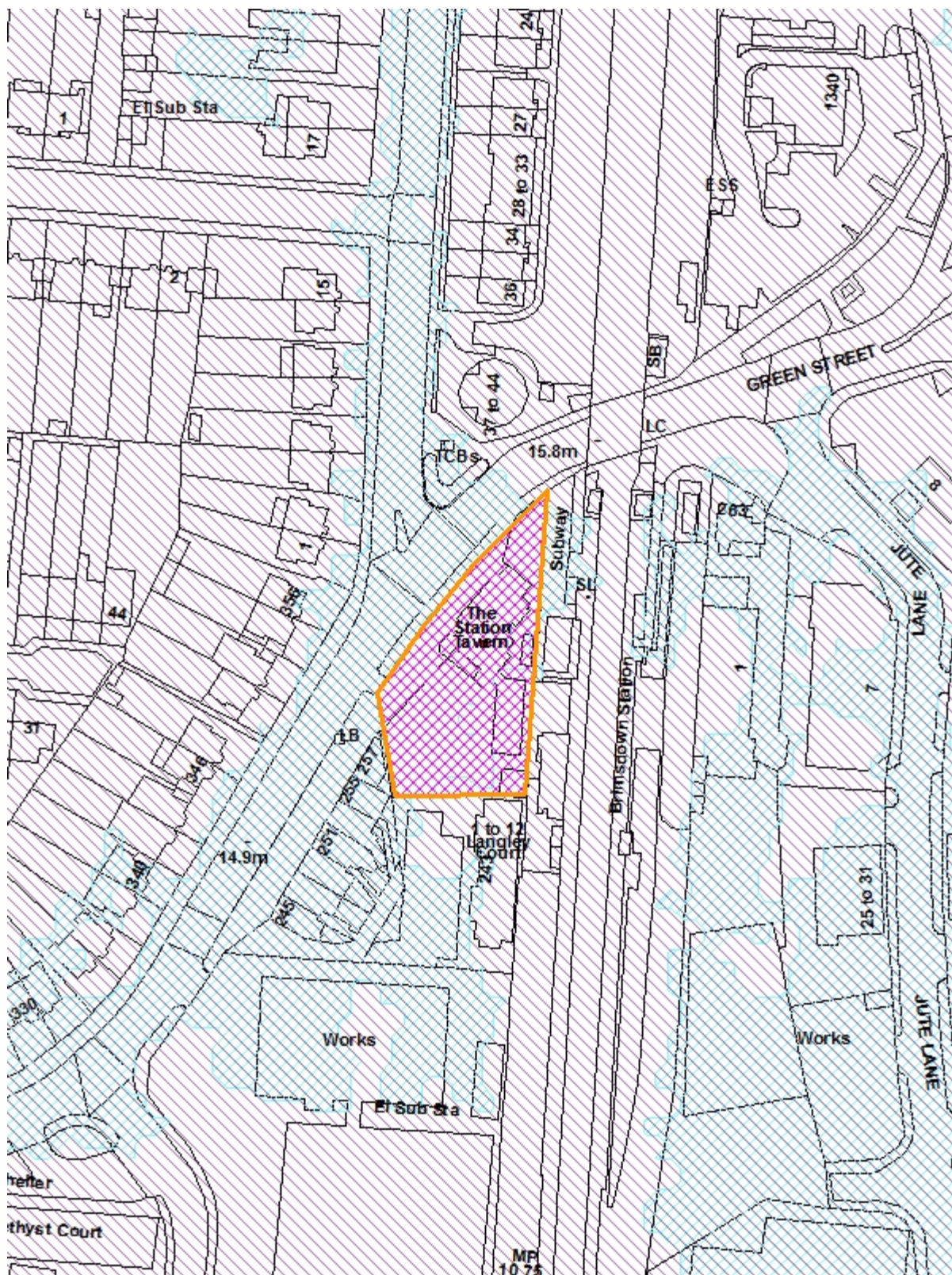


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| PLANNING COMMITTEE | | Date: 19 July 2022 |
| Report of Head of Planning Vincent Lacovara | Contact Officer: Andy Higham David Gittens | Ward: Brimmsdown |
| Ref: 21/01140/FUL | | Category: Full Planning Application |
| LOCATION: Public House, Green Street, Enfield EN3 7SH | | |
| PROPOSAL: Redevelopment of site to provide mixed use residential development involving 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. | | |
| Applicant Name & Address: Mr Tepe | Agent Name & Address: Mr Murat Aydemir Intelliarch Ltd 47 Eversley Park Road London N21 1JJ murat@i-arch.co.uk | |
| RECOMMENDATION: | | |
| <ol style="list-style-type: none"> 1. That planning permission be REFUSED 2. That the Head of Development Management be granted delegated authority to agree the final wording of the reasons for refusal as indicated in the Recommendation section of the report. | | |



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. Recommendation:

- 2.1. The Head of Development Management / the Planning Decisions Manager be authorised to **REFUSE** planning permission for the following reasons:

- 1 No case has been demonstrated to justify the loss of the existing public house, that there is no demand for the existing public house use on the site, that there is no demand for any alternative community use in the premises, nor that a suitable replacement would be provided within the scheme. As such, and having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance, this would not be outweighed by the public benefits of delivering new residential accommodation, including affordable residential accommodation, it would be contrary to Policy HC7 of the London Plan (2021) and policy CL6 and SC2 of the Draft Enfield Local plan (2021)
- 2 The proposal seeks to provide office use in a location that is not a preferred office location without applying the sequential test. As such, and having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance, this would not be outweighed by the public benefits of delivering new residential accommodation, including affordable residential accommodation, it would be contrary to Policy DMD25 of the Enfield Development Management Document (2014).
- 3 The proposed development by reason of its high density, together with its unsympathetic architectural approach, bulk, scale, mass and design, would result in the introduction of an overly intensive building that would constitute the gross overdevelopment of the site. The building would bear no relation to the scale, character and appearance of the locality and would fail to integrate satisfactorily with its surroundings. As such, and having regard to housing

need, the presumption in favour of approving sustainable development and the tilted balance, this would not be outweighed by the public benefits of delivering new residential accommodation, including affordable residential accommodation, it would be contrary to Policies D3 and D4 of the London Plan (2021), CP4 and CP30 of the Enfield Core Strategy (2010) and DMD6, DMD8, DMD10, DMD37 and DMD38 of the Enfield Development Management Document (2014).

- 4 The proposed building, by reason of its excessive height, mass and bulk constitutes an excessively tall and inelegant building that has not been justified in this locational context in its visual, functional, environmental and cumulative impacts. As such, and having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance, this would not be outweighed by the public benefits of delivering new residential accommodation, including affordable residential accommodation, it would be contrary to Policies D3, D4 and D6 of the London Plan (2021), CP4 and CP30 of the Enfield Core Strategy (2010) and DMD6, DMD8, DMD10, DMD37 and DMD38 of the Enfield Development Management Document(2014).

- 5 The proposed development, due to the design of the car park and servicing areas, including the under provision of parking spaces, some parking spaces being inaccessible and the dependence upon a car lift for basement access, together with the intensity and combination of uses, would result in the generation of significant additional traffic and parking pressures on the local and strategic road network such as access points conflicting with vehicles queueing in Green Street and vehicle conflicts in the servicing area with potentially high numbers of delivery vehicles, in an area without a controlled parking zone, adding to existing traffic and parking capacity issues without adequate proposals for mitigation. As such, and having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance, this would not be outweighed by the public benefits of delivering new residential accommodation, including affordable residential accommodation, it would be contrary to Policy T6 of the London Plan (2021) Policy CP23, CP24 and CP30 of the Enfield Core Strategy (2010) and Policy DMD45, DMD47 and DMD48 of the Enfield Development Management Document (2014).

- 6 The proposed development, due to the close proximity of the first floor amenity space and habitable room windows on its south eastern side to the neighbouring 3 storey residential block at Langley Court, 243 Green Street, would establish high levels of inter-visibility between the new block and existing neighbouring residents, giving rise to unacceptable levels of overlooking and loss of privacy. As such, and having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance, this would not be outweighed by the public benefits of delivering new residential accommodation, including affordable residential accommodation, it would be contrary to Policies D4 and D6 of the London Plan (2021), Policies CP4 and CP30 of the Enfield Core Strategy (2010) and Policies DMD8, DMD10, and DMD43 of the Enfield Development Management Document (2014).

- 7 The proposed development due to the inadequate design of the communal amenity spaces on floors 1, 6 and 11 would give rise to high levels of inter-visibility, and potentially access between users of that amenity space and the residents with flats that abut those spaces, resulting in poor security, a lack of privacy and a poor quality living environment for future residents. As such, and having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance, this would not be outweighed by the public benefits of delivering new residential accommodation, including affordable residential accommodation, it would be contrary to Policy D6 of the London Plan (2021), Policy CP30 of the Core Strategy (2010), 3.5, 3.6 of the London Plan (2015), the London Housing SPG and Policy DMD 8 and DMD 9 of the Enfield Development Management Document (2014).

- 8 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).

- 9 In the absence of a legal agreement to secure policy compliant financial and nonfinancial contributions including for affordable housing, health care, employment, skills, training and enterprise, transport matters, public realm

improvements and carbon offsetting contribution, the development fails to mitigate its impact on local services, amenities, infrastructure and environment. This is contrary to the requirement of policy DF1 of the London Plan, Policy CP46 of the Enfield Core Strategy (2010) and the Enfield Section 106 Supplementary Planning Document (2016)

- 9 In the absence of a Fires Strategy the application is contrary to Policy D12 of the London Plan (2021)
- 10 In the absence of an inclusive design statement that demonstrates how the proposals will deliver an inclusive environment, the application is contrary Policy D3 of London Plan (2021), Policy DMD37 and DMD39 of the Enfield Development Management Document (2014) and the Accessible London SPG.
- 11 The proposal is deficient in the provision of on-site children's play space required for the likely child yield of the development contrary to s not compliant with Policy S4 of the London Plan (2021)

3. Executive Summary

- 3.1 This report provides an assessment of the planning application for the redevelopment of this public house site to provide a mixed use residential-led development involving erection of a 21 storey building with double basement, and comprising 100 self-contained flats incorporating some underground parking.
- 3.2 The site is considered brownfield and a sustainable location and, notwithstanding the in-principle issue relating to the loss of a public house on the site, 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.
- 3.3 The application was received following a preapplication process in 2019/2021 that presented a 24 storey tall building that contained 148 flats which was considered to be far too intensive a proposal for this restricted site. The pre-application scheme presented a very high residential density of 3277 habitable rooms per hectare, more than 7 times greater than the end of the range of 450 habitable rooms per hectare anticipated by the previous London Plan in a PTAL2/3 urban location.
- 3.4 The application currently before Members, at 2,391 habitable rooms per hectare and 21 storeys, is also considered to be unacceptably dense, exhibiting tell tale symptoms

of overdevelopment such as excessive height, insufficient amenity space, poor design, inadequate parking and poor servicing arrangements as described in the report.

- 3.5 Whilst offering 40% affordable housing, and seeking to be considered under the GLA's fast track procedure, the applicant has not provided detailed information regarding the tenure of the affordable housing and is therefore not able to be considered under the London Plan's fast track process. However the applicant has not provided a viability assessment which is required to follow the London Plan's alternate viability tested route.
- 3.6 The transport officer has assessed the scheme and, taking into account that the site is not located within a controlled parking zone, and the high proportion of family units proposed, considers the parking provision not to be satisfactory for the number of units and mix of uses and the parking and circulation areas inadequately designed with some parking inaccessible. They also considered that there was potential for vehicle conflicts in the servicing areas with the access points potentially causing issues with vehicles queueing in Green Street and concern was expressed at the proposed reliance on a car lift for access to the parking in the event that the lift could break down at any point.
- 3.7 The many shortcomings of this application are considered to outweigh the public benefits of delivering new residential accommodation and despite having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance, the application is not considered acceptable and accordingly is recommended for refusal.

4. Site and Surroundings:

- 4.1 The site in question forms an irregularly kite-shaped site that measures approximately 1355 square metres, located on the eastern side of Green Street, with its apex adjacent to the level crossing at Brimsdown Railway Station which offers access to rail services on the West Anglia main line. The site is bounded to the east by Brimsdown Station, beyond which lies a large swathe of land designated as Strategic Industrial Land.
- 4.2 To the west of the site, across Green Street lies a row of 2 storey semi detached houses which continue into the west side of Brimsdown Avenue that starts directly

opposite the site. Beyond this to the north and west lies large areas of similarly scaled 2 storey houses.

- 4.3 To the north of the site, at the junction of Green Street and Brimsdown Avenue lies a distinctive 4 storey block of flats with a dodecagon shaped footprint.
- 4.4 To the south east, the site is bound by small 3 storey residential block (that also backs onto the railway) and to the immediate south west lies a 2-storey block comprising of commercial floorspace with residential accommodation above that fronts Green Street. This is the heart of the designated Brimsdown Local Shopping Parade of which the application site forms its northernmost extent. Beyond this to the south and south west the area is generally characterised by 3-4 storey flatted developments of late 20th Century construction with off street parking set to the sides and/or rear.
- .5 The site contains a vacant 2 storey former public house that was last operated as The Station Tavern. The site also has a car park to the rear/south of the main building. There are 2 single storey structures located on the eastern boundary.
- 4.6 All of the housing in the locality, and indeed the subject site also, is characterised by the existing buildings having generous setbacks from the back edge of pavement.
- 4.7 The majority of the site lies within Flood Zone 2 and together with the shops to its south forms the Brimsdown Local Centre. There are no conservation areas nor any statutorily or locally listed buildings on or near the site.

5. Proposal:

- 5.1 Application is made to redevelop site involving demolition of all existing buildings to facilitate the erection of a mixed-use building providing a total of 100 flats (32 x 1 bed 2 person, 12 x 2 bed 4 person , 56 x 3 bed 5/6 person), together with 8 offices, 3 retail units and 2 restaurants all located within a single tower of 21 storeys.
- 5.2 The proposal seeks to accommodate:
- Vehicular and cycle parking:
Basement 1 – 19 vehicular parking and 150 cycle storage spaces.
Basement 2 – 19 vehicular parking and 150 cycle storage spaces.
Ground floor – 4 exterior vehicular parking.
 - Servicing/refuse at ground floor level.
 - Retail at ground/mezzanine level (up to 3 units/973 sq metres);

- Residential:
Floors 1st to 14th – 88 flats/6,979.6 sq metres)
Floors 17th to 18th - penthouses - 12 flats/913.6 sq metres)
- Office use:
Floor 15th - 8 offices/start-ups (362.2 sq metres)
- Restaurants use:
Floor 16th – 2 restaurants (598 sq metres)
- External communal amenity:
First floor 175+40 m² green roof.
Fifth floor 56 m².
Tenth floor 56 m².
Roof floor 535 m².

5.3 The proposed 88 flats on floors 1 to 14 would be equally divided into 56 x 3 bedroom flats and 32 x 1 bedroom flats. The 12 penthouse flats on floors 17th and 18th would be 12 x 2 bedroom flats.

5.4 In residential terms, the tower would be internally divided equally into Block A and Block B with each block having independent vertical circulation and separate lobbies.

6.0 Relevant History:

Planning History

6.1 Whilst there have been a few planning related applications for minor external alterations to the building over the past 60 years, there are none that are relevant to the context of this application to redevelop the site. The pub appears to have been vacant for many years.

Pre-application

6.2 19/03610/PREAPP – Preapplication proposal for the redevelopment of site to provide a 24 storey mixed-use tower with 148 flats, 12, offices, 4 retail units, 2 restaurants and a gym.

6.3 Councils pre-application comments (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.*

7.0 Consultation: 23 object, 18 support, 1 neutral

Public Response

- 7.1 The Council notified some 768 local addresses in respect of the planning application by letter dated 3 June 2021 and a site notice displayed near the site on Green Street on 7 June 2021. The development was also advertised in the Enfield Independent on the 9 June 2021.
- 7.2 At the time of writing the report the application had received 24 objections. The application also received 18 letters of support. One letter was recorded as neutral. The objectors concerns are summarised below:
- Close to adjoining properties
 - Conflict with local plan
 - Development too high
 - Inadequate parking provision

- Increase in traffic
- Increase of pollution
- Loss of light
- Loss of parking
- Loss of privacy
- More open space needed on development
- Noise nuisance
- Not enough info given on application
- Out of keeping with character of area
- Over development
- Inadequate consultation.
- Construction issues/impact from construction.
- Insufficient play-space.
- Inadequate dwelling mix.
- Health & Safety associated to high rise buildings.
- Depression associated to high rise.
- Change of use application.
- Not environmentally friendly.
- High rise promotes Covid transmission.
- No demand for two-bedroom units.
- Affects local ecology.
- Impact on local facilities.

7.3 Comments from the letters of support are summarised below:

- This is a great development project for this area we need to rejuvenate Brimsdown just like the surrounding areas that are currently being developed and improved
- Currently its a run down pub would love to see a new building with new local businesses
- I think new office space will be excellent bring in new jobs and hopefully established businesses into Brimsdown and Enfield
- Currently the site is a run down pub which isn't good for the environment / people. Having a brand new building that provides employment as well as residential opportunities will be much more beneficial for the local area. As this will create new jobs for people which will essentially help the current low employment rate especially with the current pandemic and also low income families to have a home.

- The property location is also great, it's right next to Brimsdown station which has quick access links to key area such as central London, Stratford, Stanstead airport and also other rural areas such as Cambridgeshire, Bishops Stortford & Hertford East.
- I always use the train station in Brimsdown I would love to see new shops opening in that premises as currently its very restricted of what i can purchase from the local shops

Officer response to comments

- 7.4 *The material planning concerns within the letters of response have been taken into account by officers during the consideration of the planning application. Officers also visited the site several times to make assessment of the highlighted concerns. Matters relating to the many impacts of the excessive scale, height and mass of the proposal have been of grave concern for officers.*
- 7.5 *Transport concerns have been raised by many objectors during the consultation period. The transport section of the report provides the position with regard to on-site parking and wider transport implications against adopted policy.*
- 7.6 *It is acknowledged that the site has the potential to accommodate a significant redevelopment that could provide much needed housing, including affordable housing. Regrettably, despite this potential, the proposed affordable housing has not been tenure specified nor viability tested as required under the London Plan policy.*
- 7.7 *The many shortcomings of this application are considered to outweigh the public benefits of delivering new residential accommodation and despite having regard to housing need, the presumption in favour of approving sustainable development and the tilted balance, the application is not considered acceptable and accordingly is recommended for refusal*

Statutory and Non-Statutory Consultees:

- 7.8 Internal Consultations:
- 7.8.1 Traffic & Transportation – Serious concerns regarding several aspects of the proposal. Comments are incorporated in the main body of the report, but in brief summary:

- -Parking provision insufficient for the unit and use class mix.
- -Parking layout only suitable for one-way vehicle movement, and concern over use of the car lift.
- -Short stay parking not accessible.
- -Servicing area could be compromised with vehicle conflicts and potentially high numbers of delivery vehicles.
- -Access points may cause issues with vehicles queuing on Green Street

7.8.2 Sustainable Drainage – Objects to the development as the Flood Risk Assessment does not demonstrate that the development is safe from flooding and will not increase flood risk elsewhere and the proposed SuDS strategy does not meet the requirements of policy DMD61. Further comments are incorporated in the main body of the report.

7.8.3 Planning Policy – Object to the proposal, due to the loss of the C4 use, excessive height of a tall building in this location, inappropriate location of office use and inadequate affordable housing/dwelling mix. Comments are incorporated in the main body of the report.

7.8.4 Environmental Health – No objection subject to planning conditions.

7.8.8 Refuse/Waste – no objection subject to conditions.

7.8.9 Energy – Our operational Decentralised Energy Network (DEN) in the area is only 1.7 km away and with other developments arising in the area, we would be keen to extend to this area.

Their proposal seems to use air source heat pumps with a communal heating system to the residential elements. For the offices they seem to be using electric point of use hot water units and reverse cycle air conditioning units for cooling and heating. It is not clear whether they are using gas boilers or air source heat pumps for the roof mounted Air Handling Units (AHUs) supplying fresh air to the offices. Please request clarification.

They would reduce carbon emissions and ongoing energy costs to customers if they:

1. Connected the development to the DEN instead of using heat pumps
2. Connected the commercial part of the development hot water to the DEN instead of electric point of use hot water units
3. Connect the fresh air AHUs to the DEN instead of either heat pumps or gas boilers.

Even if they cannot be persuaded to connect to the DEN the communal heating system should be designed to the Council's SPD for Technical Specification for Distributed Energy Networks so that it is both efficient and compatible with a DEN connection in the future.

7.9 External Consultees

- 7.9.1 No objection subject to more information regarding drainage proposals and conditions to protect groundwater and water infrastructure
- 7.9.2 Met Police – If the Council is minded to approve, Secured by Design condition should be applied, we request the completion of the relevant Secured by Design application forms at the earliest opportunity.
- 7.9.3 Network Rail – the development is likely to have an impact on the adjoining busy level crossing and therefore recommend that:
- 1 construction traffic does not use the crossing; and,
 - 2 implore that the developer contacts Network Rail to discuss measures to mitigate risk to the level crossing as a result of the development.
- 7.9.4 NHS – Request a primary healthcare s106 financial contribution of £63,700.
- 7.9.5 Environment Agency - We have no objection to the development but remind the Local Planning Authority of the need for a Flood Risk Sequential Test, Flood Risk Standing Advice, and obligations to prevent contamination of groundwater.
- 7.9.6 GLA – The scheme is of a height that is required to be referred to the GLA. The following is a summary of the advice provided by the GLA in respect of the proposal:

London Plan (2021) policies on protecting public houses, opportunity areas, housing, design and residential quality, fire safety, play space, inclusive design, sustainable development, and transport are relevant to this application. Whilst the principle of residential led mixed-use development is supported, a number of strategic concerns are raised, and consequently the application does not accord with London Plan policy. The following could address these deficiencies:

Land use principles: *The site is currently occupied by a public house and further justification is required in relation to the loss of this land use in compliance with London Plan (2021) Policy HC7, before principle of a residential led mixed-use*

development of the site can be confirmed as acceptable. Should an acceptable case be presented for the loss of the public house, the land use proposals for the site can be supported by London Plan (2021) and Enfield Council planning policies.

Affordable housing: The applicant is currently proposing 40% affordable housing which could be eligible for the Fast Track Route as it exceeds the 35% threshold for this site. However, no details have been provided regarding the tenure of affordable housing and as such the application cannot follow the Fast Track Route until this is confirmed to be in compliance with the London Plan. If this information is not provided the application will be required to follow the viability tested route.

Design and residential quality: Significant concerns are raised regarding the height, massing, layout, architectural design and appearance of the building. Whilst emerging development plan policy suggests that a taller building could be appropriate on this site, a building of such significant height appears at odds with local character and requires detailed townscape justification. The overall approach to the building height, massing, layout and elevation treatments is not supported, and require further review and improvement.

Fire Safety: A fire statement prepared by suitably qualified personnel has not been submitted with the application, contrary to Policy D12 of the London Plan. This is unacceptable and should be provided before stage 2 submission. Fire evacuation lifts must be provided in accordance with Policy D5. The final approved fire safety strategy should be secured by condition.

Children's play space: The applicant has not calculated the child yield and play space requirement for the development or set out a play strategy. This aspect of the application is not compliant with Policy S4 of the London Plan and this required information should be provided before stage 2.

Inclusive design: The applicant has not provided an inclusive design statement which demonstrates how the proposals will deliver an inclusive environment that can be safely and easily navigated with dignity by in accordance with Policy D3 of London Plan (2021) and the Accessible London SPG. This aspect of the application is therefore not compliant with the London Plan and the required information should be provided before stage 2.

Sustainable development: Further work is required on the energy strategy, green infrastructure, flood risk and surface water mitigation to confirm compliance with London Plan policy. The applicant should provide a whole life carbon assessment

and Circular Economy statement in accordance with Policy SI 7 of the London Plan (2021).

Transport: Further work is required in relation to healthy streets, cycle and car parking, access and servicing arrangements and agent of change. The construction logistics, delivery and servicing and travel plans should be secured by condition.

7.10 Design Review

7.10.1 The application was presented to and considered by the Enfield Design Review Panel. A full copy of their comments are appended to this report, however they provided the following summary:

The panel expressed serious concerns with a number of aspects of the proposal. In summary:

- *The quantum of accommodation being proposed is too high.*
- *The height of the building is excessive and the bulk is too great for the context, also leading to concerns over microclimate (in particular wind and overshadowing of neighbours and the public realm).*
- *It is doubtful that the proposed uses and their arrangement within the building will be appealing to the market in this location (in particular the high-level restaurant).*
- *There is a poor relationship between the ground floor and public realm (in terms of active frontage, building access locations etc). An accessible ground floor community offer should be considered instead of commercial space at upper floors.*
- *The shared residential and commercial circulation is not supported and will be difficult to manage, as well as introducing issues for resident's quality of life.*
- *The arrangement and location of cycle parking in the basement is inconvenient and likely to discourage use. Provision at ground floor is acceptable and the applicant is encouraged to consider vertical distribution throughout the building.*
- *Single aspect units should be avoided wherever possible. While efforts have been made to introduce dual aspect units, the nature of the solution is unlikely to result in cross-ventilation, which is a primary aim of dual aspect.*
- *The proposed materials are inappropriate, being too many and without a clear justification based on contextual references.*
- *The landscape elements of the proposal should be reviewed to address concerns regarding the accessibility, functionality and distribution of the spaces, ensuring that biodiversity and microclimate are fully considered.*

- *The applicant is advised to revisit the design strategy, starting from the context, identifying opportunities and constraints and delivering a proposal which clearly responds to these.*

8.0 Relevant Policies:

NPPF (Adopted February 2021)

- 8.1 The National Planning Policy Framework sets out at Para 11 a presumption in favour of sustainable development. For decision taking this means:
- “
- (c) approving development proposals that accord with an up-to date development plan without delay; or
 - (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”
- 8.2 the related footnote(8) advises that “This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years.”
- 8.3 The Council’s recent housing delivery has been below its increasing housing targets. This translated into the Council being required to prepare a Housing Action Plan in 2019 and more recently being placed in the “presumption in favour of sustainable development” category by the Government through its Housing Delivery Test.
- 8.4 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.

- 8.5 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.
- 8.6 In 2018, Enfield met 85% of its housing targets delivering 2,003 homes against a target of 2,355 homes over the preceding three years (2015/16, 2016/17, 2017/18). In 2019 Enfield met 77% of the 2,394 homes target for the three-year period delivering 1,839 homes. In 2020 Enfield delivered 56% of the 2,328 homes target. In 2021, Enfield delivered 1777 of the 2650 homes required, a rate of 67%. The consequence of this is that Enfield is within the “presumption in favour of sustainable development” category.
- 8.7 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’.
- 8.8 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 200 requires, in accordance with the development plan unless material considerations indicate otherwise.
- 8.9 Key relevant policy objectives in NPPF (2021) to the site are referred to below,
- Section 5 – Delivering a sufficient supply of homes Para 60 - 77.
 - Section 8 – Promoting Healthy and safe communities, Para 92 & 97
 - Section 9 – Promoting sustainable transport, Para 104-113
 - Section 11 – Making effective use of land Para 119 -125
 - Section 12 – Achieving well-designed places, Para 126-136

London Plan (2021)

8.10 The London Plan (2021) was agreed by the Secretary of State, Published and adopted on the 2nd of March 2021. The London Plan (2021) forms part of the development plan, and is the most up to date part of the development plan. As such it is given significant weight in the determination of planning applications. Pertinent policies in the London Plan (2021) are outlined below:

- GG1: Building Strong and Inclusive Communities
- GG2: Making the best use of land
- GG4: Delivering the Homes Londoners Need
- D3: Optimising site capacity through the design-led approach
- D4: Delivering good design
- D5: Inclusive design
- D6: Housing Quality and Standards
- D7: Accessible Housing
- D9: Tall buildings
- D11: Safety, Security and Resilience to Emergency
- D12: Fire Safety
- D14: Noise
- H1: Increasing Housing Supply:
- H4: Delivering Affordable Housing
- H5: Threshold Approach to Applications
- H6: Affordable Housing Tenure
- H10: Housing Size Mix
- H12: Supported and specialised accommodation
- H13: Specialist older persons housing
- S2: Health and social care facilities
- S4: Play and Informal Recreation
- G5: Urban Greening
- G6: Biodiversity and Access to Nature
- G7: Trees and Woodland
- SI3: Energy infrastructure
- SI4: Managing heat risk
- SI13: Sustainable drainage
- SI5: Water Infrastructure
- SI7: Reducing Waste and Supporting the Circular Economy
- 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

Local Plan – Overview

8.11 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 with the NPPF and the London Plan, it is noted that these documents do in places supersede the Local Plan in terms of some detail and as such the proposal is reviewed against the most relevant and up-to-date policies within the Development Plan.

8.12 Core Strategy (2010)

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

8.13 Development Management Document (2014)

- DMD1: Affordable Housing on sites capable of providing 10 units or more
- DMD3: Providing a Mix of Different Sized Homes
- DMD6: Residential Character
- DMD8: General Standards for New Residential Development
- DMD9: Amenity Space
- DMD10: Distancing
- DMD15: Specialist Housing Needs
- DMD37: Achieving High Quality Design-Led Development
- DMD38: Design Process
- DMD45: Parking Standards
- DMD47: New Roads, Access and Servicing
- DMD48: Transport Assessments
- DMD49: Sustainable Design and Construction Statements
- DMD50: Environmental Assessment Methods
- DMD51: Energy Efficiency Standards
- DMD53: Low and Zero Carbon Technology
- DMD54: Allowable Solutions
- DMD55: Use of Roof Space / Vertical Surfaces
- DMD56: Heating and Cooling
- DMD57: Responsible Sourcing of Materials
- DMD58: Water Efficiency
- DMD61: Managing Surface Water
- DMD65: Air Quality
- DMD66: Land contamination and instability
- DMD68: Noise
- DMD69: Light Pollution
- DMD72: Open Space Provision
- DMD73: Children's Play Space
- DMD78: Nature Conservation
- DMD79: Ecological Enhancements
- DMD80: Trees on Development sites
- DMD81: Landscaping
- DMD83: Development Adjacent to the Green Belt
- DMD Appendix 9 - Road classifications

8.14 Other material Policy documents National Planning Practice Guidance Mayor of London Housing SPG (Adopted March 2016)

Enfield Strategic Housing Market Assessment Update (2015)
 Community Infrastructure Levy Regulations 2010
 LBE S106 SPD (Adopted 2016)
 North East Area Action Plan
 Enfield Climate Action Plan (2020)
 Enfield Housing and Growth Strategy (2020)
 Enfield Intermediate Housing Policy (2020)
 Enfield Biodiversity Action Plan
 Enfield Characterisation Study (2011)
 Enfield Local Heritage List (May 2018)
 Enfield S106 SPD (2016)
 Enfield Decentralised Energy Network Technical Specification SPD (2015)
 Making Enfield: Enfield Heritage Strategy 2019-2024 SPD (2019)
 London Councils: Air Quality and Planning Guidance (2007)
 TfL London Cycle Design Standards (2014)
 GLA: Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)
 GLA: Shaping Neighbourhoods: Character and Context SPG (2014)
 GLA: London Sustainable Design and Construction SPG (2014)
 GLA: Accessible London: Achieving an Inclusive Environment SPG (2014)
 GLA: Social Infrastructure SPG (2015)
 GLA: Housing SPG (2016)
 GLA: Homes for Londoners: Affordable Housing and Viability SPG (2017)
 Mayor's Transport Strategy (2018)
 Healthy Streets for London (2017)
 Manual for Streets 1 & 2, Inclusive Mobility (2005)
 National Design Guide (2019)

Draft Enfield Local Plan (Reg 18) 2021

- 8.15 Enfield Local Plan - Reg 18 Preferred Approach was approved for consultation on E9th June 2021. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for several sites. It is Enfield's emerging Local Plan.
- 8.16 Except where its policies are superseded by the London Plan (2021) or are in conflict with the NPPF (2021), the Local Plan remains the statutory development plan for Enfield until such stage as the replacement plan is adopted. As such applications should still continue to be determined in accordance with the Local Plan. Little weight shall be afforded to the Draft Enfield Local Plan (Reg 18), as per NPPF paragraph 48, however where applicable draft policies shall be addressed.

9.0 Analysis:

- 9.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 seek to establish that planning decisions are taken in accordance with the Development Plan unless material considerations indicate otherwise. Furthermore, paragraph 11 (c) of the National Planning Policy Framework (NPPF) states that development proposals that accord with an up to date development plan should be approved without delay.....unless.....any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.2 This report sets out the analysis of the issues that arise from the proposed development assessed against National, Regional and adopted strategic and Local planning policies.
- 9.3 The Main considerations of the development are the following:-
- Land use - Principle of proposed uses
 - Development design and character
 - Housing need and tenure mix
 - Standard of accommodation
 - Impact on neighbouring amenity
 - Highway and transport implications
 - Sustainable drainage and water infrastructure
 - Landscaping & Biodiversity impacts
 - Sustainability and Climate Change
 - S106 contributions
 - Community infrastructure Levy
 - Other Matters

Principle of development:

Loss of a public house

- 9.4 London Plan (2021) 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. is catering for one or more specific group or community.”

- 9.5 Para 7.7.7 of the London Plan (2021) 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.
- 9.6 Policy DMD17 in the adopted Enfield Development Management Document 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.
- 9.7 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.
- 9.8 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.

- 9.9 In this case the applicant has not submitted any information to justify the loss of the existing public house use, no suitable replacement is proposed and it has not been demonstrated that there is no demand for the existing use or any alternative community use of the premises in the area. In this instance and in the absence of this information, the loss of the existing community use is considered unacceptable and contrary to the above-mentioned policies and presents an in principle objection to the redevelopment of the site. The redevelopment of the site to provide residential accommodation can only be considered by setting aside the in principle objection to the loss of the public house.

Office (B1 use) Development

- 9.10 With respect to office development in this location Policy DMD25 of the adopted Development Management Policies (2014) permits major development being permitted in Enfield Town and the district centres, otherwise the sequential test is applied. This policy position is followed through in Draft Strategic Policy TC2 which also requires application of the sequential test or new offices outside of the preferred areas. As the applicant as not applied the sequential test, the provision of office floorspace within the development has not been justified and would attract a recommendation for refusal on this basis.

Residential use

- 9.11 As brownfield land, the principle of new residential-led redevelopment of the site would contribute towards meeting the strategic housing needs of Greater London and increase the housing stock of Enfield in accordance with the National Planning Policy Framework (NPPF), policy H1 of the London Plan (2021) and Policy CP5 of the Enfield Core Strategy (2010).
- 9.12 In addition, the provision of a mix of commercial uses on a presently unoccupied site to a greater intensity than the employment generating floorspace presently available at the site would also be generally considered acceptable and very positive for the locality.
- 9.13 Para 120 of Chapter 11 of NPPF (2021) Making efficient use of land expects councils to:
- “.....c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate

opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

- 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.”

9.14 London Plan (2021) Policy GG2 (Making the best use of land) builds on para 120 of the NPPF (2021) and seeks to create successful sustainable mixed-use places that make the best use of land. Development must:

- “.....a) enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites.....

- c) proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling;

- d) applying a design-led approach to determine the optimum development capacity of sites “

9.15 The application site is currently unoccupied and has not been intensively optimised. The site offers a potential location for residential accommodation and the proposed 100 residential units could deliver much needed affordable and private housing stock to the borough on a designated brownfield site. Notwithstanding the in-principle objection to the loss of the public house, the residential-led redevelopment of the site could potentially be supported.

9.16 However, the development must also be judged on its full merits, including assessment in relation to material considerations including the loss of the existing public house, the impact of the proposal on the character and appearance of the area and the attainment of appropriate scale, design, amenity and play space, parking provision, residential amenity and privacy, in order to achieve a development that integrates appropriately into its surroundings.

Housing Need and Tenure mix:

Affordable housing provision

- 9.17 Policy H4 (Delivering Affordable Housing) and H5 (Threshold Approach to Applications) of the London Plan (2021) expect provision of on-site affordable housing on all major development. Policy H4 states that:
- “All major development of 10 or more units triggers an affordable housing requirement.....”
- 9.18 Policy H5 (Threshold Approach to Applications) permits a fast track approach subject to major development proposals meeting a minimum threshold level of affordable housing on gross residential development of 35 per cent. To use the fast track route, development must meet the following criteria in addition to the 35%.
- 1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy
 - 2) be consistent with the relevant tenure split (**30% low-cost rent (London Affordable Rent or Social Rent), 30% intermediate products (including London Living Rent and London Shared Ownership), 40% low-cost rented homes or intermediate products determined by the borough based on identified need**)
 - 3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant
- 9.19 The development scheme would provide 40 affordable units representing 40% of the total and although meeting the minimum 35% London Plan (2021) threshold for fast track, **no details have been provided with regard to the tenure mix** and the absence of this information means that the scheme could not follow the GLA’s “fast track” route that allows housing schemes that are referable to the GLA to proceed without viability testing. This position has also been confirmed by the GLA.
- 9.20 Without being eligible for the fast track route the applicant needs to provide a full viability assessment in order to establish whether the proposal is policy compliant. No viability assessment has been provided with the application. In the absence of this information, the proposal is not in compliance with the London Plan (2021) policies and therefore cannot be supported on these terms.
- 9.21 The following table illustrates the proposed mix of residential units with a split of 60 (private) and 40 (affordable housing), which in principle meets the requirements of Policy DMD1.

| Private | | | Social | | |
|-----------|-----------|-------------|-----------|-----------|-------------|
| 1bed 2per | 2bed 4per | 3bed 5/6per | 1bed 2per | 2bed 4per | 3bed 5/6per |
| 17(28%) | 12(20%) | 31(52%) | 15(37.5%) | | 25(62.5%) |

9.22 Enfield policies CP3 and DMD1 (Affordable Housing/ Affordable Housing on sites capable of providing 10 units or more) seek a borough wide affordable housing target of 40% and a split of 70% social rent and affordable rent and 30% intermediate. While limited weight is given to the emerging Draft Enfield Strategic Policy H2: Affordable Housing, the policy seeks future development under part 3 (d), to provide 35% affordable housing on all major housing development. As the tenure mix of the proposed affordable housing on site is presently unspecified the scheme cannot be supported.

Dwelling Mix

9.23 Policy H10 (Housing size mix) of the London Plan (2021) and Policy CP5 of the Core Strategy (2010) seeks to ensure that new developments offer a range of housing sizes to meet housing needs. The development provides 56% family size accommodation reflecting targets in the SHMA and providing, overall, an acceptable mix of dwellings.

| Dwelling size | Number of units | Percentage |
|---------------|-----------------|-------------|
| 1b2p | 32 | 32 |
| 2b4p | 12 | 12 |
| 3b6p | 56 | 56 |
| Total | 100 | 100% |

Development design and character:

9.24 According to Section 12 of the NPPF (2021) the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development. Paragraph 126 confirms that “The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve” and that “Good design is a key aspect of

sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

- 9.25 Paragraph 130 of the NPPF states that “Planning policies and decisions should ensure that developments are, c) visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 9.26 Policy D3 of the London Plan (2021) expects “all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity”.
- 9.27 According to Policy DMD37 (Achieving High Quality and Design-Led Development) of the Enfield Development Management Policies (2014), locally distinctive or historic patterns of development, landscape and culture that make a positive contribution to quality of life and a place’s identity should be reinforced.
- 9.28 The report of the Building Better, Building Beautiful Commission (January 2020) states that planners should be demanding beauty and refusing ugliness. Furthermore, the latest amendments to the NPPF give more and more importance to good quality design, stating that ‘the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.
- 9.29 The proposed building would adjoin the railway tracks of Brimsdown Station, it would be located opposite traditional two-storey semi detached houses and adjacent to a mixed use two storey commercial parade and although there are some purpose-built blocks of flats in the close vicinity, the maximum height in the area is currently is no more than four storeys, none of which are adjoining the site.
- 9.30 Although some significant height may be feasible in the redevelopment of the current application site; given the site context on a highly visible corner and next to and surrounded by much lower buildings, the scale, bulk and mass of the current proposal needs to be considered against the policies related to tall buildings.

Scale (Height and Massing)

- 9.31 Paragraph 130 of the NPPF states that
- “Planning policies and decisions should ensure that developments.....
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting...; and
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit...”
- 9.32 Policy DMD8 (General standards for new residential development) states that development should:
- a) be appropriately located, taking into account the nature of the surrounding area and land uses, access to local amenities, and any proposed mitigation measures; and,
 - b) be of an appropriate scale, bulk and massing.
- 9.33 Paragraph A of London Plan policy D9 “**Tall buildings**” defines a tall building as one that is at least 6 storeys or 18 metres tall. Paragraph B states that tall buildings should only be developed in locations that are identified as suitable in Development Plans.
- 9.34 While limited weight is given to the emerging Draft Enfield Local Plan, the Tall Buildings map contained within the Draft (Figure 7.4) illustrates the ‘Transformative Areas’ where tall buildings might be acceptable. The map indicates that tall buildings to mark the station at Brimsdown would be considered potentially appropriate. Whilst the detailed siting and height should be determined on a case by case basis during discussion with planning and design officers, the maximum height considered appropriate at Brimsdown is 15 storeys. This is based on a rigorous assessment of townscape, character and sustainability of the location for higher density development.
- 9.35 Additionally Brimsdown is located in the designated Upper Lea Valley Opportunity Area which has been earmarked in the London Plan for significant growth.
- 9.36 Paragraph C of London Plan policy D9 details how the Visual Impacts; Functional Impacts; and Environmental Impacts of a proposed tall building all need to be considered in detail and that mitigation measures to counter environmental impacts should be identified and designed into the building as integral features from the outset. Finally it states that the cumulative impacts of proposed,

consented and planned tall buildings in an area must be considered when assessing tall building proposals.



- 9.37 Local Plan Policy DMD 43 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.”
- 9.38 Given the low-rise nature of the immediately surrounding area and the definition in the Local Plan, at 21 storeys, the proposed building can be considered as ‘tall’.
- 9.39 Part 3 of Policy DMD 43 states that in the majority of cases sites meeting more than one of the criteria can be considered an appropriate location for a tall building. Part 4 of DMD 43 then goes on to list 8 essential criteria that tall buildings must meet. Development must:
- A. Provide a landmark signifying a civic function or location/area of importance and interest and/or add to the legibility of the area;
 - B. Provide adequate amenity space for all residential units;

- C. Not have a negative impact on existing important and highly visible structures (including other tall buildings);
- D. Take account of the cumulative impact of tall buildings (including consideration of extant permissions);
- E. Exhibit high standards of sustainable design and construction and architectural quality, the latter to include consideration of scale, form, massing, proportion and silhouette, facing materials, night-time appearance and relationship to other structures with particular attention to the design of the base and top of the building;
- F. Contribute to the physical and visual permeability of the site and wider area, aiding legibility and movement;
- G. Contribute positively to the public realm through the relationship to the surrounding environment and, where appropriate, through the provision of high quality public space;
- H. Not harm the amenity of properties in the vicinity through shadowing and overlooking.

9.40 Of these essential criteria it is considered that the proposal does not meet criteria B, C, D, E, F, G or H.

9.41 With regard to the failure related to criteria B, whilst the proposal would create generous private amenity space for all of its residents there are concerns with regard to the juxtaposition of the communal amenity space with the adjacent residential units on floors how useable some of the communal amenity space will be given its location, and how it abuts with some of the residential units. In addition, the proposed scheme is deficient in child play space and the roof level amenity space appears to be accessible from only one of the proposed 4 lifts.

9.42 With regard to the failure related to criteria C and D the cumulative impacts of tall buildings in this locality has not been robustly assessed by the applicant. The NPPF advises the effect of an application on the significance of non-designated heritage assets should be taken into account in determining applications. The NPPF further advises, 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. The NPPF provides that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

- 9.43 In this case, whilst there are no significant heritage assets in close proximity to the site, the application is not supported by a detailed Visual Impact Assessment of the impact of the proposed building on short, medium and long range views and on the setting of heritage assets and therefore careful consideration of possible harm to these views has not been undertaken.
- 9.44 The applicant has sought to justify its 21 storeys simply with reference to a recent approval at the nearby site at 241 Green Street (regd no 20/01526/FUL) for a new residential development of up to 16 storeys in height.
- 9.45 Although this nearby development, which has not yet been constructed, would be considerably higher than any surrounding buildings, it is noted that the site context is considerably different. Indeed the 241 Green Street development was a design-led scheme that benefitted from two pre-application stages, plus a progressive design review process. This led to an approved scheme that presents buildings of different heights that step up as they move away from the site's front boundary in order to break up the scale and massing of the buildings, whilst adding articulation with neighbouring lower buildings at the pavement edge.
- 9.46 With regard to the failure related to criteria E the design review process has concluded that the proposed scheme is deficient in many areas on a building that would stand out as a significant landmark, including:
- *The poor relationship between the ground floor and public realm (in terms of active frontage, building access locations etc).*
 - *The management of the shared residential and commercial circulation.*
 - *The arrangement and location of cycle parking in the basement.*
 - *The proposed materials are inappropriate, being too many and without a clear justification based on contextual references.*
- 9.47 With regard to the failure related to criteria F and G, as the proposal envisages virtually total site coverage with buildings, there is little space to enable a coherent functioning public realm that relates beneficially to the site's considerable public facing boundaries. The proposed main building entrance is positioned adjacent to the 'semi-open service yard', with a large vehicle entrance fronting on to the street, leading to unwelcome inactive frontage on the primary frontage of the building and potential for conflict with pedestrians and building users. This is confirmed by the design review process which concluded that:

- *There is a poor relationship between the ground floor and public realm (in terms of active frontage, building access locations etc).*

- 9.48 With regard to the failure related to criteria H, whilst the proposed does not appear to give rise to any significant concern in respect of overshadowing, there are significant concerns with regard to inter-visibility/overlooking and loss of privacy between bedroom windows on the south east side of the proposed block and the neighbouring flats at Langley Court, 243 Green Street.
- 9.49 Although some significant height may be feasible in the redevelopment of the current application site; given the site context on a highly visible corner and next to and surrounded by much lower buildings, the scale, bulk and mass of the current proposal is considered to be excessive and inappropriate in this context and by its design would be overbearing upon its immediate neighbours.
- 9.50 It is considered that the proposed tower has been designed to maximise the development of the site without due consideration to surrounding properties. There is generally no recognisable transition or positive relationship between the scale of the proposed building and that of the more modest neighbouring buildings in its surroundings.
- 9.51 The applicant has not sought to justify the placement of this tall building in this locational context by the use of massing studies or townscape/verified view assessment. As such, the scale, bulk and mass demonstrated in this proposal bears no relation to the surrounding context that will have a dramatic visual impact that would be detrimental to the neighbouring properties and general wider locality. The proposal represents a gross overdevelopment of the site and cannot be supported.
- 9.52 Whilst a contemporary design approach is supported in principle, the design of the proposed building does not acknowledge the design of surrounding buildings, resulting in an out of context and poorly designed scheme. Furthermore, the choice of materials bears no resemblance to the surrounding character and should relate better to the buildings established on Green Street, rather than the industrial area.
- 9.53 The number of different uses being proposed on the site is commendable, but this proposal appears to be trying to achieve too much. With the number of different uses being proposed on a site of this size and established in this location, at a junction with the train crossing, demonstrates how hard the building will have to work to be successful.

Quality of accommodation

Internal Space Standards

- 9.41 London Policy D6 sets out the London Plan criteria to ensure the delivery of new housing of an adequate standard. Despite the adoption of the London Plan (2021), the Housing Supplementary Planning Guidance Document (2016) remains an adopted document and a material consideration in decision making. The DMD contains several policies which also aim to ensure the delivery of new housing of an adequate quality, namely Policy DMD8 (General Standards for New Residential Development), DMD9 (Amenity Space) and DMD10 (Distancing)
- 9.42 Policy D6 of the London Plan (2021) and policy DMD8 of the Enfield Development Management Document (2014) set minimum internal space standards for residential development. The Nationally Described Internal Space Standard applies to all residential developments within the Borough and the London Plan Housing SPG adopted in 2016 has been updated to reflect the Nationally Described Space Standards.
- 9.43 The table below illustrates the residential floorspace with the proposed flats. It confirms that the individual flat sizes would comply with the Nationally Described Space Standard.

| Unit Size | Floorspace range | Minimum required | Criteria met? |
|------------------|-------------------------------------|-------------------------|----------------------|
| 1 Bed 2 person | 50m ² – 59m ² | 50m ² | Yes |
| 2 Bed 4 person | 74m ² – 78m ² | 70m ² | Yes |
| 3 Bed 5 person | 89m ² – 97m ² | 86m ² | Yes |

- 9.44 All the proposed flatted units would have a generally well-designed flexible and functional layout with adequately sized rooms and have direct access to private amenity space.

Light, Outlook and Layout

- 9.45 Given that all the residential units are located above atrium level and the fact that the application site is a peninsula with considerable distance to neighbouring

properties, it is considered that the proposed residential units would have a pleasant outlook and open views to the surrounding area.

- 9.46 The development provides a considerable amount of single aspect units, half of which are North/West facing, while the remaining half are facing South/East. This would result in issues relating to lack of cross-ventilation, overheating for the south facing units and limited daylight/sunlight for the ones facing north.
- 9.47 The lack of natural light in the cores is a concern and does not provide positive arrival spaces for each apartment.
- 9.48 It is considered that the internal layout of the scheme would need to be reconsidered to address these points. The detailed internal arrangements of the block are not supported.

Privacy

- 9.49 Within the tower itself, the primary windows of all the habitable rooms of the proposed apartment block would enjoy a satisfactory level of privacy for all the upper levels. The oval footprint of the tower, with windows and private amenity looking outward at considerable distances to surrounding buildings would ensure high levels of privacy for future occupiers.
- 9.50 However it is considered that the privacy could be compromised for the residents of the 1st, 6th and 11th floors. This is because the residential units on these levels would abut the external communal amenity areas situated on these floors. Given that there would be no defensible space between the communal areas and the flats, this would compromise the quality of the amenity for the future residents of these flats.
- 9.52 The inclusion of privacy screens and obscure glazing could potentially reduce any overlooking, but potentially to the detriment of outlook from these flats and their internal levels of light. The security of the residential units on these levels would also be compromised by this conflict.
- 9.53 As such it is considered that the floors where residential units abut communal amenity space need to be completely redesigned. The impact of the poor design upon the security and privacy levels for the future occupiers of these flats would also constitute a reason for refusal.

Impact on neighbouring amenity:

- 9.67 London Plan Policy D6 sets out that buildings should not cause unacceptable harm to residential amenity, including in terms of privacy and overshadowing. 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.
- 9.68 Meanwhile Policy CP30 of the Local Plan seeks to ensure that new developments have appropriate regard to their surroundings, and that they improve the environment in terms of visual and residential amenity. Lastly Enfield Policies 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.
- 9.69 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.
- 9.70 There is significant concern with regard to the impact of the proposed tower and its windows to habitable rooms on its south eastern side from the first floor upwards and their close proximity to habitable room windows at the norther end of the adjacent residential block called Langley Court at 243 Green Street. The levels of inter-visibility at a distance of less than 6 metres would give rise to unacceptable conditions of overlooking and loss of privacy. This distance is closer for the southern extent of 1st floor amenity space that is located on this adjacent boundary.
- 9.71 The applicant has sought to justify the impact of the proposed development in terms of light levels by their submitted Daylight and Sunlight report (Dated 6 November 2021 by Right of Light Consulting) which assesses the impact of the development on the light receivable by the neighbouring properties at 1 to 15 (odd) Brimsdown Avenue, 1, 1a, 7, 8, 20, 22, 25, 31, 40 Jute Lane, 2, 4, 6 Osborne Road, 22 Enstone Road, 241 to 257 (odd), 342 to 356 (even) Green Street, 29, 31, 38, 40, 42, 44 Goldsdown Close, 34, 35, 36, 37 to 44 Stonycroft Close and Brimsdown Station House, Green Street.

- 9.72 The submitted report confirms that a total of 1039 windows were tested, of which, 522 have a requirement for daylight. Of the 522 windows, 47 fall short of the Vertical Sky Component test which equates to a pass percentage of 91%.
- 9.73 The study also undertook a Daylight Distribution test. In this case, a total of 96 rooms were tested, of which 56 have a requirement for daylight. All rooms with a requirement for daylight pass the daylight distribution test with the exception of only 2 rooms, which equates to a pass percentage of 96.4%.
- 9.74 All windows which face within 90 degrees of due south were also tested for direct sunlight. All main habitable windows pass both the total annual sunlight hours test and the winter sunlight hours test, with the exception of 10 windows. **However, it appears that at least 4 of these windows appear to serve bedrooms and therefore would not be required to be tested under the BRE guidelines.**
- 9.75 Furthermore, the submitted Daylight & Sunlight report confirms that surrounding gardens and open spaces were tested and meet the BRE recommendations.
- 9.76 As such, on balance, it is considered that the proposed development would have an acceptable impact in respect of loss of light and overshadowing. However, it is concluded that the proposal would have an unacceptable impact on overlooking and privacy to neighbouring/nearby residents, and adversely affecting their living conditions.

External amenity space

- 9.77 Policy DMD9 provides the standards for the level of private amenity space provision for each unit and is primarily based upon the number of rooms and occupancy level. The standards represent the absolute minimum, although regard must also be given to the character of the area.
- 9.78 Policy DMD9 expects dwelling with access to communal amenity space to provide a minimum of 5m² of private amenity space for 1Bed 2Person flats. The requirements of minimum external amenity increase with the flat size, as shown in the following table.

Table 2.1

| | Dwelling Type | Average private amenity space (across the whole site) | Minimum private amenity space for individual dwellings |
|--|----------------------|--|---|
| A) Dwellings with access to communal amenity space | 1p | N/a | 4sqm |
| | 1b2p | N/a | 5sqm |
| | 2b3p | N/a | 6sqm |
| | 2b4p | N/a | 7sqm |
| | 3b4p | N/a | 7sqm |
| | 3b5p | N/a | 8sqm |
| | 3b6p | N/a | 9sqm |
| | 4b5p | N/a | 8sqm |
| | 4b6p | N/a | 9sqm |

- 9.79 All the proposed flats will benefit from private outdoor amenity spaces by way of Balconies in compliance with the table above, as well as a number of communal gardens, located at 1st, 6th, and 11th floors and at roof level.
- 9.80 There is a balance that often has to be met between the positives of passive and natural surveillance obtained through inter-visibility between communal and private spaces and the negatives of lack of privacy that can impact negatively on the quality of residential accommodation. This could possibly be improved with appropriate boundary treatments (i.e. screens/fences/planters, etc) which would need to be further discussed with officers and, should a solution be found, would need to be secured by a condition.
- 9.81 On balance, whilst it is considered that a reasonable quantity of communal amenity space is provided across the site, there are grave concerns that that which is provided at 1st, 6th, and 11th floors may require a significant re-design in order to ensure that the space would be adequately functional so as not to cause significant conflict due to loss of outlook and loss of privacy for the residential accommodation on these floors, contrary to policy DMD9.

On-site Playspace

- 9.82 Policy S4 (Play and informal recreation) of the London Plan (2021) expects on-site play space to be provided for all major developments and additional guidance is provided in the adopted shaping neighbourhoods: play and informal recreation SPG (2012). Policy S4 sets out core expectations of play space.
- 9.83 Residential developments should incorporate good-quality, accessible play provision for all ages. At least 10 square metres of playspace should be provided per child that:
- provides a stimulating environment
 - can be accessed safely from the street by children and young people independently
 - forms an integral part of the surrounding neighbourhood
 - incorporates trees and/or other forms of greenery
 - is overlooked to enable passive surveillance
 - is not segregated by tenure
- 9.84 Using the GLA population yield calculator a forecast total of 89.1 children are envisaged to be residing within the development between the ages of 1-17. As such, 891 square metres of playspace is required on site meeting the criteria set out above.
- 9.85 In this case, although the applicant has stated that they are providing approximately 535m² of play space, this figure relates to the whole of the external communal external amenity space and not the area specifically designated as playground.
- 9.86 Looking at the submitted drawings only an area of approximately 25 m² has been designated as playground, representing a significant shortfall in the required on-site provision and insufficient to meet the demands of future occupiers.
- 9.87 Furthermore, the area identified as playground is situated on the roof of the proposed tower block and as a result of its location it would fail to comply with several of the requirements of the London Plan Policy S4, as it cannot be accessed safely from the street by children, would not form an integral part of the surrounding neighbourhood and would not be overlooked enabling passive surveillance. Therefore, the location of the playground is not only considered to be insufficient in terms of the quantum proposed but would also be considered to be of poor quality and as such contrary to Policy S4 (Play and informal recreation) of the London Plan (2021).

Accessible units

- 9.88 London Plan Policy D7 requires at least 10% of new dwellings to constitute Building Regulations M4(3) wheelchair user dwellings. No details have been provided with regard to this requirement, however, provided in principle this could be accommodated within the scheme such provision could be secured by conditioned in case of approval. In the circumstances it is not considered to be a reason to warrant refusal.

Sustainable Drainage:

- 9.89 Policy SI 12 of the London Plan (2021) outlines that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 outlines that development proposals should aim to achieve greenfield runoff rates and ensure that surface water run-off is managed as close to its source as possible. It also states there should also be a preference for green over grey features, in line with an outlined drainage hierarchy. Core Strategy Policies CP21, CP28 and CP29 and Development Management Document Policies DMD59 – DMD63.
- 9.90 Policy DMD61 (Managing Surface Water) of the Enfield Development management Policies (2014), state that a Drainage Strategy will be required for all developments to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan. All developments must maximise the use of and where possible, retrofit Sustainable Drainage Systems (SuDS) which meet the relevant requirements in terms of suitability, quantity, quality and functionality.
- 9.91 The applicant has submitted a Drainage Strategy Report (March 2021, prepared by McCloy Consulting) and a Flood Risk Assessment (March 2021) to justify the development against drainage policies. The Council's sustainable drainage officer has reviewed the details and has raised serious concerns in regards to the impact of the proposed development in terms of flooding and concerns with the proposed drainage strategy.
- 9.92 Sustainable drainage colleagues have confirmed that the submitted Flood risk Assessment does not demonstrate that the development is safe from flooding and that it will not increase flood risk elsewhere.
- 9.93 SuDS officers have also confirmed that the proposed SuDS strategy does not meet the requirements of policy DMD61 for the following reasons:

Suitability

- The London Plan Drainage Hierarchy has not been fully followed.
- Source control SuDS measures have not been utilised for all the hardstanding and roof runoff.

Quantity

- A 2L/s discharge rate is not greenfield runoff rate for 1 in 1 year and 1 in 100 year (plus climate change).
- A lower discharge rate can be utilised if source control SuDS measures are utilised extensively across the site.
- The information provided in the drainage strategy is conflicting.
- Information such as the depth of the sub-base for the permeable paving has not been included and therefore it is not clear how greenfield runoff rates will be achieved

Quality

- Source control SuDS measures must be used extensively for the hardstanding and roof areas.
- Only half the roof runoff will drain via a green roof. The developers should aim to provide source control for 100% of the roof and hardstanding areas

Functionality

- A detailed drainage plan including levels and drainage runs has not been provided.
- Cross sections, sizes and specifications of the proposed SuDS features must be provided
- Overland flow routes for exceedance events including spot levels must be submitted
- The Management Plan for future maintenance must be submitted (which includes any flood risk mitigation where necessary)

- 9.94 In lieu of the required information the applicant has failed to adequately provide a comprehensive sustainable drainage strategy to 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. 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).

Highway and transport implications:

- 9.95 London Plan (2021) Policy T1 sets a strategic target of 80% of all trips in London to be by foot, cycle or public transport by 2041 and requires all development to make the most effective use of land. Policy T5 encourages cycling and sets out cycle parking standards. Policies T6 and T6.1 to T6.5 set out car parking standards.
- 9.96 Policy DMD47 seeks new access, new roads and serving to be suitable for pedestrians, cyclists and appropriately sited vehicular access and serving configuration whereby there is no adverse impact on highway safety and the free flow of traffic. Policy DMD47 states that, “New development will only be permitted if the access and road junction which serves the development is appropriately sited and is of an appropriate scale and configuration and there is no adverse impact on highway safety and the free flow of traffic”.

Vehicle Parking

- 9.97 Policy DMD45 seeks to minimise car parking and to promote sustainable transport options. The Council recognises that a flexible and balanced approach needs to be adopted to prevent excessive car parking provision while at the same time recognising that low on-site provision sometimes increases pressure on existing streets.
- Car parking proposals will be considered against the standards set out in the London Plan and:*
- a. The scale and nature of the development*
 - b. The public transport accessibility (PTAL) of the site;*
 - c. Existing parking pressures in the locality;*
 - d. Accessibility to local amenities, and the needs of the future occupants of the developments.*
- 9.98 Policy T6 of the London Plan (2021) states “car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking (‘car-lite’). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy. The policy goes on to state “an absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to

implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets”.

- 9.99 The site is located within an area with a 3 PTAL level in an Outer London designation and therefore car free would not be appropriate. The parking guidelines in Policy T6.1 table 10.3 of the London Plan (2021) supersede the Enfield car parking standards and are only maximum standards. As such an assessment based on the balance between less car derived transport and more sustainable methods, versus the transport needs of future occupiers.

Residential parking provision

- 9.100 Thirty-eight (38) car spaces are proposed for the 100 residential units. Considering the proposed dwelling mix and based on the London Plan Parking Standards, the site should be providing a maximum of 117 parking spaces (see table 1).

| TABLE 1: LONDON PLAN 2021 PARKING STANDARDS | | | | | | | |
|---|-----|--------------------|-----|-----------|-----|-----------|-------|
| | | PTAL DEPENDENT (3) | | TOTAL | | | |
| Unit type | No. | MAX | | MAX RANGE | | Provision | Ratio |
| 1xbed | 32 | 24 | 24 | 117 | 117 | 38 | 0.38 |
| 2xbed | 12 | 9 | 9 | | | | |
| 3xbed | 56 | 84 | 84 | | | | |
| 4xbed | 0 | 0 | 0 | | | | |
| TOTAL | 100 | 117 | 117 | | | | |

- 9.101 The provision of 38 parking spaces is well below the maximum standard of 117 and however it should be noted that the standard is a maximum and provision below this level is often still acceptable, notwithstanding the above, it is considered that the provision of only 38 spaces would not be acceptable, **taking into account the fact the site is not within a CPZ and the high number of 3 x bed units proposed (56).**
- 9.102 **Accordingly, the transport officer has assessed the scheme and considers the parking provision not to be satisfactory and confirmed that the proposed scheme would result in parking overspill and unacceptable on street parking pressures.**

Commercial parking provision

9.103 The proposed scheme also includes 907m² of retail space, 362m² of office space and 365m² of restaurant floorspace. The commercial units will also generate a parking demand, the estimated parking requirement for the proposed commercial uses (Class E) is (as shown in Table 2) 32 spaces.

| TABLE 2: Parking requirement for the Class E uses | | | | |
|---|-----------|------------|--|-----------------|
| Use | Use class | Area (sqm) | LP Parking max requirement (space/sqm) | Max Requirement |
| Commercial space (non-food) | Class E | 907 | 1/50 | 18 |
| Office | Class E | 362 | 1/100 | 7 |
| Restaurant | Class E | 335 | 1/50 | 7 |
| | | | | 32 |

9.104 As such it is considered that the parking provision of four spaces for the proposed commercial uses is insufficient. This was confirmed by the transport officer who also confirmed that this short fall is likely to result in parking overspill and unacceptable on street parking pressures.

Vehicle Parking Layout and access

9.105 The proposed vehicular parking spaces within the car park meets the minimum dimensions required by policy, including the disabled bays. Tracking has been provided to show the bays can be accessed and egressed independently.

9.106 The Council transport officer has expressed concerns that there is only space for one-way movement within the car park, and the lack of waiting bays could cause problems for vehicles accessing and exiting at the car park.

- 9.107 The provision of a car lift is also a concern; in that it could potentially break down and result in no alternative parking apart from on street parking. Car lifts are generally unsupported in development schemes in the borough in line with policy DMD45 which also requires that turntables and car stackers are designed out.
- 9.108 The proposal also includes 4 short-stay spaces at ground floor level, accessed through a new crossover next to the existing level crossing. Transport officers have concerns with regard to the access to those four spaces, as in this location, there could be issues with queues from the level crossing obstructing the access. These concerns were shared by Network Rail.

Servicing

- 9.109 The proposed development provides a service area off street, accessed from the shared access to the basement parking. The off-street service yard is welcomed, although there are some concerns that car park access isn't independent from the yard.
- 9.110 The shared access between the service yard and the access to the car park and car-lift is conflicting and could cause problems and potentially affect the traffic flow. The vehicle movement associated to the residential parking, conflicts with delivery/service vehicles. The total number of service and delivery vehicles could be problematic, as there are the Class E units plus the high number of car free units, therefore more deliveries, all competing for the space.
- 9.111 This arrangement is not acceptable and a reason for refusal due to the impact upon the safety of the public highway.

Cycle storage

- 9.112 The submitted Design & Access Statement confirms that a total of 324 cycle storage spaces, 162 on each basement level. Based on the London Plan standards a total 184 spaces would be required for the residential use and 18 for the commercial uses. As such the proposed 324 spaces would well exceed this requirement.
- 9.113 However, it is noted that none of the proposed cycle spaces are secure and as such do not comply with the policy requirement. Further, the basement location of the cycle storage is neither convenient for future occupiers/users, nor accessible and as such not considered to be acceptable.

Trees, Landscaping & Biodiversity:

Trees

- 9.114 Chapter 12 para 131 of the NPPF adds weight to the need for trees to be provided in visually enhancing locations such as streets. Para 131 states,

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments...”

- 9.115 London Plan Policy G7 states that where development proposals result in the removal of trees, adequate replacement trees should be planted based on the existing value of the trees to be removed. Images of the site suggest there are a number of existing trees on the site, however an analysis of the trees on the site, all of which would be felled in order to facilitate the development, has not been provided as part of the application submission.

Landscape quality

- 9.116 Policy G5 of the London Plan (2021) outlines that major development proposals should contribute to the greening of London by incorporating measures such as high-quality landscaping, green roofs, green walls and nature based sustainable drainage. The policy also recommends an Urban Greening Factor (UGF) target score of 0.4 for developments that are predominantly residential.
- 9.117 The applicant has not provided an UGF calculation in respect of this proposal and the green infrastructure of the proposal has been insufficiently specified and consequently does not contribute to the greening of London as required by Policy G5 of the London Plan (2021). Accordingly this aspect of the proposal cannot be supported.

Ecology impacts

- 9.118 Policy G6 of the London plan (2021) states “development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process”. The applicant has submitted an Ecological Appraisal

that in recognition of the loss of all the trees on site recommends that they are felled outside of the bird breeding season. It also refers to some broad measures of ecological enhancements that could potentially be applied to the scheme, although this is not specific and does not attempt to quantify the Biodiversity Net Gain.

Energy & Carbon emissions:

- 9.119 Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan (2021) expects major development to be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- 1) be lean: use less energy and manage demand during operation
 - 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
 - 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
 - 4) be seen: monitor, verify and report on energy performance.
- 9.120 Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
 - 2) off-site provided that an alternative proposal is identified and delivery is certain.
- 9.121 Should a scheme come forward that could be supported by officers, it is recommended that to optimise the reduction in carbon emissions in order the developer should connect the development to the Council's Decentralised Energy Network which is presently extends to less than 2 kilometres away from the site.

Fire Safety

- 9.122 No fire safety strategy, prepared by suitably qualified consultant, has been submitted with the application, contrary to Policy D12 of the London Plan. Were the planning

application and fire safety strategy considered acceptable, it would have been recommended that the strategy be secured by condition.

10. Community Infrastructure Levy

10.1 As of April 2010, legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow 'charging authorities' in England and Wales to apportion a levy on net additional floorspace for certain types of qualifying development, in order to enable the funding of a wide range of infrastructure that is needed as a result of development.

Mayoral CIL

10.2 The Mayor of London charges CIL in Enfield at the rate of £60 per sqm.

Enfield CIL

10.3 As of 1 April 2016 Enfield has been charging CIL at the rate of £60 per square metre (Lower Rate CIL Zone) index linked from April 2016.

10.4 In this instance the development would be Mayoral and Enfield CIL liable however, as the affordable housing provision (which benefits from CIL relief) has not been resolved it is not possible to calculate the expected liability.

11.0 Public Sector Equalities Duty

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

11.2 The 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 of the planning application. Officers are unable to fully consider

the impacts of the proposal as an Inclusive Design statement has not been submitted with the application. However, it is not considered that the proposal to refuse planning permission for this development would disadvantage people who share any of the different nine protected characteristics compared to those who do not have those characteristics and therefore do not consider there would be a disproportionate equalities effect. Accordingly, the recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

12. Conclusion

Presumption in Favour of Sustainable Development

- 12.1 In the years up to and including 2020, Enfield delivered 56% of its 2,328 homes target. In the monitoring period from 1 April 2020 to 31 March 2021 Enfield delivered 70% of its 1,246 homes target. This means that Enfield has continued to fail to meet central government's Housing Delivery Test as set out in the National Planning Policy Framework 2021. As stated in paragraph 11(d) of the NPPF, the relevant development plan policies should, therefore, be considered out of date and planning permission should be granted unless:
- i the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 12.2 The assessment of this application has been made first against the development plan policies and then against the NPPF and other relevant material considerations in line with s.70(2) of the Town and Country planning Act 1990 (as amended) and s.38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) which require that applications for planning permission are made in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 12.3 The NPPF is a material consideration, not a part of the statutory development plan. As there are policies in the development plan that would otherwise not be out of date were it not for the borough's failure to meet the Housing Delivery Test, any assessment of this type of application requires some assessment of the proposal

against these development plan policies prior to the application of the presumption in favour of sustainable development.

12.4 The above assessment against the development plan policies has produced the following conclusion:

The proposed development would result in the gross overdevelopment of the site, the symptoms of which are:

- The proposed development would be excessively tall and bulky, would bear no relation to the scale, character and appearance of the locality and would fail to integrate satisfactorily with its surroundings and cause unacceptable harm to the townscape of this locality;
- The proposed development would provide inadequate amenity space that would compromise the privacy and outlook of future residents;
- The proposal would provide insufficient child play space, for the children of future residents;
- The proposal would give rise to unacceptable levels of overlooking and lack of privacy for existing nearby residents;
- The proposal would result in congestion on surrounding streets;

12.5 In addition, the proposal does not provide an adequately comprehensive drainage strategy or a Fire Strategy and does not justify the loss of, or make alternative provision for the replacement of, the existing public house.

12.6 Whilst it is clear that the provision of 100 new homes, together with potentially a significant proportion of affordable housing are positive merits of the proposal and would be of considerable public benefit, it is considered that the shortcomings of the scheme, described in detail in the report above would not be outweighed by these benefits.

12.7 For the reasons considered above whilst the Council 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.

13.0 Recommendation

13.1 That, PLANNING PERMISSION BE **REFUSED** for the reasons stated in section 2 of this report.