

<b>PLANNING COMMITTEE</b>		<b>Date:</b> 18 October 2022
<b>Report of</b> Head of Planning Vincent Lacovara	<b>Contact Officer:</b> Gideon Whittingham Andy Higham	<b>Ward:</b> Enfield Highway
<b>Ref:</b> 21/01140/FUL		<b>Category:</b> Full Planning Application
<b>LOCATION:</b> Public House, Green Street, Enfield EN3 7SH		
<b>PROPOSAL:</b> 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.		
<b>Applicant Name &amp; Address:</b> Mr Tepe	<b>Agent Name &amp; Address:</b> Mr Murat Aydemir Intelliarch Ltd 47 Eversley Park Road London N21 1JJ <a href="mailto:murat@i-arch.co.uk">murat@i-arch.co.uk</a>	
<b>RECOMMENDATION:</b>		
<ol style="list-style-type: none"> <li>1. That planning permission be <b>REFUSED</b></li> <li>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.</li> </ol>		



## 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 was reported to Planning Committee on 19<sup>th</sup> July 2022.
- 1.2 At the Planning Committee meeting of 19<sup>th</sup> July 2022, Members resolved to defer the application to enable additional information to be assessed and to allow time for further negotiations with the Applicant on the reasons for refusal identified with a view to exploring how they could be addressed.
- 1.3 Following Planning Committee on 19<sup>th</sup> July 2022, and in accordance with the resolution, officers contacted the Agents outlining the 12 reasons for refusal, the information required to overcome these refusals, a proactive offer for any meetings to discuss these matters and the date by which this information was required, namely 29<sup>th</sup> August 2022. This latter point was so that the report could undergo the necessary assessment and public consultation, prior to returning to Planning Committee on 18<sup>th</sup> October 2022 as requested.
- 1.4 Communications were therefore sent by officers to the applicant on the 26<sup>th</sup> July 2022, and in the absence of any response, a further email on 1<sup>st</sup> August 2022 and again on 5<sup>th</sup> August 2022.
- 1.5 In seeking to address the concerns raised in the officer's communications, information in respect of each reason for refusal was provided by the applicant on 29<sup>th</sup> August 2022.
- 1.6 Between the initial communication, namely 26<sup>th</sup> July 2022, and the date by which the information was required, namely 29<sup>th</sup> August 2022, there was no offer from the applicant to meet to enable a broader discussion on the merits of the proposals
- 1.7 In summary, the following in respect of each reason for refusal was provided, explained in more detail in section 3 below:

- Reasons for refusal 1: Loss of public house
  - Provided a Public House Viability Statement
  
- Reason for refusal 2: Location of offices
  - Provided a Sequential Test Report
  
- Reason for refusal 3: Building/overdevelopment:
  - No change building form/site arrangement/ detailed design – however additional justification to unchanged proposal was provided
  
- Reason for refusal 4: Size, scale, massing of building
  - No change building form/site arrangement/ detailed design – however additional justification to unchanged proposal was provided
  
- Reason for refusal 5: Car park and servicing areas, transport issues
  - Provided a revised Transport Statement including revised layout and associated facilities
  
- Reason for refusal 6: Impact on amenity of Langley Court
  - No change building form – however additional boundary treatment proposed
  
- Reason for refusal 7: Impact on amenity of future residents
  - No change building form/site arrangement/ detailed design – however intention of restricted access provided
  
- Reason for refusal 8: SuDS / FRA
  - Provided a revised Flood Risk Assessment and Drainage Strategy Statement
  
- Reason for refusal 9: Financial contributions
  - Provided a Financial Viability Assessment
  
- Reason for refusal 10: Fire strategy
  - Provided a Fire Statement

- Reason for refusal 11: Inclusive design statement
    - No change building form/site arrangement/ detailed design – however additional Design Statement provided
  
  - Reason for refusal 12: Children’s play space
    - Provided revised play area plans
- 1.8 This addendum report on the proposed development has been updated to reflect the assessment of the additional information and updates to be further assessed.

## **2. RECOMMENDATION:**

- 2.1 The Head of Development Management be authorised to **REFUSE** planning permission for the following (updated) reasons:

1. No adequate 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, it would be contrary to Policy HC7 of the London Plan (2021) and Policy DMD17 of the Enfield Development Management Document (2014).

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, 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, 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, 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, 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 form, scale, massing and close proximity to the neighbouring 3 storey residential block at Langley Court, 243 Green Street, would result in an overbearing impact that would give rise to an excessive unneighbourly sense of enclosure, as perceived from neighbouring properties including Langley Court. 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, 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, 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)

10. In the absence of an adequate Fire Strategy, the application is contrary to Policy D12 of the London Plan (2021).
11. In the absence of an adequate inclusive design statement that demonstrates how the proposals will deliver an inclusive environment, the application is contrary to Policies D3 and D5 of London Plan (2021), Policy DMD37 and DMD39 of the Enfield Development Management Document (2014) and the Accessible London SPG.
12. 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 Policy S4 of the London Plan (2021)
- 2.2 That the Head of Development Management be granted delegated authority to agree the final wording of the reasons for refusal to cover the matters in the Recommendation section of this report.

### **3. CONSULTATION**

#### *Public Response*

- 3.1 The Council re-notified some 768 local addresses in respect of the planning application by letter dated 16th September 2022. The development was also advertised in the Enfield Independent on 14th September 2022.
- 3.2 At the time of writing the report the revised application had received 36 contributors, 8 in support and 28 in objection.
- 3.3 The objectors' concerns are summarised below:
- Development too high
  - Inadequate parking provision
  - Inadequate access
  - Inadequate parking provision
  - Inadequate public transport provisions
  - Information missing from plans
  - 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
- Strain on existing community facilities
- Affect local ecology
- Conflict with local plan
- Development too high
- General dislike of proposal
- Increase in traffic
- Increase of pollution
- Inadequate consultation.

3.4 Comments from the letters of support are summarised below:

- Contributes positively to surroundings
- I work in the area and have seen massive progress in areas around such as Tottenham Hail and it looks amazing and Brimsdown needs to keep up with the times. it would be amazing to see the area get some much needed TLC. i support the scheme whole heartedly and wish to see it be accepted.
- I would be happy to see new shops and housing in the area i work in Brimsdown very long time. very good to see better area
- Have my business in Brimsdown for the past 8 years and i strongly believe this area need to see an update thats pub has been closed and an eyesore since i can remember maybe we can finally have some new commercial units for shops such as costa coffee to move into such as Hertford Road.
- Appropriate scale, height, massing
- High quality design

*Officer response to comments*

3.5 The material planning concerns within the letters of response have been taken into account by officers during the consideration of the planning application. Matters relating to the many impacts of the excessive scale, height and mass of the proposal have been of concern for officers.

- 3.6 Transport concerns have been raised by many objectors during the consultation period. The relevant transport section of the report provides the position with regard to on-site parking and wider transport implications against adopted policy.
- 3.7 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 provision of affordable housing within this scheme has been demonstrated as unviable, as has the scheme coming forward as solely market housing been demonstrated as unviable.
- 3.8 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:*

*Internal Consultations:*

- 3.9 Traffic & Transportation – Objects. Serious concerns regarding several aspects of the proposal. Comments are incorporated in the body of the report
- 3.10 Sustainable Drainage – Objects. Serious concerns regarding several aspects of the proposal. Comments are incorporated in the body of the report
- 3.11 Design – Objects. Serious concerns regarding several aspects of the proposal. Comments are incorporated in the body of the report
- 3.12 Planning Policy – Objects. Serious concerns regarding several aspects of the proposal. Comments are incorporated in the body of the report
- 3.13 Section 106 – Comment provided in respect financial and nonfinancial contributions applicable for a scheme of this nature
- 3.14 Environmental Health – No additional comment provided
- 3.15 Refuse/Waste – No additional comment provided

- 3.16 Energy – No additional comment provided
- 3.17 BNP Paribas - Comments are incorporated in the body of the report
- 3.18 External Consultees
- 3.19 Environment Agency – No additional comment provided
- 3.20 Met Police – No additional comment provided
- 3.21 Network Rail – No comment
- 3.22 NHS – No additional comment provided
- 3.23 GLA – No additional comment provided

#### **4. ASSESSMENT**

4.1 In light of the above, the predominant focus of this addendum assessment will be on matters which have changed significantly since those reported to Planning Committee on 19<sup>th</sup> July 2022. The report for Planning Committee on 19<sup>th</sup> July 2022 provides an overview of the consideration of issues which have not changed in the intervening period, although such matters will also be noted in this report.

#### **4.2 Reasons for refusal 1:- Loss of public house**

4.3 *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)*

- Revised information: Provided a Public House Viability Statement and supporting details
  - Report for Planning Committee on 19<sup>th</sup> July 2022: Loss of a public house cited at paragraphs 9.4 – 9.9
- 4.4 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.
- 4.5 Text supporting Policy DMD17 (3.1.1) states that ‘In some areas of the borough where community service provision is already low this may include public houses.’ DMD17 could be relevant if the case officer is satisfied that community service provision in the area is low.
- 4.6 DMD17 indicates that:  
Proposals involving the loss of community facilities will not be permitted unless:
- a. A suitable replacement facility is provided to cater for the local community that maintains the same level of public provision and accessibility; or
  - b. Evidence is submitted to demonstrate that there is no demand for the existing use or any alternative community use.
- 4.7 The development presented to Planning Committee on 19th July 2022 did not include information to justify the loss of the existing public house use, did not propose any suitable replacement nor did it demonstrate that there is no demand for the existing use or any alternative community use of the premises in the area.
- 4.8 In seeking to address this matter, the applicant provided a Public House Viability Statement, prepared by Discover Residential Ltd, along with a letter from Hawkes Property Group.

- 4.9 In terms of meeting criterion A of DMD17, the applicant states ‘In fact, as part of this scheme two new panoramic restaurants and two new pubs/bars establishments will be implemented.’ However, the application form (section 13) indicates that the entirety of drinking establishment use is proposed to be lost without replacement. In addition, the committee report also indicates that the proposals entail the provision of two restaurants, with no proposals for new/replacement public house floorspace. This is borne out in the submitted drawings. On this basis it is considered that no suitable replacement facility is proposed.
- 4.10 In terms of meeting criterion B of DMD17: Appendix 13 of DMD sets out requirements for demand assessment. Whilst this guidance is focused on employment and retail premises, it provides a clear indication as to the information/analysis required for such appraisals. The material put forward by the applicant consists of a single email (dated 13th August 2022) from Discover Residential Ltd which refers to a 2+ years marketing period, alongside a letter (dated 22nd August 2022) from Hawkes Property Group which does not specify the marketing period. Whilst the associated CAMRA (Campaign for Real Ale) Public House Viability [self] Test provided by the applicant also states the site has been marketed for 2 years, it also presents incongruous information stating the site has however been vacant for 6 years.
- 4.11 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.”*

4.12 Para 7.7.7 of the London Plan (2021) stipulates that “to demonstrate authoritative marketing evidence that there is no realistic prospect of a building being used as a pub in the foreseeable future, boroughs should require proof that all reasonable measures have been taken to market the pub to other potential operators. The pub should have been marketed as a pub for at least 24 months at an agreed price following an independent valuation, and in a condition that allows the property to continue functioning as a pub. The business should have been offered for sale locally and London-wide in appropriate publications and through relevant specialised agents” in order to rule out demand for its existing use or any alternative community use.

4.13 The submission of a single letter and single email are considered unlikely to constitute the ‘authoritative marketing evidence’ required by the London Plan. In this case the applicant has failed to adequately justify the loss of the existing public house use, demonstrate that a suitable replacement is proposed, nor demonstrate that there is no demand for the existing use or any alternative community use of the premises in the area and therefore the scheme cannot be supported on these terms.

4.14 Upon revision, CAMRA were consulted, and any comment provided shall be reported at the meeting.

4.15 To fully encapsulate the revised information, the reason for refusal requires the following amendment:

4.16 No adequate 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, it would be contrary to Policy HC7 of the London Plan (2021) and Policy DMD17 of the Enfield Development Management Document (2014).

4.17 **Reason for refusal 2: Location of offices**

4.18 *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).*

- Revised information: Provided a Sequential Test Report
- Report for Planning Committee on 19<sup>th</sup> July 2022: Office (B1 use) Development cited at paragraph 9.10

4.19 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.

4.20 The development presented to Planning Committee on 19th July 2022 did not include a sequential test.

4.21 In seeking to address this matter, the applicant provided a Sequential Test Report, prepared by Gilmartin Ley Surveyors.

4.22 The bulk of the report comprises a description of the proposed office accommodation, summaries of various planning policies, and a general commentary on the office market in Enfield. Only the second table in the report (titled 'Office developments in the borough / search for possible alternatives') presents an analysis of potential office accommodation.

4.23 The report is not structured according to the requirements of policy, contains much extraneous information, and discussion of 'competitor' locations which are not relevant to the sequential assessment. Whilst NPPF paragraph 88 states that 'Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored', the sequential assessment, as a minimum, needs to assess potentially suitable sites in Enfield Town, Angel Edmonton, Edmonton Green, Southgate, and Palmers Green, and if no suitable sites are found, then move to assessing edge of centre sites. In the absence of such satisfactory information, the scheme cannot be supported on these terms.

4.24 To fully encapsulate the revised information, the reason for refusal requires the following amendment:

*The proposal seeks to provide office use in an inappropriate location without applying the sequential test. As such, it would be contrary to Policy DMD25 of the Enfield Development Management Document (2014).*

4.25 **Reason for refusal 3: Building/overdevelopment**

4.26 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).

- Revised information in respect of Reasons for Refusal 3 & 4: No change building form/site arrangement/ detailed design – however additional justification to unchanged proposal was provided (see below)

#### 4.27 **Reason for refusal 4: Size, scale, massing of building**

4.28 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).

- Revised information in respect of Reasons for Refusal 3 & 4: No change building form/site arrangement/ detailed design – however additional justification to unchanged proposal was provided
- Report for Planning Committee on 19<sup>th</sup> July 2022 in respect of Reasons for Refusal 3 & 4: Development design and character cited at paragraph 9.24 -9.53

4.29 The development presented to Planning Committee on 19th July 2022 was considered not only out of context within the area, but also of poor design, as per the above reasons for refusal Nos.3 & 4.

- 4.30 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.
- 4.31 The applicant failed 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 therefore represents a gross overdevelopment of the site that could not be supported.
- 4.32 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.
- 4.33 In seeking to address this matter, within a supporting summary document, the applicant provides justification for not only the placement of this tall building, but also its scale, form, massing and detailed design. It must be noted however that no substantive changes are proposed to the proposal in these aspects, save for those relating to other reasons for refusal, but rather a justification for these design choices.
- 4.34 In review, the Council's urban design officers sustain an objection.
- 4.35 Fundamental matters have failed to be accounted for, particularly its immediate context, in addition to utilising a design-led approach which would avoid the many tell-tale symptoms of overdevelopment in this case and the need for additional mitigation measures to either secure the quality of the environment, its occupants

and neighbours, or, where these fail, the development simply results in their detriment or low quality.

4.36 In addition, the robust Enfield Place and Design Quality Panel (EPDQP) report produced prior to submission remains wholly unaccounted within this application and again within the revised documents, particularly given that no substantive changes have been proposed and as such not considered to be acceptable.

4.37 To fully encapsulate the revised information, reasons for refusal 3 & 4 require the following amendment:

4.38 *Reasons for Refusal 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, 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).*

4.39 *Reasons for Refusal 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, 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).*

#### 4.40 Reason for refusal 5: Car park and servicing areas, transport issues

4.41 *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).*

- Revised information: Provided a revised Transport Statement including revised layout and associated facilities
- Report for Planning Committee on 19<sup>th</sup> July 2022: Highway and transport implications cited at paragraphs 9.95 – 9.113

4.42 In respect of vehicle parking, the thirty-eight (38) car spaces proposed for the 100 residential units, considering the proposed dwelling mix, is well below the maximum standard of 117 and it is considered that the provision of only 38 spaces would not be acceptable.

4.43 In respect of commercial parking, the commercial units would also generate a parking demand, the estimated parking requirement for the proposed commercial

uses (Class E) is 32 spaces. It is considered that the parking provision of four spaces for the proposed commercial uses is insufficient.

- 4.44 In respect of vehicle parking layout and access, transport officers express 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.
- 4.45 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.
- 4.46 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.
- 4.47 In respect of servicing, the proposed development provides a service area off street, accessed from the shared access to the basement parking. 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.
- 4.48 In respect of cycle parking, the provision of 324 spaces would well exceed the policy requirement, 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.

4.49 In seeking to address this matter, the revised Transport Statement including revised layout and associated facilities indicated the following changes:

- The omission of 4 off street car parking (commercial) spaces at ground floor level – replaced with cycle parking
- Widen the crossover and associated access point to the underground car park
- The replacement of a single 'cork screw car lift' with that of a double car lift
- Introduce a disabled parking bay at ground floor level within the car park
- Replace a service store at basement level with cycle storage
- Relocates parking spaces and add an additional parking space at basement level

4.50 In respect of vehicle parking, the proposal continues to provide thirty-eight (38) car spaces proposed for the 100 residential units and would not be acceptable. Transport officers, in applying census data which shows car ownership in the area as well as the estimate car ownership of the area, have demonstrated in both scenarios, the parking provision is not suitable for the proposed mix of units in this case, and the overspill parking would have negative consequences for existing residents in the local area and put additional stress on the local area. Furthermore, the lack of any parking surveys provided with the application means it is not possible to make a full assessment on the impact of any on street parking.

4.51 In respect of commercial parking, 28 spaces are proposed and would not be acceptable.

4.52 In respect of vehicle parking layout and access, one-way movement within the car park, remains and the lack of waiting bays remains.

- 4.53 The replacement of the single 'cork screw' car lift with that of a double car lift still retains the principle concern of a car lift within this development
- 4.54 The short-stay spaces at ground floor level have now been omitted.
- 4.55 In respect of servicing, shared access between the service yard and the access to the car park and car-lift remains.
- 4.56 In respect of cycle parking, the basement location for the majority of cycle storage is neither convenient for future occupiers/users, nor accessible and as such not considered to be acceptable.
- 4.57 Given the above, the scheme cannot be supported on these terms.
- 4.58 Having been consulted, London Underground Infrastructure Protection (TfL) had no comment. Any comment on the revised information provided by Network Rail shall be reported at the meeting.
- 4.59 To fully encapsulate the revised information, the reason for refusal requires the following amendment:
- 4.60 *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, 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).*

**4.61 Reason for refusal 6: Impact on amenity of Langley Court**

4.62 *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).*

- Revised information: No change building form – however additional boundary treatment proposed
- Report for Planning Committee on 19<sup>th</sup> July 2022: Impact on Neighbouring Amenity cited at paragraphs 9.67 – 9.76

4.63 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.

- 4.64 There is significant concern with regard to the impact of the proposed tower in terms of its sheer scale and proximity, along with 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 northern 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 and the scale and form of the 'podium' and building as a whole would also give rise to unacceptable overbearing conditions. This distance is closer for the southern extent of 1st floor amenity space that is located on this adjacent boundary.
- 4.65 In seeking to address this matter, the submitted documents indicate that the first floor level communal external amenity space located to the east and west would be bound by a 1.8m timber fence, along with a 3.5m bamboo screen, along with potential obscure glazing to windows within the development.
- 4.66 It should be noted that on plan however, these spaces are incorrectly labelled as 'winter gardens', with no details demonstrating these as glazed areas, thermally separated from the interiors and having a drained floor and not considered therefore as such.
- 4.67 In considering the additional boundary treatment, whilst their inclusion could potentially reduce any overlooking, particularly with the occupiers of the adjacent residential block of Langley Court, the associated height, effectively that of another floor level, opaque nature and proximity to the neighbouring facades would itself result in an overbearing impact that would give rise to an excessive unneighbourly sense of enclosure.
- 4.68 In considering obscuring a number of windows within the development, such a proposal would give rise to the diminution in the quality of accommodation proposed, particularly outlook and access to sunlight.

- 4.69 The proposal would therefore compromise the quality of the amenity for the neighbouring residents and be of poor detailed design that further substantiates Reason for Refusal 3.
- 4.70 In terms of the additional boundary treatment and its detailed design, the introduction of such makeshift treatment at this high-level location is a symptom of a poorly designed building for which the form of the building should itself address. Instead, a material with no relationship to that of the building is to be introduced that again exhibits a tell-tale symptom of poor design which represents an incoherent nor holistic approach and therefore cannot be supported on these terms
- 4.71 To fully encapsulate the additional boundary treatment and account for paragraph 9.69 of the report presented Planning Committee on 19<sup>th</sup> July 2022, the reason for refusal requires the following amendment:
- 4.72 *The proposed development, due to the form, scale, massing and close proximity to the neighbouring 3 storey residential block at Langley Court, 243 Green Street, would result in an overbearing impact that would give rise to an excessive unneighbourly sense of enclosure, as perceived from neighbouring properties including Langley Court. 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, 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).*
- 4.73 **Reason for refusal 7: Impact on amenity of future residents**
- 4.74 *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).*

- Revised information: No change building form/site arrangement/ detailed design – however intention of restricted access provided
- Report for Planning Committee on 19<sup>th</sup> July 2022: Privacy cited at paragraphs 9.49 – 9.53

4.75 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.

4.76 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. 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.

4.77 In seeking to address this matter, the submitted documents indicate that the first floor level communal external amenity space to the east and all external communal

amenity spaces at sixth and eleventh floors would be restricted for access by neighbouring apartments or accessible for management and maintenance only.

- 4.78 In first considering restricting these spaces for management and maintenance only, whilst this would remove opportunities to overlook these flats, this, amongst the provision of playspace, which is a sperate requirement, would appear to remove all external communal amenity space forming part of this development, thereby further diminishing the quantity and quality living environment for the future residents, that further substantiates Reason for Refusal 3 and therefore cannot be supported on these terms.
- 4.79 In considering restricting these spaces for neighbouring apartments, whilst this would limit the total number of occupiers within the building capable of overlooking the adjacent flats, in the absence of defensible space between the communal areas and the flats, such a relationship would still afford access from multiple occupiers that would compromise the quality of the amenity for the future residents of these flats and therefore cannot be supported on these terms.
- 4.80 To fully encapsulate the revised information, the reason for refusal requires the following amendment:
- 4.81 *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, 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).*

4.82 **Reason for refusal 8: SuDS / FRA**

4.83 *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).*

- *Revised information:* Provided a revised Flood Risk Assessment and Drainage Strategy Statement
- Report for Planning Committee on 19<sup>th</sup> July 2022: Sustainable Drainage cited at paragraphs 9.89 – 9.94

4.84 The development presented to Planning Committee on 19th July 2022 raised serious concerns in regards to the impact of the proposed development in terms of flooding and with the proposed drainage strategy.

4.85 LLFA officers confirmed the submitted Flood risk Assessment did not demonstrate that the development is safe from flooding and that it would not increase flood risk elsewhere.

4.86 In seeking to address this matter, the applicant provided a revised Flood Risk Assessment and Drainage Strategy Statement, by McCloy consultants.

4.87 In review, LLFA officers sustain their objection on flood risk grounds.

- 4.88 Fundamental matters have failed to be accounted for, particularly likely flood levels during storm events, the associated feasibility of basement levels and, in the absence of adequate levels for level flood compensation, the proposed development would actually increase the flood risk to neighbouring developments.
- 4.89 The revised document also draws upon data sources that are not up to date and it fails to consider flood compensation and flood management through any recognised flood models, it fails to account for the dangers flood risks present in terms of safe evacuation and again fails to adequately provide a comprehensive sustainable drainage strategy and therefore cannot be supported on these terms and Reasons for Refusal 8 remains.
- 4.90 Having been consulted, the Environment Agency raised no objection but that does not contradict the objection raised by Council officers as the LLFA.
- 4.91 **Reason for Refusal 9: Financial contributions**
- 4.92 *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).*
- Revised information: Provided a Financial Viability Assessment
  - Report for Planning Committee on 19<sup>th</sup> July 2022: Affordable housing provision cited at paragraphs 9.17 – 9.23

- 4.93 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:
- 4.94 “All major development of 10 or more units triggers an affordable housing requirement.....”
- 4.95 The development presented to Planning Committee on 19th July 2022 proposed 40 affordable units representing 40% of the total and although meeting the minimum 35% London Plan (2021) threshold to follow the GLA’s “fast track” route that allows housing schemes that are referable to the GLA to proceed without viability testing, the GLA confirmed the application would not be eligible to proceed without testing viability testing.
- 4.96 Without being eligible for the fast track route, the applicant was required to provide a full viability assessment in order to establish whether the proposal is policy compliant. In seeking to address this matter, the applicant has now provided a Financial Viability Assessment, prepared by Savills.
- 4.97 Having been reviewed by the Council’s independent assessor, BNP Paribas, it has been concluded that the scheme with 40% affordable housing generates a deficit of c. £13.71m when benchmarked against a site value of c. £0.08m. Furthermore, a scheme with 100% market housing and therefore no affordable housing as part of this scheme, also generates a deficit of c. £9.34m. The proposal is therefore considered unviable.
- 4.98 The scheme would also be subject to secure policy compliant financial (and nonfinancial) contributions including, CIL, health care, employment, skills, training and enterprise, transport matters, public realm improvements and carbon offsetting contributions as follows:

## Community Infrastructure Levy (CIL)

### *Enfield CIL*

- Residential £120 x deemed net chargeable area
- Non-residential use A1, A2, A3, A4 & A5 £60 x deemed net chargeable area

### *Mayoral CIL*

- £60 x deemed net chargeable area

## Section 106

The proposed scheme is for 100 units, based on the size and scale of this type of development we would normally seek the following standard heads of terms subject to viability;

- Affordable Housing
- Education contribution based on a standard formula of £2535 x number of units (irrespective of housing mix).
- Transport mitigation works / contribution towards local infrastructure projects
- Access to open space and children's play facilities on site or contribution towards improving the quality, quantity or access to existing open space and play facilities.
- Employment and skills plan – apprenticeship placements based on 1 per £1m estimated build cost or alternate Business and Employment Initiative Contribution in the event that it is not possible to employ the number of agreed apprenticeship placements.
- Carbon offsetting price from £60/tonne to £95/tonne.
- S106 monitoring fee (5% of financial contributions)

4.99 It should be noted however, the submitted financial viability assessment not only fails to factor the above contributions within its appraisal, but also demonstrates that the scheme is unviable. Therefore any obligations necessary to reduce the impacts arising from the development, and secure the provision of supporting

infrastructure, such as new schools, health facilities and open spaces cannot be assumed as being provided along with this scheme.

4.100 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 and therefore cannot be supported on these terms and Reasons for Refusal 9 remains.

4.101 **Reason for refusal 10: Fire strategy**

4.102 *In the absence of a Fire Strategy the application is contrary to Policy D12 of the London Plan (2021)*

- Revised information: Provided a Fire Statement
- Report for Planning Committee on 19<sup>th</sup> July 2022: Fire Safety cited at paragraph 9.122

4.103 London Plan Policy D12 outlines that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they follow a set criterion. Part B of the policy outlines that all major development proposals should be submitted with a Fire Statement which is an independent fire strategy, produced by a third party, suitably qualified assessor.

4.104 In this case, the applicant has provided a Fire Statement.

4.105 The building control officer has assessed the details and consider the information to be insufficient. Particular concern is raised in respect of the identified strategies relating to the 'evacuation philosophy', 'escape within the common areas', 'escape within car park areas' and 'elements of structure', whereby the identified areas of

- escape, areas to stay put, smoke ventilation systems proposed, the access routes and the lack of suppression methods (sprinkler systems) in key areas of the building including the car park, are contrary to the relevant guidance and therefore raise significant concern. In addition, the submitted Fire Statement, acknowledging the building height exceeds 50m, fails to provide a required Quantitative Design Review.
- 4.106 In the absence of a suitable fire strategy, the development fails incorporate features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans, contrary to Policy D12 of the London Plan (2021) and therefore cannot be supported on these terms.
- 4.107 To fully encapsulate the revised information, the reason for refusal requires the following amendment:
- 4.108 *In the absence of an adequate Fire Strategy, the application is contrary to Policy D12 of the London Plan (2021).*
- 4.109 Any comment provided by HSE and LFB shall be reported at the meeting.
- 4.110 **Reason for refusal 11: Inclusive design statement**
- 4.111 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.
- 4.112 Revised information: No change building form/site arrangement/ detailed design – however Design Statement provided
- 4.113 *London Plan Policy D5 outlines the creation of inclusive neighbourhoods by embedding inclusive design, and collaborating with local communities in the development of planning policies that affect them. The built environment includes*

*the internal and external parts of buildings, as well as the spaces in between them. Despite recent progress in building a more accessible city, too many Londoners still experience barriers to living independent and dignified lives, due to the way the built environment has been designed and constructed or how it is managed. An inclusive design approach helps to ensure the diverse needs of all Londoners are integrated into Development Plans and proposals from the outset. This is essential to ensuring that the built environment is safe, accessible and convenient, and enables everyone to access the opportunities London has to offer.*

4.114 Development proposal should achieve the highest standards of accessible and inclusive design. They should:

- a) be designed taking into account London's diverse population
- b) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
- c) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
- d) be able to be entered, used and exited safely, easily and with dignity for all
- e) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to

4.115 In this case, the applicant has provided a Design Statement.

4.116 Fundamental matters have failed to be accounted for, particularly in respect of parts a, b, c d and e above. Whilst the document provides an outline justification for the scheme in terms of its form, relationship with the public realm and features within, substantive details which account for and indicate an inclusively designed

scheme are deficient. Officers recognise on plan, elements of the proposal appear to offer level access and accessibility throughout the building, however in the absence of any supporting and substantive information accounting for parts a, b, c d and e above the proposal cannot be supported on these terms.

4.117 To fully encapsulate the revised information however, the reason for refusal requires the following amendment:

4.118 In the absence of an adequate inclusive design statement that demonstrates how the proposals will deliver an inclusive environment, the application is contrary Policies D3 and D5 of London Plan (2021), Policy DMD37 and DMD39 of the Enfield Development Management Document (2014) and the Accessible London SPG.

4.119 **Reason for refusal 12: Children’s play space**

4.120 *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 Policy S4 of the London Plan (2021)*

- Revised information: First and roof plan identifying areas for play space and associated facilities
- Report for Planning Committee on 19<sup>th</sup> July 2022: On-site Playspace cited at paragraphs 9.82 – 9.87

4.121 Policy S4 (Play and inform 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.

- 4.122 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
- 4.123 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, 891m<sup>2</sup> of playspace is required on site meeting the criteria set out above.
- 4.124 In this case, the applicant has provided additional floorplans demonstrating that they are providing approximately 551m<sup>2</sup> of playspace\*, this figure relates to a portion of external amenity space at first floor level and the external amenity space on the roof (19th Floor).
- 4.125 This is an acknowledged discrepancy within the submission however and if all external amenity space (excluding that given as private) were given to play space this would total 862m<sup>2</sup> as indicated on the applicants' schedule.
- 4.126 The area identified as play space at first floor level, by virtue of its proximity to residential units at this floor, along with a lack of defensible space would itself compromise the quality of the amenity for the future residents of these flats. The security of the residential units on these levels would also be compromised by this conflict. The inclusion of privacy screens and obscure glazing could potentially reduce such overlooking, but potentially to the detriment of outlook from these flats and their internal levels of light.

- 4.127 Furthermore, the area identified as playspace situated on the roof of the proposed tower block, by virtue of its location 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.
- 4.128 The proposal (including the relevant revised information), therefore represents a significant shortfall in the required on-site provision and is insufficient to meet the demands of future occupiers, contrary to Policy S4 (Play and informal recreation) of the London Plan (2021).
- 4.129 As a consequence of the changes proposed, the repurposing of all external spaces for the provision of play space would result in the entire loss of communal external space as par to this development and again demonstrates another tell-tale sign of overdevelopment that further substantiates Reason for Refusal 3.
- 4.130 To fully encapsulate the revised information, the reason for refusal requires the following amendment:
- 4.131 *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 Policy S4 of the London Plan (2021)*

## **5. CONCLUSION**

- 5.1 Following Planning Committee on 19<sup>th</sup> July 2022, and in accordance with the resolution, officers have sought to proactively engage with the Applicants / Against to explore how amendments could be made to address the concerns identified and form the reasons for refusal
- 5.2 Unfortunately for the reasons explained above, the updates and additional information received, are not considered sufficient to significant alter the schedule

- 5.3 Officers are also mindful of the Housing Delivery Test and the *Presumption in Favour of Sustainable Development*. 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.
- 5.4 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.
- 5.5 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.
- 5.6 The above assessment against the development plan policies has produced the following conclusion:

*The proposed development would result in the 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 an excessive unneighbourly sense of enclosure for existing nearby residents;*
- *The proposal would result in congestion on surrounding streets;*

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

5.8 Whilst it is clear that the provision of 100 new homes is a positive merit of the proposal and would be of considerable public benefit, the viability tested omission of an affordable housing proportion, in addition to the tested unviability of the scheme generally demonstrates the shortcomings of the scheme, described in detail in the report above that would not be outweighed by this benefit.

5.9 For the reasons considered above whilst the Council recognises the merits of the proposal, these have been assessed against the policies of the development plan and other material planning considerations. Officers consider that on balance the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

## **6. RECOMMENDATION**

6.1 That, PLANNING PERMISSION BE REFUSED for the reasons stated in section 2 of the above report.