



## **1.0 Note to Members**

- 1.1 The planning application is reported to Planning Committee as the applicant is Councillor Mustafa Cetinkaya Hazelbury Ward.

## **2.0 Executive Summary**

- 2.1 The report seeks refusal to a scheme involving vehicular access and associated hardstanding.
- 2.2 The proposed hardstanding and vehicular access has been the subject of two refused planning applications Ref: 16/05229/HOU and 23/03793/HOU. Ref: 16/05229/HOU was dismissed at appeal. There have been no significant changes in policy or site circumstances since the previous refusals.
- 2.3 The proposal would result in increased vehicle movements onto a classified road. Any vehicle would not be able to practically manoeuvre around to exit the site in forward gear. The proposal would result in potential for overhanging of the public highway and increase parking pressure in the vicinity of the site.
- 2.4 The reasons for recommending refusal are:
  - i) adverse impact on highway and pedestrian safety

## **3.0 Recommendation**

- 3.1 That, the Head of Development Management be authorised to Refuse planning permission for the following reason:
  1. The proposed crossover will result in the intensity of vehicle movements, vehicles reversing from or into the Classified Road leading to vehicles stopping, slowing and turning from or onto Bury Street prejudicial to the free flow of traffic on the classified road and to the detriment of road safety, including pedestrians and public transport, as well as resulting in a loss of on-street car parking in an area of high demand. Therefore, the proposal would be contrary to, London Plan Policies LP Policies T1, T2 and T6, Core Strategy (2010) Policies CP24 and CP30, Policy DMD 46 of the Development Management Document (2014), the Council's Technical Footway Guidance (2013) as well as the aims of the NPPF (2023) which seeks to create places that are safe and minimise the scope for conflicts between pedestrians, cyclists and vehicles.

#### **4.0 Site and Surroundings**

- 4.1 The application site is located on Bury Street, which is characterised by a mixture of semi-detached and terraced housing which are set back from the road. A number of properties have created parking areas within their front garden but on street parking remains high. The application property frontage is currently enclosed by a wall, partial paving and some planting. These would be removed to create a vehicle crossover.
- 4.2 Bury Street is a classified road which forms part of the highway hierarchy. Traffic accessing or exiting the A10 (A road) flows directly onto Bury Street and there is a constant high level of traffic volume. Road conditions are such that traffic calming measures have been put in place.
- 4.3 The application site sits on a section of Bury Street which curves to the right. This is also in close proximity to the junction with Warren Close as seen in the image below.



#### **5.0 Proposal**

- 5.1 The proposal is for vehicle access off Bury Street and associated hardstanding.
- 5.2 The proposed crossover has a width of 3 metres to access a hardstanding area which is approximately 5.4m wide and 4m deep. The hardstanding is proposed in a herringbone design with brick pavers. Two ground drainage gullies are proposed.

#### **6.0 Relevant Planning History**

- 6.1 197 Bury Street, planning reference 16/05229/HOU - Vehicle crossover – Refused 09/03/2017– Appeal APP/Q5300/D/17/3177562 – Dismissed 16/05/2019.
- 6.2 197 Bury Street, planning reference 23/03793/HOU - Vehicular access and new hardstanding – Refused 19/02/2024.

## 7.0 Consultation

### *Public Response*

7.1 Consultation letters were sent to eight neighbouring properties. Two comments objecting were received relating to the points below.

- Loss of on street car parking
- Overhanging public highway
- Blocking access to side alley

### *External Consultees:*

7.2 Traffic and Transportation

Objection received – Traffic and Transportation object to new access onto a classified road – additional opening increases the likelihood of road dangers for all users.

## 8.0 Relevant Policies

8.1 London Plan (2021)

Policy D4	Delivering good design
Policy S12	Flood Risk Management
Policy S13	Sustainable Drainage
Policy T5	Cycling
Policy T6	Car Parking

8.2 Core Strategy (2010)

CP24	The Road Network
CP25	Pedestrians And Cyclists
CP28	Managing Flood Risk Through Development
CP29	Flood Management Infrastructure
CP30	Maintaining and improving the quality of the built and open environment

8.3 Development Management Document (2014)

DMD 37	Achieving high quality and design-led development
DMD 45	Parking Standards and Layout
DMD 46	Vehicle Crossover and Dropped Kerbs
DMD 49	Sustainable Design and Construction Statements
DMD 59	Avoiding and Reducing Flood Risk

8.4 Other relevant policy and guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Council's Technical Footway Guidance 2013

## Enfield Draft New Local Plan and Draft Proposals Map

- 8.5 The New Enfield Local Plan (ELP) was published at Regulation 19 Stage between 28 March and 28 May 2024. The Enfield Local Plan is at an advanced stage of preparation and is considered by the Council to be sound and will not be modified significantly prior to examination.
- 8.6 The NPPF Paragraph 48 states that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the London Plan and the NPPF. As the emerging Local Plan progresses through the plan-making process, the draft policies within it will gain increasing weight. At this stage, it has relatively little weight in the decision-making process.
- 8.7 The New Enfield Local Plan 2019-2041 (ELP) was submitted to the Secretary of State for examination on 6 August 2024. Inspector S Lee BA(Hons) MA MRTPI has been appointed to hold an independent examination of the Enfield Local Plan, with hearing sessions expected in early 2025. It is possible that more than limited weight could be given to a policy or group of policies if it were clear (i) that they are consistent with the NPPF and (ii) that there is no objection to them (in relation to the parts of the policies relevant for the decision).
- 9.7.1 However, if there are substantial objections to any policy then it would be unlikely that the Council could justify giving it more than limited weight.
- 9.7.2 Key emerging policies from the plan are listed below:

T2 – A Healthy Connected Enfield

## **9 Assessment**

- 9.1 The main issues arising from this proposal for Members to consider are:
- Relevant Planning History
  - Highway and pedestrian safety
  - Impact on Neighbouring Amenity
  - Character and Appearance
  - Sustainable Urban Drainage
  - Community Infrastructure Levy

### Relevant Planning History

- 9.2 The application is a resubmission of two previous refusals (16/05229/HOU) refused 9<sup>th</sup> March 2017 which was later dismissed on appeal on 15<sup>th</sup> September 2017. More recently application (23/03793/HOU) refused on 19<sup>th</sup> January 2024. Both were refused on highway and pedestrian safety grounds.
- 9.3 The previous Inspector found harm in relation to the inability to leave the site in forward gear, the site falling below 4.8m depth to prevent overhang when a car is parked, a crossover would exacerbate existing parking pressures and

additional hazards in relation to the site's location close to a bus stop and in close proximity to a junction with Warren Street.

- 9.3 Overall, the Inspector concluded, '*a vehicle crossover at this particular location would result in an adverse impact on highway safety. The proposal would not comply with the criteria required by the Council regarding vehicle crossovers set out in their policies and would therefore be contrary to the London Borough of Enfield's 2014 Development Management Document Policy DMD46, Core Strategy Policies 24 and 30 of The Enfield Plan: Core Strategy 2010-2025 and the Technical Footway Guidance 2013 which amongst other things seek to safeguard highway safety for all users and ensure traffic flow is maintained.*'
- 9.4 There have been no significant changes in policy or site circumstances and the Local Authorities and Inspectors decision remains relevant in this case. These decisions, notably the Inspectors decision (APP/Q5300/D/17/3177562) are a significant material consideration in the assessment of the current proposal.

#### Highway and pedestrian safety

- 9.5 Bury Street is a road that forms part of the highway hierarchy of classified roads. Traffic accessing or exiting the A10 flows directly along Bury Street with a constant volume of traffic. Road conditions are such that there is a traffic calming scheme on Bury Street near to the application site.
- 9.6 Policy DMD 46 sets out criteria for vehicle crossovers and dropped kerbs. It states that planning permission for new access onto 'A' roads and other busy classified roads will not normally be permitted.
- 9.7 The policy further sets out criteria where vehicle crossovers and dropped kerbs that allow for off-street parking and access onto roads will be permitted. These include where there is no adverse impact on road safety; there is no adverse impact on the free flow and safety of traffic on the adjoining highway and in particular on the effective movement of bus services; vehicles can enter / and exit the crossover in forward gear; and it has been shown that there is no alternative opportunities for safe access to the property (for example to the rear or side).
- 9.8 Bury Street is a classified road with a high volume of traffic at all times of the day. The application site is located on the section of Bury Street where it curves to the right and is also in close proximity to the junction with Warren Crescent and bus stop close to the same junction.
- 9.9 The application site is constrained and a vehicle using the proposed hardstanding parking area would not practically be able to manoeuvre to enter or exit the site in forward gear. Any vehicle using the parking space would have to reverse from or out onto the busy carriageway between parked cars with oncoming traffic including buses accessing the bus stop nearby. Due to these conditions, manoeuvring a vehicle would be hazardous to

vehicles along the road and users of the highway. This is also likely to result in obstructing traffic so there would be an adverse impact on the effective movement of traffic including bus services.

- 9.10 The application site also falls below the 4.8m depth recommended in Technical Footway Guidance and prevent overhanging which would result in restricting the highway or creating a pedestrian hazard. There could perhaps be times that parking onsite could be achieved without overhanging the highway, by a smaller vehicle, but the crossover would have to be suitable for all occupiers and all vehicles if it were to be permitted and this would not be the case due of the site constraints.
- 9.11 There would also be an unacceptable loss of on street car parking. Vehicles park on both sides of the street on Bury Street and a number of houses do not have parking other than on the street, resulting in parking pressures. A further crossover would exacerbate that situation and would add to on street car parking pressure in an area already experiencing high demand for on street parking.
- 9.12 Whilst it is acknowledged that there are other existing crossovers in Bury Street which appear to be historic. There are particular concerns about the location of this crossover due to the location of the site being on a bend close to a bus stop and in close proximity to the junction with Warren Crescent. These factors are additional hazards that would increase the likelihood of conflict with other highway users and problems with highway safety at this location and further weigh against the development.
- 9.13 Overall, taking the above matters together, a vehicle crossover at this particular location would result in an adverse impact on highway safety. The proposal would not comply with the criteria set out in policies and would therefore be contrary to the Development Management Document (2014) Policy DMD46, Core Strategy (2010) Policies 24 and 30 and the Technical Footway Guidance 2013 and NPPF (2023) which amongst other things seek to safeguard highway safety for all users and ensure traffic flow is maintained.

#### Impact on Neighbouring Amenity

- 9.14 The vehicular access would be used in conjunction with the existing dwelling house and there would be no adverse impact on adjoining neighbouring amenity in terms of loss of light, outlook, increased sense of enclosure or noise.
- 9.15 The proposal would not have a harmful effect on the living conditions of the adjoining occupiers. As such the proposal is in accordance with Policy D3 of the London Plan and Policy DMD8 of the DMD which requires that new development preserves amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance.

#### Character and appearance

- 9.16 There are areas of other hardstanding's in front of the dwellings, dropped kerbs and vehicle crossovers to Bury Street. The proposal in this regard is considered to have a neutral impact to the character and appearance of the dwelling and wider area.
- 9.17 As such the proposal would not have a harmful effect on the character and appearance of the area. As such the proposal is in accordance with Policy D3 of the London Plan and Policies DMD8 and DMD37 of the DMD.

#### Sustainable Urban Drainage

- 9.16 Further details on hard surfacing and drainage is required to minimise flood risk and appropriately manage surface water run-off and to ensure water runoff from the property does not flow onto or over the public footway and prejudice condition of highway safety. Had the proposal been acceptable this could have been secured by a suitably worded condition.

#### 10.0 Community Infrastructure Levy

- 10.1 The development would not be liable for either the Enfield or Mayoral CIL.

#### 11.0 Public Sector Equality 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.
- 11.2 It is acknowledged parking may provide more convenient access for residents. However given the information as part of the proposal, this would not override the unacceptable harm to highway safety that would result from the proposal. Accordingly, these matters have not altered the overall conclusion and the recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

## **12. Conclusion**

- 12.1 The Local Planning Authority raises no objection to the proposal in terms of effects of living conditions of nearby occupiers, character and appearance of the area or sustainable drainage. The absence of harm in these regards counts neither for, nor against the proposal.
- 12.2 A vehicle crossover at this particular location would result in an adverse impact on highway safety. The proposal would not comply with the criteria set out in policies and would therefore be contrary to the Development Management Document (2014) Policy DMD46, Core Strategy (2010) Policies 24 and 30 and the Technical Footway Guidance 2013 and the aims of the NPPF (2023) which amongst other things seek to safeguard highway safety for all users and ensure traffic flow is maintained.