

PLANNING COMMITTEE

05 January 2021

REPORT OF:

Head of Planning - Vincent Lacovara

Subject:

Planning Committee 5th January 2021

Update for Members

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Update to Planning Committee

Ahead of Tuesday's Planning Committee meeting, please note the following updates to the Committee report which will be of assistance to Members in your assessment of the proposals.

Agenda Item: 5

20/01049/FUL and 20/01188/LBC – Car Park Adjacent to Arnos Grove Station, Bowes Road, London, N11 1AN

1. Updates

1.1. Officer responses are provided below in respect of points raised in the following representations, received following / during completion of the final report pack:

1.1.1. **2 x further representations from Cockfosters Local Area Residents Association objecting:** 24 December 2020 and 18 December (*summary of previous objections set out at 6.37 of the Main Report*);

1.1.2. **1 x further representation from Enfield Town Residents Association objecting:** 24 December 2020 (*summary of previous objections set out at 6.41 of the Main Report*).

| Cockfosters Local Area Residents Association (18.12.2020) | |
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| Summary of Objection | Officer Response |
| Equality Act 2010 and the Public Sector Equality Duty Due Regard Under the Act | |
| 2. Both TfL and the Council are subject to the Public Sector Equality Duty (PSED) imposed by s.149. This requires public sector authorities to have 'due regard' to the need to 'advance equality of opportunity' between persons who share a relevant protected characteristic and persons who do not share it. | Section 8.20 of the 05.01.21 Planning Committee Report (Agenda Item 5) sets out how 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. |

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| <p>3.</p> | <p>‘Due regard’ is a positive duty. This means that ‘due regard’ must be at the heart of the decision-making process and information must be actively sought before coming to a decision, for example by consulting with effected parties.</p> | <p>Section 8.20 of the 05.01.21 Planning Committee Report (Agenda Item 5), and other sections throughout the report (including Paragraphs 1.14, 1.15, 6.5, 8.6.1 – 8.6.3, 8.7.13, 8.10.35, 8.10.36 and 8.10.55) explain how the Officers have taken the Equality Act (2010) into account in the processing of applications 20/01049/FUL and 20/01188/LBC and preparation of the Planning Committee Report.</p> <p>Officers are satisfied the assessment and submitted material has considered these issues.</p> <p>Matters considered include proposed: taxi drop-off; general drop-off; blue badge parking (public re-provision and residential provision); public cycle parking (re-provision and enhancement); loss of public non-blue badge parking car spaces; public realm design; impacts on traffic; bus interchange; affordable housing; accessible and family housing; and inclusivity.</p> <p>Officers have considered the Applicant’s survey details – which indicate most existing car park users live within walking distance from a station or 640m away from a bus stop serving Arnos Grove station (‘walking distance’) – providing alternative options for access to Transport for London’s Underground services, central London and other destinations.</p> |
| <p>4.</p> | <p>It appears that no such consultation has been undertaken by either Officers or the Applicant.</p> | <p>Relevant information, material and evidence informing Officers assessment (including the matters summarised at Point 3 above and Point 7 a) – j) below) was originally submitted to the Council in April 2020. This includes the Applicant’s Transport Assessment, Planning Statement and Design and Access Statement. This material has been publicly available to be viewed during two rounds of formal consultation (May and October). A further press notice was published (16 December 2020).</p> |

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| | | <p>The Local Planning Authority's approach to consultation is set out at Section 6 and has included two rounds of consultation – including letters sent to 1,320 properties, press and site notices. The Applicant's pre-submission engagement activities are set out at Paragraph 4.17 of the report. These included a programme of pre-submission consultation which ran from June 2019 to March 2020, including meetings with community groups; a 'Meet the Team' event; one public consultation event over 2-days; and electronic and non-electronic (leaflets and posters) communication.</p> |
| <p>5.</p> | <p>It is not lawful to make a decision and subsequently seek to justify it. Nor can the Duty be delegated to an Applicant.</p> <p>Officers have stated that the Applicant completed an Equality Impact Assessment (EIA) without producing evidence of it or any evidence of due diligence that they may have conducted in relation to it.</p> | <p>At the time of writing a decision has not been made in respect of applications 20/01049/FUL and 20/01188/LBC by the Local Planning Authority. The Planning Committee Report (05.01.2021) sets out the Officers assessment and recommendation, which will be considered by Planning Committee Members on 05.01.2021.</p> <p>Paragraph 8.20.20 of the Planning Committee Report explains the duty under Section 149 of the Equality Act 2010 is not a duty to prepare an Equality Impact Assessment, but to have due regard to the issues. Notwithstanding this, the Applicant submitted an Equality Impact Assessment and confirmed it could be made public following a request by Officers.</p> |
| <p>6.</p> | <p>If this application is approved without the Officers conducting their own EIA and the committee interrogating it, Enfield would be in breach of the 2010 Act and subject to referral to the Equalities and Human Rights Commission.</p> | <p>Paragraph 8.20.20 of the Planning Committee Report explains the duty under Section 149 of the Equality Act 2010 is not a duty to prepare an Equality Impact Assessment. Section 149 of the Equality Act requires that public authorities have due regard to equality considerations when exercising their functions. The Act does not specifically require an Equality Impact Assessment nor define how it should be carried out.</p> <p>Paragraph 8.20.1 of the Planning Committee Report explains that due to the nature of objections received (including those submitted and</p> |

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| | | <p>received between 19.11.2020 – 24.11.2020) it has been decided to include an expanded section on equalities to clarify the substance of the Local Planning Authority’s reasoning – demonstrating how the local planning authority has addressed its duty under the Equality Act 2010 in consideration of the submitted applications.</p> <p>Paragraph 8.20.30 explains that the provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of the report.</p> |
| Advance Equality not Mitigate Harm | | |
| 7. | The Act requires a public sector body to ‘advance equality’. Mitigating harm is insufficient, positive action to improve the situation is required. | <p>Officers have not solely considered mitigation. As summarised at Section 1.0 and Section 8.20, Officers have taken account of a range of factors in respect of the submitted applications and in preparing the 05.01.21 Planning Committee Report including:</p> <ul style="list-style-type: none"> a) Applicant survey details – indicating that most existing car park users live within walking distance from a station or 640m away from a bus stop serving Arnos Grove station (‘walking distance’) – providing alternative options for access to Transport for London’s Underground services, central London and other destinations; b) Applicant submitted data on the utilisation of the car parks; Section 70(2) of the Town and Country Planning Act 1990; c) Officers have assessed the applications in the context of the adopted development plan and other material considerations (Section 70 of the TCPA and Section 38 of the Planning and Compulsory Purchase Act); d) adopted development plan policies, including NC Policy 17; e) material considerations including NPPF and LP(ItP) support for redevelopment of car parks and the NCAAP Equality Impact Assessment – Equality Analysis (2013); f) Additional material considerations including the |

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| | | <p>strategic, and local benefits, of implementing the Mayor of London's London Plan Intend to Publish (LPItP) transport policies – which seek to achieve a more accessible environment for those who might not otherwise be able to travel;</p> <ul style="list-style-type: none"> g) the fact the majority of Transport for London stations do not have car parks and the accessibility of all of Transport for London's buses; h) disbenefits of the existing car park; i) benefits of the proposed development (including improved blue badge space design, layout, lighting and surfacing, improved public realm (design, layout, lighting and gradients) and increased and improved public cycle parking – including 5% of cycle parking spaces dedicated for non-standard cycles); and j) mitigation measures where Officers consider there is potential for differential effects. <p>Officers are satisfied that consideration of the proposed development has had due regard to the need to achieve the statutory goals of the Equality Act. As set out at Paragraph 8.20.31, Members should also take account of the provisions of the Human Rights Act 1998 as they relate to the application and must also be mindful of the Local Planning Authorities' legal duty under the Equality Act 2010.</p> |
| 8. | It is clear that the position of people with a relevant protected characteristic will be worsened, not improved, if the car park is closed. | <p>The Officer assessment does not concur with the statement that 'the position of people with a relevant protected characteristic will be worsened, not improved, if the car park is closed'.</p> <p>The proposed closure of the public car park is part of a broader proposal which seeks to replace the car park with a high-quality residential led proposal. Section 8.20 outlines adverse, neutral and positive impacts in respect of the overall proposals. Officers have assessed the applications in the context of the</p> |

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| | | <p>adopted development plan and other material considerations (Section 70 of the TCPA and Section 38 of the Planning and Compulsory Purchase Act).</p> <p>Adopted Development Plan policies include Enfield policies (Section 7 of the 05.01.21 PCR) which promote sustainable transport options, improvements to the quality and safety of the public realm and reductions in congestion. Adopted and emerging Development Plan policies include London Plan policies which also aim to minimise car parking, reduce car-reliance and encourage non-car travel.</p> |
| The Application and the Act | | |
| 9. | <p>Under the proposed scheme, instead of having 297 general and six Blue Badge parking spaces, there will only be six Blue Badge spaces. As Blue Badge spaces are only available to people with chronic mobility problems, these proposals fail to provide equal treatment for all the people with protected characteristics who use the car park.</p> | <p>The Officers assessment has taken into account a range of considerations – including those summarised at point No. 7 above. The Planning Committee Report does not assert that the re-provision of 6 no. Blue Badge spaces is the sole consideration.</p> |
| 10. | <p>The applicant argues that they have retained the Blue Badge spaces to address this. However, preserving the status quo is not advancing 'equality of opportunity'.</p> <p>Six Blue Badge spaces will fail to address the needs of the aged,</p> | <p>Officers have assessed that blue badge space design, layout, lighting and surfacing would be improved. Paragraph 8.10.35 of the Planning Committee Report explains that Officers have given due regard to the benefits of the scheme including improved blue badge space design, layout, lighting and surfacing. Officers have assessed these proposals compared with the existing situation. Officers have considered the benefits of improved public realm (design, layout, lighting and gradients).</p> <p>Paragraphs 8.10.16 – 8.10.18 assesses existing blue badge parking space utilisation and concludes there is enough evidence to demonstrate that re-provision of 6 no. blue badge parking spaces is sufficient to respond to need at this station.</p> <p>Officers have not suggested blue badge re-provision addresses the</p> |

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| | <p>pregnant women, and those with children who will not be able to be dropped off in future by family and friends as no 'drop-off' has been incorporated in the design of the development.</p> | <p>need of all protected characteristic groups. Section 8.20 of the Planning Committee Report sets out the assessment approach.</p> <p>Paragraph 8.10.39 explains the Applicant will work with the council to provide a drop-off location following proposed closure of the existing car park, and during the construction phase. This would be monitored during the construction period – and would be subject to a future decision on arrangements.</p> |
| 11. | <p>Indeed, the retention of six Blue Badge spaces does not even fully address the needs of Blue Badge holders. Disabled people need a high degree of certainty when they embark on a journey, as their ability to be flexible when faced with an unexpected travel problem is less than that of others. Currently, if they travel to the station by car and all the Blue Badge spaces are full, they have the option of parking in a regular parking space. They will have no such option in the proposed scheme.</p> | <p>See Point No. 10 above. Paragraphs 8.10.16 – 8.10.17 of the Planning Committee Report explain that blue badge surveys demonstrate that the peak utilisation of the blue badge car parking bays is 4 no. of the 6 no. bays being used. In addition, the use of blue badge parking bays was photographed at various times during the project. These show < 100% utilisation of the spaces – with one or two spaces not occupied when the photos were taken.</p> |
| 12. | <p>TfL has embarked on a programme of repurposing its 'Park & Ride' facilities. They have announced 15 initial sites. The Committee should note that TfL's three applications in the LB Harrow, all in partnership with Catalyst Housing (a housing association, not a private sector property developer), retain substantial car parking: at Canons Park 60 spaces + four Blue Badge spaces; at Stanmore 300 spaces in new underground parking + 12 Blue Badge spaces; and at Rayners Lane 75 spaces + six Blue Badge spaces. Note also that units in the 'Catalyst' developments will be 100% affordable. The Committee is asked to consider why the TfL's approach in Harrow is so different.</p> | <p>The Arnos Grove proposals are part of the Applicant's (Connected Living London) London-wide Build to Rent portfolio. The Arnos Grove proposals appear to be one of the smaller schemes. Other schemes appear cumulatively larger and taller. One scheme ranges up to 16-storeys in height, another up to 10-storeys. Some non-Build to Rent portfolio schemes appear to have heights up to 21- storeys. The LB Harrow schemes propose differing housing products, have a different context, site-constraints and planning context. Those schemes include buildings up to 11 storeys and are not part of the Build to Rent portfolio.</p> <p>As noted at Paragraph 8.3.29 of the Planning Committee Report the development economics associated with Build to Rent are unique. The Planning Committee Report has assessed this proposal, including affordable housing in line with NPPF, London Plan (adopted and emerging)</p> |

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| | | <p>and Enfield Council policies which explain that affordable housing negotiations take into account the specific nature of the site, scheme and available funding resources (paragraph 8.3.31) and relative importance of other planning priorities and obligations. Officers have set out the grant funding assumed.</p> <p>Paragraph 8.3.32 explains the relative importance of planning priorities at this site (in accordance with Enfield Core Strategy Policy 3) – explaining that scheme layout, scale and density have been informed by site-specific constraints and challenges of this site – with viability implications. Arnos Grove Station is a Grade II* listed building of unique importance in Enfield. It is one of the most highly regarded examples of Charles Holden's designs. Scheme design has been heritage-led, informing building layout, envelope and height and scale.</p> |
| 13. | <p>The Officers' report is disingenuous and misleading. It states that alternative disabled parking spaces are available at Cockfosters and Oakwood. Officers are well aware that there is a pending application to develop Cockfosters Station car park, one of the 15 developments planned by TfL. As is public knowledge, TfL is evaluating the future of all its 79 car parks, including the one at Oakwood Station.</p> | <p>As noted at No. 11 above, some protected characteristic groups value certainty when using public transport. For some people, journeys require forethought and planning based on an understanding of step-free access and/or public facilities. The Officers' report (Update) noted Arnos Grove did not provide such facilities. Arnos Grove does not provide male / female/ baby changing / accessible toilets (no fee charged for toilet facilities). Arnos Grove does not provide step-free access from street to platform.</p> |
| 14. | <p>Further, it is discriminatory to force people with protected characteristics to travel farther to a station in a more expensive Travel Zone and with a longer travel time into town.</p> | <p>Section 6.0 includes objections received on the basis that people would not be able to access the underground system if non-blue badge parking spaces are removed. The consideration of alternative routes, modes and stations, as part of Officers' assessment of 'alternative options' as set out at Section 8.10 of the Planning Committee report is a relevant consideration.</p> |
| Case Law | | |
| 15. | <p>There is case law supporting our objection. In LDRA Ltd & ors v. SSCLG (2016), a judicial review of a</p> | <p>Officers have reviewed the cited case, alongside other case law considering the PSED in respect of Council</p> |

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| | <p>planning appeal on the development of a car park, it was held that the Planning Inspector did not have due regard to the effect of the closure of the car park on the ability of disabled people to access a local amenity. Key findings in this case were:</p> <ul style="list-style-type: none"> - The inspector failed to record the steps he had taken to meet his statutory duty. - The Minister must assess the risk and adverse impact. - Public authorities must be properly informed before taking a decision. - 'The 2010 Act imposes a heavy duty on public authorities ...' | <p>decision making, including where a Council has acted as Local Planning Authority. Officers are satisfied that Section 8.20 of the 05.01.21 Planning Committee Report (Agenda Item 5), and other sections throughout the report (including Paragraphs 1.14, 1.15, 6.5, 8.6.1 – 8.6.3, 8.7.13, 8.10.35, 8.10.36 and 8.10.55) explain how Officers have taken the Equality Act (2010) into account in the processing of the application and preparation of the Planning Committee Report.</p> <p>Relevant information, material and evidence used to inform the assessment (including material set out at Point No. 7 (a) – (j) above), have been known to Officers since early 2020, including supporting applicant material submitted in April 2020. Officers have considered consultation responses received, including those received between 19.11.2020 – 24.11.2020).</p> |
| | Unaffordable homes | |
| 16. | <p>Enfield Council places great importance on the provision of homes that meet the needs of the borough's less well-off residents, both in terms of quality and affordability. This scheme wholly fails to meet those needs.</p> | <p>Affordable Housing, including affordability and borough housing needs are assessed at Section 8.3, including Paragraphs 8.3.38 – 8.3.47. Housing quality is assessed at Section 8.6 of the 05.01.21 Planning Committee Report (Agenda Item 5).</p> <p>Officers have assessed the scheme would meet existing housing needs, including addressing housing needs of local households who are unable to afford to purchase a home privately – relying on private rent housing. Paragraph 8.3.36 explains that intermediate housing addresses this need – Build to Rent is more affordable and flexible than other private rented stock, providing quality and security. Officers have considered ONS and Council data at Paragraphs 8.3.34 – 8.3.37 including housing composition in the local area (Southgate Green Ward).</p> |
| 17. | <p>The scheme provides a very large proportion of one- and two-bedroomed units instead of addressing the Borough's need for</p> | <p>Housing mix, including Affordable Housing mix, is assessed at Section 8.5 of the 05.01.21 Planning Committee Report (Agenda Item 5).</p> |

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| | <p>family homes. Table 1 sets out the extent of this failure.</p> | <p>Paragraph 8.5.5 notes that relevant adopted guidance in respect of Build to Rent housing (Affordable Housing and Viability SPG) highlights that local policies requiring a range of unit sizes should be applied flexibly to Build to Rent schemes to reflect demand for new rental stock, which is much greater for one and two beds than in owner-occupied or social/ affordable rented sector.</p> <p>In respect of Intermediate Housing, mix flexibility is allowed for under Enfield's adopted development plan policies. Paragraph 8.5.5 considers Enfield Core Strategy Policy 5, which allows for a range of housing types in the intermediate sector, including affordable homes for families. Enfield Core Strategy Policy 5 notes that the mix of intermediate housing sizes will be determined on a site by site basis and the Council will work with developers to agree an appropriate mix considering a range of factors including development viability and the affordability of potential users.</p> <p>Officers have concluded at Paragraph 8.5.7 that the proposed housing mix is appropriate, having regard to the Build to Rent typology (and applicable Build to Rent planning guidance), specific site characteristics, location and adopted Enfield Core Strategy Policy 5 (and DMD 3). As set out at Paragraph 8.5.5 Officers have also considered the existing high proportion of existing 3+bed family houses in Southgate Green ward. Officers have also considered Strategic Housing Market Assessment (SHMA) predictions that between 2011-2035 around 70% of newly forming households will be 1 and 2-person households without children.</p> |
| <p>18a</p> | <p>The Applicant claims that it will provide 40% affordable homes: this should be 50% as the scheme is on public land.</p> | <p>The 50% target is addressed at Paragraph 8.3.31 of the 05.01.21 Planning Committee Report (Agenda Item 5). Paragraph 8.3.31 sets out that the 'portfolio' approach proposed by the Applicant is accepted by Local Planning Authorities across London with the 50% strategic target achieved</p> |

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| | | at a pan-London level in accordance with London Plan (ItP) Policy H5. The portfolio approach means that each site contributes towards a London-wide 50 per cent requirement. This means, some sites would deliver below and others above 50%. |
| 18b | As we argue below, the homes to be provided have projected rent levels that are far higher than Enfield households on median net income or below can afford. | <p>Paragraphs 8.3.50 concludes that in accepting the scheme as a Build to Rent scheme (see detailed assessment at Paragraph 8.3.17) London Plan (ItP) Policy H11 states that affordable housing can be solely Discounted Market Rent (DMR) at a genuinely affordable rent, preferably at London Living Rent level. Enfield's adopted policies, including Development Management Document Policy DMD 1 (Affordable Housing) are silent on Build to Rent schemes. DMD 1 is also silent on preferred Discounted Market Rent levels and London Living Rent as preferred affordable housing products for Build to Rent schemes.</p> <p>Officers have assessed that the proposed rents discussed with the Applicant (set out at Appendix 11) are in accordance with supporting text to Policy H6 of the LP(ItP). This states that for dwellings to be considered affordable, annual housing costs, including rent and service charge, should be no greater than 40 per cent of net household income, based on relevant household income limits (£60,000), and these should be available to people on a range of incomes below the maximum household income.</p> |
| 19 | We set out the rent levels quoted by the Applicant in its own Viability Assessment, compared to the various affordable rent levels in Table 2. The differences are stark. | |
| 20 | The truth is that the Scheme provides: No homes at Social or London Affordable Rents. 11.7% homes at London Living Rents, intended for Londoners on middle-incomes. 27.8% homes at discounted rents – higher than the maximum level for intermediate rent levels. As these homes will be let at rents above the maximum for affordable rents, they are clearly not affordable. | See 18a – 19 above. The Applicant is not proposing social rent or London Affordable Rent homes. London Affordable Rent and Social Rent homes are for households on low incomes where the rent levels are based on the formulas in the Social Housing Regulator's Rent Standard Guidance. The 05.01.21 Planning Committee Report (Agenda Item 5) explains the Affordable Housing proposed is intermediate. As explained at 8.3.42 the proposed Discounted Market Rent (non-LLR) |

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| | | affordable housing can be more affordable than Shared Ownership. Shared ownership has a higher household income cap of £90,000. |
| 21 | The flats in this proposed development would all be unaffordable for the majority of Enfield residents, let alone lower income households. | See 18a – 20 above. £60,000 is a household income cap. The Applicant has stated they will make DMR homes available through the Mayors Homes for London portal to households, including those with incomes below £60,000 with priority given to those with the lowest eligible income who live or work in Enfield. |
| | Quality | |
| 22a | Enfield's need is overriding for family homes. Of the 162 units proposed, only 14 (8.6%) are 3-bedroom units and none are larger. | Please see no. 17 above. Officers conclude at Paragraph 8.5.7 of the 05.01.21 Planning Committee Report (Agenda Item 5) that the proposed housing mix is appropriate, having regard to the Build to Rent typology (and applicable Build to Rent planning guidance), specific site characteristics, location and adopted Enfield Core Strategy Policy 5 (and DMD 3). As set out at Paragraph 8.5.5 Officers have also considered the existing high proportion of existing 3+bed family houses in Southgate Green ward and (GLA) Strategic Housing Market Assessment (SHMA) predictions that between 2011-2035 around 70% of newly forming households will be 1 and 2-person households without children. Housing need (as indicated through the Council's housing waiting list, indicates housing need is mainly in respect of 1 and 2-bed homes). |
| 22b | Furthermore, the Development provides unacceptably small amenity space. | Paragraphs 4.9, 4.13, 8.5.6, 8.6.5 – 8.6.40 of the 05.01.21 Planning Committee Report (Agenda Item 5) set out proposed private amenity space, communal amenity space and play space requirements and provision. All proposed new homes have access to private (external) amenity space and meet minimum (internal) space standards. Almost all proposed homes also exceed minimum (internal) space standards by at least 0.5sqm. As set out at Paragraphs 4.9 and 8.6.35 communal amenity space |

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| | | of 3,230sqm is proposed across the scheme. |
| | Tenure Blind | |
| 23. | It is shocking to see that all the so-called affordable units are segregated into a single building, A02. The segregation is total; there are no affordable units in the other buildings and there are no market units in A02. Note also that building A02 is the tallest in the proposed scheme and includes all the 'family' units. | <p>The statement that 'there are no market units in A02' is not correct. The statement the proposed development results in 'segregation' is refuted. 2 no. market units are proposed in Block A02 – as shown on drawing no. MLUK-721-A-P-XX-1106 (Rev 1).</p> <p>Officers are satisfied that the scheme is tenure blind (see also Officer Response no. 24 below). Paragraph 8.6.38 of the 05.01.21 Planning Committee Report (Agenda Item 5) conclude that the scheme is tenure blind – with no clear distinction in terms of quality between private and affordable homes. The proposal is assessed, as a whole, to be well integrated, cohesive and complementary in accordance with Enfield policy DMD 1.</p> |
| 24 | There has been no attempt to make the scheme 'tenure blind'. | Officers are satisfied that the scheme is tenure blind (see no. 23 above). |
| 25 | One of the benefits envisaged by the Mayor of Build-to-Rent schemes (Homes for Londoners SPG: para 4.21) is that 'units can be more easily be tenure blind and be 'pepper potted' through the development.' This Application contravenes both Enfield's and the Mayor's guidance. | <p>Officers have carefully considered to the quality of the proposed affordable housing units, including internal amenity conditions – and access to private, communal and play space to satisfy themselves in respect of the quality of the affordable housing proposed.</p> <p>Critically, equal access is proposed between proposed homes and all communal amenity areas. For example, children living in any home would be able to access play space throughout the scheme (with a recommendation that this be secured by Section 106). Future residents of Block A02 would have access to facilities throughout the scheme, including communal amenity areas, concierge and residents' facilities. The location of affordable homes in Block A02 has also been informed by design considerations, seeking to locate family homes closest to the largest area of open and (doorstep) play space proposed on site.</p> |

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| 26 | Table 2 (Comparative Weekly Rent Levels) shows the Applicant's proposed rent levels compared to comparable Enfield affordable rent levels. The differences, shown in percentage terms in the final part of the table, are stark. For example, the proposed discounted market rents are 209–240% of the Social Rent levels and the proposed London Living Rent levels 187–194% of the Social Rent Levels | See 18a – 20 above. The Applicant is not proposing social rent or London Affordable Rent homes. London Affordable Rent and Social Rent homes are for households on low incomes where the rent levels are based on the formulas in the Social Housing Regulator's Rent Standard Guidance. The 05.01.21 Planning Committee Report (Agenda Item 5) explains the Affordable Housing proposed is intermediate. Affordability is assessed in respect of adopted and emerging policies and guidance, relative to household income and as a % of market (open market) rent. An assessment of rent levels against Social Rent or London Affordable Rent is not supported by adopted or emerging Policy. As explained at 8.3.42 the proposed Discounted Market Rent (non-LLR) affordable housing can be more affordable than Shared Ownership. Shared ownership has a higher household income cap of £90,000. |
| Enfield Town Residents Association (24.12.2020) | | |
| Summary of Objection | | Officer Response |
| 27 | It was implied in the Update Report (in the lead up to 24 November 2020) that the Applicant's Equality Impact Assessment had informed officers' decision to recommend approval of the proposal. | <p>The Officers assessment does not concur with this statement. Officers provided an update in respect of the Applicant's Equality Impact Assessment (EqIA) in response to objections submitted and received between 19.11.2020 – 24.11.2020.</p> <p>Relevant information, material and evidence informing Officers assessment (including the matters summarised at Point 3 and Point 7 a) – j) above) was originally submitted to the Council in April 2020. This includes the Applicant's Transport Assessment, Planning Statement and Design and Access Statement. Assessment and consideration of this material, includes the assessment set out at Section 8.20 of the 05.01.21 Planning Committee Report (Agenda Item 5), and other sections throughout the report (including Paragraphs 1.14, 1.15, 6.5, 8.6.1 – 8.6.3, 8.7.13, 8.10.35, 8.10.36 and 8.10.55) which explain how Officers have taken the</p> |

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| | | Equality Act (2010) into account in the processing of applications 20/01049/FUL and 20/01188/LBC and preparation of the Planning Committee Report. |
| 28 | <p>Subsequent requests elicited a copy of the TfL Equalities Impact Assessment report. On inspection, it is clear that the report should have sounded alarm bells for any local authority officer who read it.</p> <p>The report in fact clearly recognises the fact that the proposed development will create very real problems for groups of residents who, by rights, should be protected by the Equalities Act 2010 (and to which TfL, as well as LBE, are subject) and which therefore carries implications for LBE under its Public Sector Equality Duty. The TfL assessment identifies many negative impacts of their proposal identified by TfL both during and (far more seriously) after construction is completed. We focus in this letter on the post construction impact issues set out by TfL as these are surely a key planning approval consideration.</p> | <p>Please see point No. 8 above. The Officer assessment does not concur with the statement that 'it is clear that the report should have sounded alarm bells for any local authority officer who read it'.</p> <p>Section 8.20 explains the proposed closure of the public car park is part of a broader proposal which seeks to replace the car park with a high-quality residential led proposal. Section 8.20 outlines potential adverse, neutral and positive effects in respect of the overall proposals. This is a robust consideration of issues. It is also aligned with the approach adopted by the Council when it originally considered redevelopment of the car parks as part of the NCAAP Equality Impact Assessment – Equality Analysis (2013).</p> <p>The Applicant has explained that their Equality Impact Assessments are considered to be 'live documents' which evolve and are added to as projects progress. They therefore anticipate that the document will evolve.</p> |
| 29. | <p>Age - the report acknowledges that Southgate has an older population than the Borough average. It states: "As the scheme closes the car parks, this may have an impact upon older people who rely on private vehicles to access local services and amenities." Within the section on age the report also concludes that "Where residents can no longer arrive by car, there may be an impact on the safety, or perception of safety for younger travellers, who are more likely to feel worried about safety while travelling on public transport."</p> <p>(page 3) Age – We would argue that older people are likely to be subject to the same fears identified by TfL as</p> | <p>See Point no. 3. above. Section 8.20 of the 05.01.21 Planning Committee Report (Agenda Item 5), and other sections throughout the report (including Paragraphs 1.14, 1.15, 6.5, 8.6.1 – 8.6.3, 8.7.13, 8.10.35, 8.10.36 and 8.10.55) explain how the Officers have taken the Equality Act (2010) into account in the processing of applications 20/01049/FUL and 20/01188/LBC and preparation of the Planning Committee Report. Officers consider there are some people with barriers to travel due to age, impairments or other factors, who may have their journeys impacted more significantly. Officers have carefully assessed these potential effects, and also considered potential</p> |

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| | <p>being experienced by younger people, especially late at night. It is not just the journey itself that is the issue, but walking from the bus stop to home (or indeed, from the station to home) regarding which young and old people may feel apprehensive.</p> <p>Disability – “there may be a particular impact for older people who do not qualify for blue badges, but still find walking longer distances or navigating public transport more difficult.” The Impact Assessment also notes that “As the scheme closes the car parks, this may have an impact upon older people who rely more on private vehicles to access local services and amenities.”</p> | <p>alternative options available to existing car park users (based on Officer analysis of objections received / postcodes provided and survey information submitted in support of the application. Officers have also proposed mitigation in respect of potential effects. Generally, Officers are satisfied in respect of the credibility of ‘alternatives’ for existing users – which would not preclude access to the tube network or central London.</p> <p>In respect of perceived safety, the design and layout of the existing public car park currently presents obstacles which may not meet the needs of all potential users – creating opportunities for anti-social behaviour, criminal activities, which undermine creating a sense of safety. Officers have assessed that the public realm design (including proposed new square) would have a positive effect in respect of perceived safety.</p> |
| 30. | <p>Gender – the report reiterates the above point regarding fears of anti-social behaviour in the context of protected characteristic ‘Gender’. The authors report that “Where residents or visitors can no longer arrive by car, there may be an impact, or a perceived impact on safety. This would have a more significant impact on women who are more likely to change their travel plans due to concerns over safety.” The authors note that this affects the “Entire Scheme”. Regarding Parking and Access, the assessment reports that “As women are more likely to be travelling with buggies and children, using public transport can be more difficult. There may therefore be more of an impact on women due to the removal of parking at the station” This is, of course, entirely in line with the concerns we raised in our earlier submission.</p> | <p>Section 8.20 of the 05.01.21 Planning Committee Report (Agenda Item 5) considers there may be an impact in respect of those travelling with children, or while pregnant. Officers have carefully assessed these potential effects, and also considered potential alternative options available to existing car park users (based on Officer analysis of objections received and survey information submitted in support of the application. Officers have also proposed mitigation in respect of potential effects. Generally, Officers are satisfied in respect of the credibility of ‘alternatives’ for existing users – which would not preclude access to the tube network or central London.</p> <p>In respect of perceived safety, the design and layout of the existing public car park Officers have assessed that the public realm design (including proposed new square) could have a positive effect in respect of perceived safety.</p> |
| 32. | <p>Gender re-assignment – similarly to the concerns raised in the context of Gender, the report points out that</p> | <p>Officers have assessed that the public realm design (including proposed new</p> |

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| | <p>removal of the car park may lead to concerns about safety and/or feelings of safety for people in the 'gender re-assignment' group. It states that "Fears of intimidation and/or abuse are sometimes mentioned by LGBT Londoners as barriers for increased public transport use. LGBT Londoners may therefore experience lower perception of personal safety as a result. This may be negatively impacted by the removal of car parking, requiring people to travel by other means." A similar point is made under the protected characteristic category of 'sexual orientation'. None of the points subsequently raised under 'Positive impacts' indicate the likelihood that any of the alleged benefits of the scheme will address or indeed negate these concerns. Just one, 'Improvements to the public realm space', suggests that improvements "such as better lighting, passive surveillance and increased footfall [might] contribute to a reduction in anti-social behaviour, safety and the feeling of safety". However, these changes are restricted to the vicinity of the station. While it might improve feelings of safety for people in these groups, it fails to address the far wider issue of safety while waiting at the bus stop, on the bus, or walking home along dark streets at night for members of the various protected groups.</p> | <p>square) could have a positive effect in respect of perceived safety.</p> <p>Paragraph 8.20.27 of the 05.01.21 Planning Committee Report (Agenda Item 5) notes that objections have been received stating that improvements to 'safety and the feeling of safety in an area' are not relevant in considering the equality impacts and effects of the proposals. The Officers assessment does not concur with this statement. Paragraph 8.20.27 goes on to state that feeling unsafe and being unsafe in an area can be a barrier to travel for protected groups. Officers consider these effects and impacts are relevant in the assessment of the scheme – and have given due regard and consideration to the potential effects of the proposed development on all those with protected characteristics as defined under the Equality Act 2010.</p> <p>In respect of potential effects in respect of perceived safety please see Point no. 29 above.</p> |
| | <p>Omissions in report</p> | |
| <p>33.</p> | <p>Pregnancy and maternity – Anyone who is pregnant or who has a baby/babies or young children is particularly likely to want to travel by private transport for reasons of convenience – as the report points out, it is not easy to travel with a buggy or wheelchair on a bus. This, therefore, points to the additional impact on women who have babies.</p> | <p>Officers have considered the potential effects on pregnant women and women with children in respect of the potential loss of non-blue badge parking spaces at Section 8.20.</p> |
| <p>34.</p> | <p>Disability – The EqIA provided by TfL fails to identify the extent to which people with disabilities use parking spaces not marked for disabled use, hence in all likelihood has significantly</p> | <p>The Officers assessment takes into account a range of considerations – including those summarised at point No. 7 above. Officers have not suggested blue badge re-provision addresses the need of all protected</p> |

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| | <p>under-estimated blue badge usage of the car parking spaces.</p> <p>We have evidence from our own members that this is in fact the case: this is what one of our ETRA members wrote in relation to journeys she makes with one of her friends, a visually impaired Enfield resident who is also a member of ETRA: “My experience is that the current number of Blue Badge spaces is barely sufficient. I have driven [name of friend removed] (with her Blue Badge) to Arnos Grove many times late afternoon and it's a 50:50 chance if we find a space. If not, we have to go to a normal parking space and pay the full amount, which is still better than waiting for a bus after a night at the theatre! My point is - there are insufficient Blue Badge spaces now.”</p> <p>Irrespective of whomsoever officers believe disability to include (or not), of more importance, surely, is that LBE officers should be aware of their obligation under the PSED to work to improve access by disabled and elderly residents to essential services such as public transport, not to increase the barriers faced by disabled people, as will be the result of this scheme?</p> | <p>characteristic groups. Section 8.20 of the Planning Committee Report sets out the assessment approach.</p> <p>Please see point No. 10 above. Paragraphs 8.10.16 – 8.10.18 assesses existing blue badge parking space utilisation and concludes there is enough evidence to demonstrate that re-provision of 6 no. blue badge parking spaces is sufficient to respond to need at this station.</p> <p>The Planning Committee Report (05.11.20) does not assert that the re-provision of 6 no. Blue Badge spaces is the sole consideration in respect of protected characteristic groups.</p> |
| 35. | <p>Evening access to London’s cultural economy – Across these groups the TfL assessment fails to identify evening use for access to London’s cultural economy, which particularly impacts the elderly and disabled through denial of access and due to concerns for safety. There must surely be similar concerns regarding access for cultural use amongst young people and females in general (whilst recognising there are some reasons that are specific to women and which additionally impact their ability to access London Underground services should this proposal be approved).</p> | <p>Paragraph 8.10.19 sets out that surveys undertaken by the Applicant indicate the majority of survey respondents have alternatives to parking at the station available to them – as they live within 960m from a station, or 640m away from a bus stop for a route which serves Arnos Grove Station – providing continuing access to London’s cultural economy. Officers have given further consideration to proposed mitigation, which will also provide support for users who start their journey from a location greater than 960m from a station or 640m from a bus stop to Arnos Grove.</p> |
| 36. | <p>TfL has a duty under the Public Sector Equality Duty, arising out of the requirements of the Equalities Act</p> | <p>The Officer assessment does not concur with the statement that the Applicant’s Equality Impact</p> |

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| | <p>2010. Accordingly TfL has produced an Equality Impact Assessment to assess the impact of their proposed scheme, and that EqIA (even before its shortcomings are added in) is damning in its assessment of the critical negative impact of the proposals on the young, elderly, disabled, female and pregnant, each of which is a named group who should be protected by the Equalities Act 2010 and under Enfield's Public Sector Equality Duty.</p> <p>This has not been given any recognition in the agenda. Instead, the response of LBE officers has been to suggest that closing the car parks imposes the same level of disadvantage on all users, hence is not an equality issue; and to imply that as some people with disabilities regularly cycle, cycling is a viable means of accessing the station for members of all groups, hence closing the car parks is not an equality issue. These statements do nothing other than to clearly reveal LBE officers' urgent need for training in their understanding of equalities issues.</p> | <p>Assessment 'is damning in its assessment of the critical negative impact of the proposals on the young, elderly, disabled, female and pregnant'. Section 8.20 explains the proposed closure of the public car park is part of a broader proposal which seeks to replace the car park with a high-quality residential led proposal. Section 8.20 outlines potential adverse, neutral and positive effects in respect of the overall proposals. This is a robust consideration of issues. It is also aligned with the approach adopted by the Council when it originally considered redevelopment of the car parks as part of the NCAAP Equality Impact Assessment – Equality Analysis (2013).</p> <p>Section 8.20 of the 05.01.21 Planning Committee Report (Agenda Item 5), and other sections throughout the report (including Paragraphs 1.14, 1.15, 6.5, 8.6.1 – 8.6.3, 8.7.13, 8.10.35, 8.10.36 and 8.10.55) explain how the Officers have taken the Equality Act (2010) into account in the processing of applications 20/01049/FUL and 20/01188/LBC and preparation of the Planning Committee Report.</p> |
| <p>37.</p> | <p>To take just one, obvious, point: how is our seriously visually impaired member supposed to cycle to the station? And regarding elderly people: on Thursday 23rd of December there was torrential rain during the daytime in Enfield, followed by temperatures overnight falling to around 4 - 5°C. Are Enfield officers – and councillors who hold responsibility for planning decisions - seriously suggesting that 70 year olds should cycle in this weather? Or people with chronic health conditions? The same arguments hold with regard to long waits at night for a bus and perhaps a 10 or 15 minute walk at the end of the journey.</p> | <p>The 05.01.21 Planning Committee Report (Agenda Item 5) does not suggest that visually impaired people should cycle to the station. The previous Update Report did not suggest that visually impaired people should cycle to the station.</p> |

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| <p>38.</p> | <p>In conclusion, the Equality Impact Assessment referred to by LBE officers and apparently relied upon for the judgements provided in their report, is revealed upon inspection to contain significant gaps in its analysis.</p> <p>Even accepting the limitations we noted, however, it nonetheless reveals that TfL analysts recognised the significant additional barriers these proposals put in the way of access to the station by many of the groups that should be protected by the Equality Act 2010 – and whose rights therefore should be protected by officers were they properly aware of, and compliant with, their duties under the Public Sector Equality Duty.</p> <p>The Equality Act has a significant and particular obligation on your committee. It is imperative that your officers take all possible actions to ensure that you are fully apprised of the implications of any proposal. Here, where the appraisal undertaken by TfL – albeit limited and with several demonstrable gaps – revealed significant impacts for passengers, officers do not appear to have properly drawn these to your attention.</p> <p>Worse, your officers do not appear to have undertaken any realistic appraisal of the situation, let alone undertaken their own Equality Impact Assessment, as is in fact demanded by the public sector equality duty.</p> | <p>Relevant information, material and evidence informing Officers assessment (including the matters summarised at Point 3 and Point 7 a) – j) above) was originally submitted to the Council in April 2020. This includes the Applicant's Transport Assessment, Planning Statement and Design and Access Statement. This material was publicly available to be viewed during two rounds of formal consultation (May and October). A further press notice was published (16 December 2020). The Equality Impact Assessment submitted by the Applicant, has been considered, but not relied upon.</p> <p>Paragraph 8.20.20 of the Planning Committee Report explains the duty under Section 149 of the Equality Act 2010 is not a duty to prepare an Equality Impact Assessment. Section 149 of the Equality Act requires that public authorities have due regard to equality considerations when exercising their functions.</p> <p>Section 8.20 of the 05.01.21 Planning Committee Report (Agenda Item 5), and other sections throughout the report (including Paragraphs 1.14, 1.15, 6.5, 8.6.1 – 8.6.3, 8.7.13, 8.10.35, 8.10.36 and 8.10.55) explain how the Officers have taken the Equality Act (2010) into account in the processing of applications 20/01049/FUL and 20/01188/LBC and preparation of the Planning Committee Report.</p> <p>Paragraph 8.20.20 of the Planning Committee Report explains the duty under Section 149 of the Equality Act 2010 is not a duty to prepare an Equality Impact Assessment, but to have due regard to the issues. Notwithstanding this, the Applicant submitted an Equality Impact Assessment following a request by Officers.</p> |
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| | To say, effectively, that ‘everyone will be negatively affected, so there is no equalities issue’ simply serves to demonstrate the need for urgent training in improving these officers’ understanding inequalities issues. | The Officers assessment does not concur with this statement. Officers have not assessed that ‘everyone will be negatively affected, so there is no equalities issue’ |
| Cockfosters Local Area Residents Association (24.12.2020) | | |
| | Summary of Objection | Officer Response |
| 39. | It appears that the Officers placed the Applicant’s Equalities Impact Assessment in the public domain after the previously scheduled Planning Committee Meeting on 24 November. When did officers sign off their own assessment of the equalities implications, both explicit and implicit, and is there documentation to evidence this? Is there an audit trail that confirms that the Council has complied (and will comply) with its legal obligations, for example, through completed checklists or records? We understand that no EqIA was submitted with the Application documents and that Officers did not regard an EqIA as indispensable. This is surely not best practice. | Section 8.20 of the 05.01.21 Planning Committee Report (Agenda Item 5), and other sections throughout the report (including Paragraphs 1.14, 1.15, 6.5, 8.6.1 – 8.6.3, 8.7.13, 8.10.35, 8.10.36 and 8.10.55) explain how the Officers have taken the Equality Act (2010) into account in the processing of applications 20/01049/FUL and 20/01188/LBC and preparation of the Planning Committee Report. |
| 40. | Transport for London’s EqIA clearly states that the scheme has adverse impacts on those with protected characteristics under the Act but TfL proposes nothing that would ‘advance equality of opportunity’. Statements make clear that disabled people and others with protected characteristics under the Act will be significantly impacted by the removal of the car park. TfL argues only that the six existing Blue Badge spaces will be retained. Preserving the status quo is not taking ‘due regard’ to advance ‘equality of opportunity’; rather, it worsens the position of people with protected characteristics under the Act. | The Officer assessment does not concur with the statement that the Applicant ‘proposes nothing that would ‘advance equality of opportunity’. The proposed closure of the public car park is part of a broader proposal which seeks to replace the car park with a high-quality residential led proposal. Section 8.20 outlines potential adverse, neutral and positive effects in respect of the overall proposals. |
| 41. | The Officers’ update to Committee para 2.9 ‘Section 9 of the Main Report: Summary or relevant assessment’ discusses TfL’s Equality Impact Assessment but notably fails to take account of: TfL’s conclusion that ‘Removal of parking will be a significant impact to those who are less able to travel by other means’; | Officers do not concur with the statement that they have ‘acquiesced’ to TfL’s assessment. The Officer assessment (05 January 2021 Main Report) acknowledges the loss of 297 no. public car parking spaces has potential to give rise to differential effects. It recommends mitigation, but also considers a range of factors – |

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| | <p>TfL’s risible statement (page 13) that ‘Improvements to the public realm should benefit the large group of disabled people who walk as part of their journeys, by removing barriers to travel’; TfL’s proposal to maintain the status quo of six Blue Badge spaces. In effect, Officers have acquiesced to TfL’s fundamentally flawed impact assessment.</p> | <p>including evidence of ‘alternative options. Please see Point No. 7 above. The 05.01.21 PCR also assesses that the Proposed Development would have positive impacts on those with protected characteristics under the Act (paragraphs incl. 8.20.13; 8.20.23; 8.20.26; 8.20.27).</p> <p>As set out paragraph 8.20.17 of the 05 January 2021 Planning Committee Report (05.01.21 PCR) Planning Officers have assessed the applications in the context of the adopted development plan and other material considerations (Section 70 of the TCPA and Section 38 of the Planning and Compulsory Purchase Act). Adopted Development Plan policies include Enfield policies (Section 7 of the 05.01.21 PCR) which promote sustainable transport options, improvements to the quality and safety of the public realm and reductions in congestion. Adopted and emerging Development Plan policies include London Plan policies which also aim to minimise car parking, reduce car-reliance and encourage non-car travel.</p> |
| <p>42.</p> | <p>Officers have also missed a glaring error and a contradiction in TfL’s EqIA that affect the ‘equality’ of the proposal in a wider sense. In the Introduction, TfL states that: The development will include homes at London Living Rents (LLRs) that are ‘comparative’ to social rents and significantly lower than London Affordable Rents. This is simply incorrect. LLRs are roughly double social rents.</p> | <p>Officers have not assessed LLR rent levels as equivalent to London Affordable Rents.</p> |
| <p>43.</p> | <p>The affordable housing provision will be located throughout the development. Again, this is incorrect. In the Arnos Grove development the affordable element would be located entirely in one block – a socially divisive ‘rich door, poor door’ approach.</p> | <p>Please see points Nos. 23 – 25 above. Officers are satisfied the scheme is tenure blind (see also Officer Response no. 24 below). Paragraph 8.6.38 of the 05.01.21 Planning Committee Report (Agenda Item 5) conclude that the scheme is tenure blind – with no clear distinction in terms of quality between private and affordable homes. The proposal is assessed, as a whole, to be well integrated, cohesive and</p> |

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| | | complementary in accordance with Enfield policy DMD 1. |
| 44. | <p>Officers now include references to the PSED that were not included in their original report. This does not alter the fact that the development will worsen, not improve, the position of those with protected characteristics under the Act.</p> <p>Officers have chosen to emphasise 'mitigation', debateable though that mitigation is, and have totally ignored the Council's statutory duty to advance 'equality of opportunity'. Officers apparently believe that the Council 'has discharged its duty under the Act in consideration of this application' (para. 8.20.1) and summarise the Council's position in para 8.20.31.</p> | <p>The Officers assessment is set out at pages 55 – 142 of The Planning Committee Public Document Pak (05 January 2020). The main planning issues raised by the proposed development are set out at paragraph 8.1 of the report. Officers do not concur with the statement that the <i>'development will worsen, not improve, the position of those with protected characteristics under the Act.'</i> Officers have assessed that the proposed development will cumulatively deliver benefits which will have potential effects in respect of protected characteristic groups.</p> <p>Officers have not solely focused on mitigation – although appropriate mitigation is considered reasonable in seeking to advance equality and minimise and mitigate potential differential effects. The PSED is to have due regard to the need to achieve the statutory goals, not a duty to achieve a result.</p> <p>As set out paragraph 8.20.17 of the 05 January 2021 Planning Committee Report (05.01.21 PCR) Planning Officers have assessed the applications in the context of the adopted development plan and other material considerations (Section 70 of the TCPA and Section 38 of the Planning and Compulsory Purchase Act). Adopted Development Plan policies include Enfield policies (Section 7 of the 05.01.21 PCR) which promote sustainable transport options, improvements to the quality and safety of the public realm and reductions in congestion. Adopted and emerging Development Plan policies include London Plan policies which also aim to minimise car parking, reduce car-reliance and encourage non-car travel.</p> <p>As summarised at Section 1.0 and Section 8.20, Officers have taken account of a range of considerations in considering of the submitted applications and preparing the report. Please see No. 7 above.</p> |

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| | | Officers are satisfied that consideration of the proposed development has had due regard to the need to achieve the statutory goals of the Equality Act. As set out at Paragraph 8.20.31, Members should also take account of the provisions of the Human Rights Act 1998 as they relate to the application and must also be mindful of the Local Planning Authorities' legal duty under the Equality Act 2010. |
| 45. | Officers are unable to advise the Committee that approving the Application will NOT contravene the Act. TfL's EqIA states that the position of those with protected characteristics will be 'significantly impacted' and the Officers have NOT concluded otherwise. They effectively conclude 'You decide'. | <p>This statement does not reflect the assessment and recommendations set out in the Planning Committee Report. Officers are satisfied that consideration of the proposed development has had due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010.</p> <p>The approach set out in the Planning Committee Report is robust and sound. Officers are making a recommendation in this case. As set out at Paragraph 8.20.31, Members should also be mindful of the Local Planning Authorities' legal duty under the Equality Act 2010 and also take account of the provisions of the Human Rights Act 1998 as they relate to the application.</p> |
| 46. | As is summarised in para. 8.2.47: 30% of the affordable homes at Arnos Grove are proposed at rent levels equivalent to London Living Rent for the Southgate Green ward where the site is located. Officers are satisfied these units represent genuinely affordable rent units – particularly in respect of Southgate Green ward. This effectively concedes that the rents will be unaffordable for the residents of much of Enfield, particularly wards such as Edmonton Green, where the greatest housing need exists. Nor does it provide the percentage of family accommodation that is required. In our paper of 18 December, we included two comparative tables to show the various home sizes in the proposed Application and the relevant rents. To | Please see Points Nos. 16 – 21 above. The Applicant is not proposing social rent or London Affordable Rent homes. London Affordable Rent and Social Rent homes are for households on low incomes where the rent levels are based on the formulas in the Social Housing Regulator's Rent Standard Guidance. The 05.01.21 Planning Committee Report (Agenda Item 5) explains the Affordable Housing proposed is intermediate. As explained at 8.3.42 the proposed Discounted Market Rent (non-LLR) affordable housing can be more affordable than Shared Ownership. Shared ownership has a higher household income cap of £90,000. |

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| reiterate, the scheme contains: No homes at Social Rent; Very few homes at London Living Rent; Little prospect these homes will be affordable for key workers. | |
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- 1.2. The Mayor has formally approved a new London Plan, the 'Publication London Plan'. It has been prepared to address the Secretary of State's directions of 13 March 2020 and 10 December 2020 to the Publication London Plan (December 2020). Once the Mayor has received confirmation from the Secretary of State that he is content for the Publication London Plan to be published, the Mayor will proceed with the final steps to publish the final London Plan. On publication it will become the Spatial Development Plan for London and part of the statutory Development Plan for Greater London. Relevant London Plan (ItP) policies are set out at 7 of the Main report.

2. Planning Balance and Conclusion

- 2.1.1. The Proposed Development accords with the development plan, as a whole. Officers consider it therefore benefits from the statutory presumption in favour of the development plan as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 2.1.2. Paragraphs 10 and 11 of the NPPF set out there will be a presumption in favour of Sustainable Development. The latter paragraph states that: For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or 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 doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.1.3. It is not considered that any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits outlined in the main report and this update report. Officers recommend approval, subject to the recommended conditions and s106 planning obligations (20/01049/FUL); and grant of Listed Building Consent (20/01188/LBC).