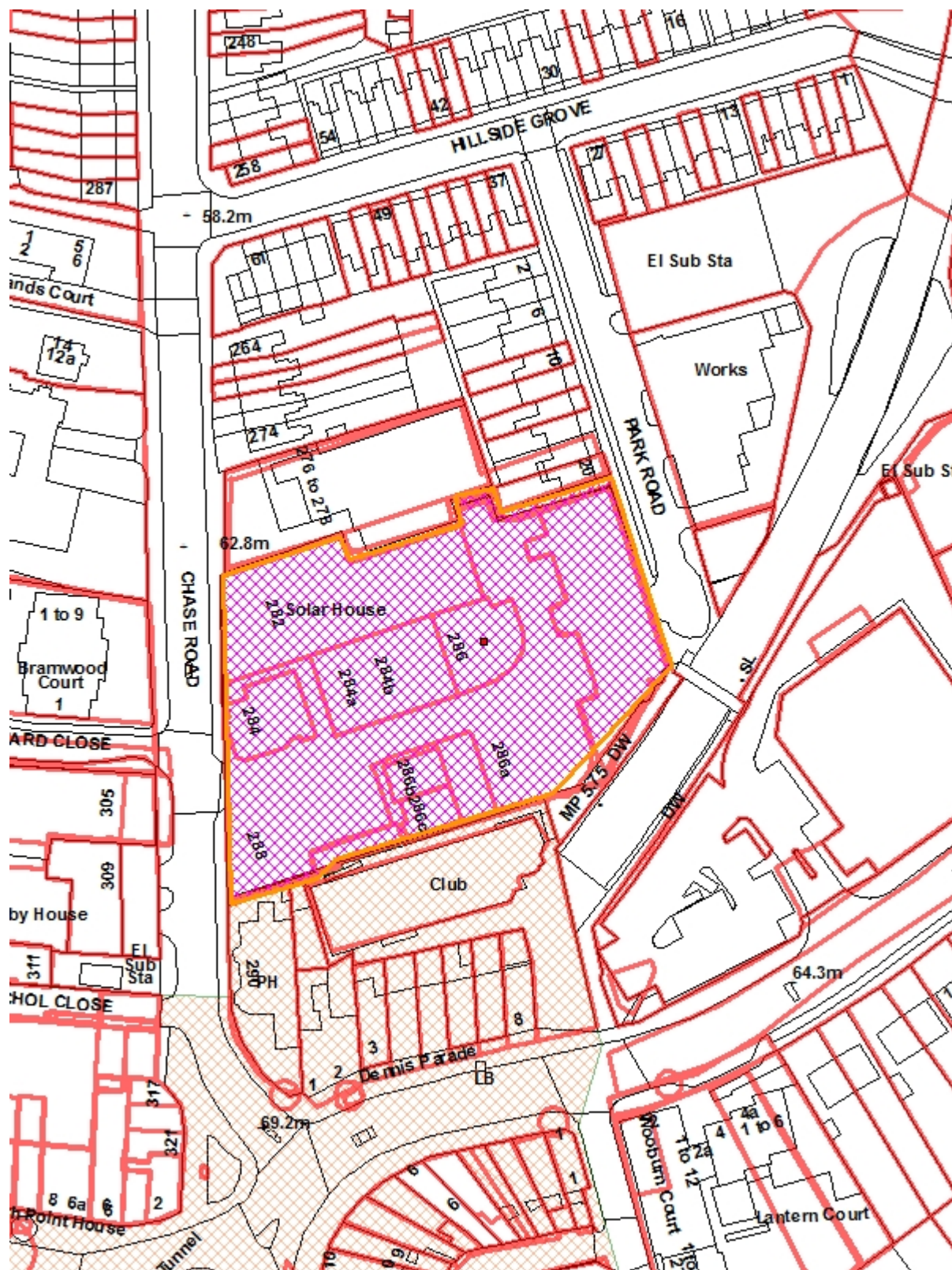


Ref: 19/01941/FUL LOCATION: Southgate Office Village , 286 Chase Road, London, N14 6HF



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**PART 1**

**LONDON BOROUGH OF ENFIELD**

**PLANNING COMMITTEE**

**Date:** 22 June 2021

**Report of**  
Head of Planning

**Contact Officer:**  
Andy Higham  
Allison De Marco

**Ward:** Southgate

**Appeal Number:** 21/00054/REFUSE  
**Inspectorate reference:** APP/Q5300/W/21/3270885

**Category:** Appeal (Inquiry)

**LOCATION:**

Southgate Office Village  
286 Chase Road  
London  
N14 6HF

**MATTER:** Appeal by Viewpoint Estates against the refusal of planning permission 19/01941/FUL by the Council.

The Appellant seeks full planning permission for the redevelopment of Southgate Office Village. The description of development is:

*Demolition of existing office buildings and erection of buildings between 2 to 17 storeys high comprising offices (use class B1), 216 residential units (use class C3) and dual use cafe (use class A3 / B1) together with access, basement car park and Energy Centre, cycle parking, landscaping and associated works.*

**Appellant Name & Address:**  
Viewpoint Estates  
C/O Agent

**Agent Name & Address:**  
Holly Mitchell  
Simply Planning  
Lower Ground Floor, 25 Charlotte Street  
London, W1T 2ND

## **RECOMMENDATIONS:**

In respect of the appeal by Viewpoint Estates in relation to land at Southgate Office Village, 286 Chase Road, London N14 6HF (PINS Ref: APP/Q5300/W/21/3270885) the Planning Committee resolves to:

1. Note the Local Planning Authority's Statement of Case submitted to the Planning Inspectorate on 18 May 2021;
2. Clarify the Development Plan policies cited in Reasons for Refusal Nos. 1 (Design), 3 (Heritage) and 4 (Residential Amenity) in accordance with paragraph 6.6 of this report;
3. Agree that the Local Planning Authority defend the Appeal based on three refusal reasons, not four – and not to defend Reason for Refusal No. 2 (Affordable Housing)'
4. Agree that the Head of Planning / Head of Development Management be authorised to write to the Planning Inspectorate and the Appellant explaining that the Council will defend the appeal relying upon on its first, third and fourth reasons for refusal only.

## **1.0 EXECUTIVE SUMMARY**

- 1.1 Application 19/01941/FUL was reported to the Council's Planning Committee on 23 June 2020 with a recommendation to grant planning permission. Following careful consideration and debate, Planning Committee Members resolved unanimously to refuse the application.
- 1.2 Subsequently, having regard to the deliberations of the Committee when considering and determining the application, the Head of Development Management formulated four reasons for refusal giving effect to Members' resolution. The four reasons for refusal were recorded in the Minutes of the 23 June 2020 Planning Committee meeting, which were approved as a correct record at the Committee's subsequent meeting on 21 July 2020.
- 1.3 The Decision Notice refusing planning permission was issued on 15 September 2020 – setting out the four reasons for refusal referred to above. The Decision Notice is attached at **Appendix 1**.
- 1.4 Subsequently, in March 2021, the Applicant submitted an appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"), against the decision of the Local Planning Authority ("LPA") to refuse planning permission (Ref: 19/01941/FUL).
- 1.5 This report provides the Committee with an update on the progress of the planning appeal underway. It also seeks Members' consideration of the following matters:
  - 1.5.1 To clarify the Development Plan policies cited in Reasons for Refusal Nos. 1 (Design), 3 (Heritage) and 4 (Residential Amenity) – to ensure the LPA's appeal case properly reflects the Committee's consideration of the application;
  - 1.5.2 That Members note the basis upon which the LPA's representatives propose to defend the appeal, including in respect of the Authority's Statement of Case (**Appendix 2**); and

1.5.3 Agreement to defend the appeal based on Officers recommendation in respect of the reasons for refusal.

1.6 **Appendices:**

- **Appendix 1:** Decision Notice dated 15 September 2020;
- **Appendix 2:** Statement of Case dated 18 May 2021.

**2.0 RECOMMENDATION**

2.1 In respect of the appeal by Viewpoint Estates in relation to land at Southgate Office Village, 286 Chase Road, London N14 6HF (PINS Ref: APP/Q5300/W/21/3270885) the Planning Committee resolves to:

2.1.1 Note the Local Planning Authority's Statement of Case submitted to the Planning Inspectorate on 18 May 2021;

2.1.2 Clarify the Development Plan policies cited in Reasons for Refusal Nos. 1 (Design), 3 (Heritage) and 4 (Residential Amenity) in accordance with paragraph 6.6 of this report;

2.1.3 Agree that the Local Planning Authority defend the Appeal based on three refusal reasons, not four – and not to defend Reason for Refusal No. 2 (Affordable Housing)';

2.1.4 Agree that the Head of Planning / Head of Development Management be authorised to write to the Planning Inspectorate and the Appellant explaining that the Council will defend the appeal relying upon on its first, third and fourth reasons for refusal only.

**3.0 TIMEFRAME**

3.1 The planning appeal will be considered by way of the Inquiries Procedure. A public inquiry is the most formal of the appeal procedures, because it usually involves larger or more complicated appeals, or where there is likely to be a significant local interest.

3.2 These are often cases where expert evidence is presented, and witnesses are cross-examined (questioned). An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar. The parties may be formally represented by advocates. As well as the appellant and the LPA, some interested parties (statutory parties and Rule 6 (6) parties) are entitled to appear and give evidence.

3.3 The inquiry procedure allows for the presentation of detailed and technical evidence and for the cross examination of expert and other witnesses by the opposing party. The Inspector will take an inquisitorial role to ensure that evidence is thoroughly tested so that a properly considered and reasoned decision is made.

3.4 Approximately 5% the Planning Inspectorate's planning-related casework is considered at a public inquiry.

3.5 A summary of the appeal timeframes is set out below, including the public inquiry opening date – of 21 September 2021.

<b>Date</b>	<b>Description</b>
9 April 2021	Appeal Start Date
18 May 2021	Submission of Statement of Case – main issues subject to Committee Meeting of 22 June 2021
24 May 2021	Case Management Conference
24 August 2021	Proofs of Evidence (and summary of proof) due
<b>21 September 2021 (10:00)</b>	<b>Inquiry opens</b>

- 3.6 Officers note that the Planning Inspectorate has currently indicated the Inquiry may be held virtually on 21 September 2021 and sit for 8 days, closing on 1 October 2021.
- 3.7 At the recent Case Management Conference on 18 May 2021, all parties, including the Council expressed a strong preference for the appeal inquiry to be held as an 'in-person' event, if at all possible. The appointed Planning Inspector has agreed that the situation should be kept under review, and a final decision as to nature public inquiry would be made in mid-July.

#### **4.0 MAIN PARTIES**

- 4.1 The Secretary of State has appointed a planning inspector, Paul Griffiths BSc (Hons) BArch IHBC ("the Inspector") to hold a public inquiry and determine the Appeal.
- 4.2 The main parties to the Appeal are:
- 4.2.1 The Appellant is Viewpoint Estates;
  - 4.2.2 The Council, as LPA defending the Appeal;
  - 4.2.3 Southgate District Civic Voice ("SDCV"),, confirmed by the Planning inspectorate on 18 May 2021 to have been granted Rule 6(6) status.
- 4.3 By virtue of Rule 6(6) of the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (as amended), the Secretary of State may in writing require any other person who has notified him of an intention or a wish to appear at an inquiry to comply with the procedural requirements applicable to a main party to the appeal. As such, a Rule 6(6) party is permitted take part in the inquiry proceedings, prepare and present evidence, and cross-examine the evidence of an opposing party.
- 4.4 All main parties to an appeal, including Rule 6(6) parties, are required to behave reasonably. If a party, including a Rule 6(6) party, behaves unreasonably they may be held liable to pay the costs of an opposing party, where the decision maker finds that the party's unreasonable behaviour has caused the opposing part to incur wasted expenditure.

## 5.0 LOCAL PLANNING AUTHORITY REPRESENTATIVES

5.1 Given the strategic importance of this matter, the Council's Senior Officers have agreed to seek external expert specialist advice. The Council has appointed three expert specialists in the fields of design, heritage and planning to support its defence of the appeal. It has also appointed external legal Counsel. All have over 20 years' experience in their respective fields.

5.2 The specialist professional experts appointed are:

5.2.1 **Mike Ibbott MA MPhil MBA PIEMA** has over 37 years' planning experience. He has worked at senior level in Manchester, Bromley and Lambeth Councils in both policy and development management roles. He became Director of tp bennett's town planning team in 2004. He has a successful track record of leading complex planning projects, including the London Bridge Station master plan, major residential schemes across London (including affordable housing and Built to Rent), new schools, Haringey mortuary and pan-London neighbourhood policing centres, hotels, and purpose-built student accommodation. He has acted as expert witness in planning and local plan inquiries, including successfully defending a Council's case at appeal against a tall building close to a town centre in suburban London. Mike takes a leading role in promoting and supporting tp bennett's competence in sustainable design, including net zero carbon buildings. He has wide experience in the planning aspects of heritage, design and townscape matters.

5.2.2 **Kevin Murphy B.Arch MUBC RIBA IHBC** is a registered architect, has a Masters in Urban and Building Conservation, and is a member of the Institute of Historic Building Conservation. Formerly, he has been an Inspector of Historic Buildings at English Heritage (London Region) dealing with a range of projects involving listed buildings and conservation areas. Before that, Kevin was a conservation officer with the London Borough of Southwark and led the Conservation & Design Team at the London Borough of Hackney. As an architect, he has worked in London, Dublin, Paris and Glasgow, on a broad range of projects in a variety of contexts and was also the head of the Historic Buildings Unit at John McAslan and Partners. He now provides advice and guidance on all aspects of the historic built environment. He was formerly included on the Heritage Lottery Fund's Directory of Expert Advisers.

5.2.3 **Kathryn Firth. BArch, MAUD**, has been practising urban design for over 30 years. She is a partner in FPdesign. She has led masterplanning and urban regeneration projects in sensitive heritage contexts and in complex urban environments for private and public sector clients. She was the Chief of Design at the London Legacy Development Corporation from 2011-2014, where she wrote design briefs and directed teams of architects, landscape architects, planners and engineers to realise the Olympic Legacy Masterplan. Prior to this she was Director of Urban Design at Publica, PLP Architects and KPF. Most recently she was Urban Design Director of the international practice NBBJ leading urban and suburban masterplans. Kathryn has served on numerous quality review panels. She is at present a London Mayor's Design Advocate, Chair of the Ealing Design Review Panel and a Design Council CABE Built Environment Expert Associate. She has been a jury member for the Young Architects of the Year, the NLA Awards, Architizer A+ Firm Awards and the RIBA Awards. Throughout Kathryn's professional career she has taught simultaneous to practising. She is currently teaching at Harvard University and The Bartlett, UCL.

5.2.4 **Mark Beard, Barrister** was called to the Bar in 1996 and specialises in planning, environmental and public law, with over 20 years' experience in all

aspects of planning law and practice. He has a broad court, inquiry and advisory practice representing public, private and third sector clients. Mark has extensive experience acting on behalf of local planning authorities, developers and landowners in a wide range of development management, planning policy and enforcement work. He is regularly instructed in cases involving major development including residential, commercial, retail and mixed-use schemes, and is an expert in cases and appeals involving housing development where a five-year supply of housing land is in dispute. Mark continues to advise and appear on behalf of a number of local planning authorities on the preparation, examination and adoption of Local Plans and strategic planning matters in the absence of an up-to-date Local Plan. He also advises local planning authorities and others on infrastructure planning, delivery and funding, including the viability of development proposals.

## **6.0 ANALYSIS**

- 6.1 As Members will know, the Inspector must determine the Appeal in accordance with the Development Plan unless material considerations indicate otherwise: s 38(6) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act"). When dealing with the Appeal, the Inspector must have regard to the provisions of the Development Plan, so far as material to the appeal, and all other material consideration, as they exist when the Inspector makes his decision.
- 6.2 When the Planning Committee considered and determined the application underlying this Appeal, the previously published version of the London Plan (2016) was in force. Subsequently, in March 2021, the Mayor of London formally published the new London Plan (2021) which now forms part of the statutory Development Plan and supersedes the policies of the 2016 London Plan.
- 6.3 At the Extraordinary General Meeting ("EGM") on 9 June 2021, Full Council resolved to approve the Regulation 18 Draft Enfield Local Plan ("draft ELP") and supporting evidence base for public consultation. As the draft ELP is at a relatively early stage of preparation, relevant emerging Local Plan policies will be accorded limited weight in the determination of the appeal. However, the Council's plan-making intentions and the evidence base informing the preparation of draft ELP are material planning considerations that will be relevant to decision-making in the Borough generally and the determination of the Appeal in particular.

## **7.0 CONCLUSION**

- 7.1 Application 19/01941/FUL was reported to the Council's Planning Committee on 23 June 2020 with a recommendation to grant planning permission. Following careful consideration and debate, Planning Committee Members resolved unanimously to refuse the application. After careful consideration of the questions and debate of the elected Members of the Planning Committee, the Head of Development Management formulated four reasons for refusal recorded in the Minutes of the 23 June 2020 Committee meeting – giving effect to Members' resolution.
- 7.2 This report provides updates on the planning appeal underway. Officers ask that Members note the basis upon which the LPA's professional representatives propose to defend the Appeal, including in reference to the Authority's submitted Statement of Case – and clarification of Reasons for Refusal No. 1 (Design), 3 (Heritage) and 4 (Residential Amenity) reasons.

# PLANNING REFUSAL



Holly Mitchell  
Lower Ground Floor  
25 Charlotte Street  
London  
W1T 2ND

Please reply to: Evie Learman  
Email: [planning.decisions@enfield.gov.uk](mailto:planning.decisions@enfield.gov.uk)  
My ref: 19/01941/FUL  
Date: 15 September 2020

Dear Sir/Madam

In accordance with the provisions of the Town and Country Planning Act, 1990 and the Orders made thereunder, and with regard to your application at:

**LOCATION:** Southgate Office Village 286 Chase Road London N14 6HF  
**REFERENCE:** 19/01941/FUL  
**PROPOSAL:** Demolition of existing office buildings and erection of buildings between 2 to 17 storeys high comprising offices (use class B1), 216 residential units (use class C3) and dual use cafe (use class A3 / B1) together with access, basement car park and Energy Centre, cycle parking, landscaping and associated works.

**ENFIELD COUNCIL**, as the Local Planning Authority, give you notice that the application, as described above, is **REFUSED** for the following reason(s):-

01. The proposed development, due to its height, bulk and massing would result in an intrusive and incongruous form of development which fails to integrate satisfactorily with its surroundings. The height of the proposed towers in particular is excessive in this location and would result in an inappropriately visually prominent form of development that would be out of context and unduly dominant. The development would be detrimental to and in contrast to the prevailing character and appearance of the area and would be contrary to Policies 3.5, 7.4, 7.6 and 7.7 of the London Plan, Policy D3 & 4 of the draft London Plan (Intend to Publish), Policies CP4 and CP30 of the Core Strategy, Policies DMD6, DMD8, DMD37 and DMD 43 of the Development Management Document.

02. The proposed development, notwithstanding the viability information provided, fails to provide an appropriate amount and mix of affordable housing in terms of the split between social rental and intermediate housing having regard to the requirements of Policy CP3 of the Council's adopted local plan. The development of this site would therefore fail to contribute appropriately to the supply of affordable housing in the borough, contrary to the Policies 3.10, 3.11 and 3.12 of the London Plan 2016, Policies CP3 of the Core Strategy 2010 and Policy DMD1 of the Development Management Document 2014.

**IMPORTANT** – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to [www.enfield.gov.uk/connected](http://www.enfield.gov.uk/connected)

Sarah Cary  
Executive Director Place  
Enfield Council  
Civic Centre, Silver Street  
Enfield EN1 3XY  
[www.enfield.gov.uk](http://www.enfield.gov.uk)

If you need this document in another language or format contact the service using the details above.



03. The proposed development, due to its height, bulk and massing would result in an intrusive, incongruous and visually prominent form of development that would cause less than substantial harm to the setting of the adjoining heritage assets with insufficient public benefits provided by the development to outweigh this harm. Harm would specifically be caused to the setting of the Grade II\* listed Southgate Underground Station and the setting of the Southgate Circus Conservation Area. The development therefore is considered to be contrary to Policies CP5 and CP30 of the Core Strategy, Policies DMD6, DMD8, DMD10, DMD37 and DMD38 of the Development Management Document, London Plan Policies 3.4, 7.4, 7.6 & 7.8, and Policies D3 and D9 of the draft London Plan (Intend to Publish) as well as the NPPF.

04. The proposed development due to its height, bulk and massing, would give rise to conditions prejudicial to the amenities of the adjacent and nearby residential properties due to the visual intrusion, sense of enclosure and overlooking caused. This would be contrary Policies DMD8, DMD10, DMD37 and DMD43 of the Development Management Document, London Plan Policies 3.5, 7.6, 7.8 and Policies D3 & HC1 of the draft London Plan (Intend to Publish)

**Dated: 15 September 2020**

Authorised on behalf of:

Mr A Higham  
 Head of Development Management  
 Development Management,  
 London Borough Enfield,  
 PO Box 53, Civic Centre,  
 Silver Street, Enfield,  
 Middlesex, EN1 3XE

If you have any questions about this decision, please contact the planning officer  
 evie.learman@enfield.gov.uk.

**List of plans and documents referred to in this Notice:**

Title/Number	Version	TYPE
Location plan		Drawing
16-173 - Southgate - D-32 - Park Road - East Elevation Rev A		Drawing
16-173 - Southgate - D-30- South Block - South Elevation - Rev A		Drawing
16-173 - Southgate - D-29 - South Block- North Elevation (Internal Street) -Rev A		Drawing
16-173 - Southgate - D-28- North Block- South Elevation (Internal Street)		Drawing

16-173 - Southgate - D-27 - North Block - North Elevation - Rev A	Drawing
16-173 - Southgate - D-26 - Section DD - Rev A	Drawing
16-173 - Southgate - D-25- Section CC - Rev A	Drawing
16-173 - Southgate - D-24 - Section BB - Rev A	Drawing
16-173 - Southgate - D-23 - Section AA - Rev A	Drawing
16-173 - Southgate - D-22 - Roof Plan	Drawing
16-173 - Southgate - D-21 - Seventeenth Floor Plan	Drawing
16-173 - Southgate - D-20 - Sixteenth Floor Plan	Drawing
16-173 - Southgate - D-19 - Fifteenth Floor Plan	Drawing
16-173 - Southgate - D-18 - Fourteenth Floor Plan	Drawing
16-173 - Southgate - D-17 - Thirteenth Floor Plan	Drawing
16-173 - Southgate - D-16 - Twelfth Floor Plan	Drawing
16-173 - Southgate - D-15 - Eleventh Floor Plan	Drawing
16-173 - Southgate - D-14 - Tenth Floor Plan	Drawing
16-173 - Southgate - D-13 - Ninth Floor Plan	Drawing
16-173 - Southgate - D-12 - Eighth Floor Plan	Drawing
16-173 - Southgate - D-11 - Seventh Floor Plan	Drawing
16-173 - Southgate - D-10 - Sixth Floor Plan	Drawing
16-173 - Southgate - D-09 - Fifth Floor Plan	Drawing
16-173 - Southgate - D-08 - Fourth Floor Plan	Drawing
16-173 - Southgate - D-07 - Third Floor Plan	Drawing
16-173 - Southgate - D-06 - Second Floor Plan - Rev A	Drawing
16-173 - Southgate - D-05 - First Floor Plan - Rev A	Drawing
16-173 - Southgate - D-04 - Ground Floor Plan - Rev A	Drawing
16-173 - Southgate - D-03 - Basement Plan - Rev A	Drawing
16-173 - Southgate - D-02 - Existing site plan	Drawing
16-173 - Southgate - D-01 - Site Location Plan	Drawing
16-173 - Southgate - Fire Brigade Access Strategy -Residential-LR	Drawing
16-173 - Southgate - Fire Brigade Access Strategy - Commercial-LR	Drawing
Existing drawings Block SH	Drawing
Existing drawings Block GH	Supporting Information
Existing drawings Block E	Supporting Information
Existing drawings Block D	Supporting Information
Existing drawings Block A	Supporting Information
Existing plans Block F	Supporting Information
Existing plans Block BC	Supporting Information
Overshadowing Report version R8 DRAFT2 by Point dated February 2020	Supporting Information
Viability Assessment Reports (May and September 2019)	Supporting Information
Planning Letter, prepared by Simply Planning dated 01 October 2019	Supporting Information
Heritage Statement	Supporting Information

Heritage Statement Addendum II (0019)		Supporting Information
16-173 Southgate - Schedule of Accommodation - Rev H		Supporting Information
16-173 Southgate - Plot Schedule - Rev F		Supporting Information
16-173 Southgate - Planning Drawings List_20190911		Supporting Information
16-173 Southgate - Planning Drawings List_20190911		Supporting Information
16-173 - Southgate - D&A Addendum part 2		Supporting Information
16-173 - Southgate - D&A Addendum part 1		Supporting Information
Transport assessment Parts 1 to 3		Supporting Information
Drainage Impact Assessment- Parts 1 to 4		Supporting Information
Views of Southgate Station		Supporting Information
Air quality assessment		Supporting Information
Daylight and Sunlight assessment		Supporting Information
Environmental statement		Supporting Information
Noise impact assessment		Supporting Information
Planning statement		Supporting Information
Statement of community involvement		Supporting Information
Structural survey		Supporting Information
Sustainability appraisal		Supporting Information
Delivery and Service Management Plan		
Detailed Visual Assessment, Visual Representation		
Construction and Traffic Management Plan		
Construction and Traffic Management Plan		
Townscape and Visual Appraisal		
Pedestrian Microclimate Study		
Residential Dwelling Units Supplementary Template		
Appendix VII SAP BELEAN DER Worksheet		

### **Additional Information**

### **Rights of Applicants Aggrieved by Decision of Local Planning Authority**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- For a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- For any other application, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. **Note that a copy of the appeal also needs to be sent to the Local Planning Authority at [planning.appeals@enfield.gov.uk](mailto:planning.appeals@enfield.gov.uk).**

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at **least 10 days before submitting the appeal**. Further details are on GOV.UK.

If an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the County Borough, London Borough or County District in which the land is situated, as the case may be, a purchaser notice requiring that Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act, 1990.

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

**Town and Country Planning Act 1990**

**Southgate Office Village  
286 Chase Road  
Southgate  
London N14 6HF**

Statement in support of refusal of permission

**Pre-Inquiry Statement**

under Rule 6 of the  
Town and Country Planning Appeal (Determination  
by Inspectors) (Inquiries Procedure) (England)  
Rules 2000

Local Authority Ref: 19/01941/FUL

Planning Inspectorate Refs: APP/Q5300/W/21/3270885

Submission by: tp bennett

On behalf of

**London Borough of Enfield**

18 May 2021

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## **Appendix**

Appendix 1: Site Location Plan

## 1. Introduction

1.1 This Statement relates to an appeal by Viewpoint Estates [the Appellant] against the refusal of planning permission by London Borough of Enfield [the Council]. By this appeal, the Appellant seeks full planning permission for the redevelopment of Southgate Office Village, 286 Chase Road, London N14 6HF [the Site]. The application was validated on the 3 June 2019 (ref 19/10941/FUL), and amended on 1 October 2019. The description of development [the Development] is as follows:

*Application for full planning permission for demolition of office (B1) buildings and erection of a mixed use office (B1) and residential (C3) scheme ranging from 2 to 17 storeys with a business café duel [sic] use (B1/A3) with associated access, basement car and cycle parking and landscaping and ancillary works.*

1.2 The application was reported to the Council's Planning Committee on 23 June 2020 with a recommendation to grant planning permission. Following careful consideration and debate, the elected Members of the Planning Committee resolved to refuse the application.

1.3 After careful consideration of the questions and debate of the elected Members of the Planning Committee, the Head of Development Management, in consultation with the Head of Planning, formulated the reasons for refusal – giving effect to Members' resolution.

1.4 By way of a decision notice dated 15 September 2020, the Council refused to grant planning permission for the following four reasons:

1. *The proposed development, due to its height, bulk and massing would result in an intrusive and incongruous form of development which fails to integrate satisfactorily with its surroundings. The height of the proposed towers in particular is excessive in this location and would result in an inappropriately visually prominent form of development that would be out of context and unduly dominant. The development would be detrimental to and in contrast to the prevailing character and appearance of the area and would be contrary to Policies 3.5, 7.4, 7.6 and 7.7 of the London Plan, Policy D3 & 4 of the draft London Plan (Intend to Publish), Policies CP4 and CP30 of the Core Strategy, Policies DMD6, DMD8, DMD37 and DMD 43 of the Development Management Document.*
2. *The proposed development, notwithstanding the viability information provided, fails to provide an appropriate amount and mix of affordable housing in terms of the split between social rental and intermediate housing having regard to the requirements of Policy CP3 of the Council's adopted local plan. The development of this site would therefore fail to contribute appropriately to the supply of affordable housing in the borough, contrary to the Policies 3.10, 3.11 and 3.12 of the London Plan 2016, Policies CP3 of the Core Strategy 2010 and Policy DMD1 of the Development Management Document 2014.*
3. *The proposed development, due to its height, bulk and massing would result in an intrusive, incongruous and visually prominent form of development that would cause less than substantial harm to the setting of the adjoining*



*heritage assets with insufficient public benefits provided by the development to outweigh this harm. Harm would specifically be caused to the setting of the Grade II\* listed Southgate Underground Station and the setting of the Southgate Circus Conservation Area. The development therefore is considered to be contrary to Policies CP5 and CP30 of the Core Strategy, Policies DMD6, DMD8, DMD10, DMD37 and DMD38 of the Development Management Document, London Plan Policies 3.4, 7.4, 7.6 & 7.8, and Policies D3 and D9 of the draft London Plan (Intend to Publish) as well as the NPPF.*

4. *The proposed development due to its height, bulk and massing, would give rise to conditions prejudicial to the amenities of the adjacent and nearby residential properties due to the visual intrusion, sense of enclosure and overlooking caused. This would be contrary Policies DMD8, DMD10, DMD37 and DMD43 of the Development Management Document, London Plan Policies 3.5, 7.6, 7.8 and Policies D3 & HC1 of the draft London Plan (Intend to Publish).*

1.5 At the time of writing, the Council reserves its position in relation to Refusal Reason 2. When determining this appeal, the Inspector must have regard to material changes in circumstances, including the adoption of the new London Plan (March 2021), which have taken place since the Planning Committee's decision in June 2020. In the circumstances, it is necessary and reasonable for Officers to seek the Committee's further instructions on this matter. The Council will revert to the Appellant and the Inspectorate as soon as possible.

1.6 A draft Statement of Common Ground has been prepared by the Appellants and the Council has provided detailed comments. The

main parties to the appeal continue to work constructively to finalise a comprehensive draft Statement of Common Ground which is at an advanced stage of preparation.

1.7 The draft Statement of Common Ground sets out a number of background matters, including areas of agreement and disagreement between the main parties.

1.8 This full Statement of Case explains how the Council intends to support the reasons for refusal and demonstrate that the Development is contrary to the development plan. The statement is structured as follows:

- Section 2, by way of background, provides a description of the site and surrounding area together with details of the planning history of the site
- Section 3 sets out details of the Appeal application
- Section 4 identifies the planning policy framework for the appeal, including national, regional and local guidance, and other material considerations
- Section 5 outlines the Council's case for opposing the Development
- Section 6 provides a conclusion

## 2. Site Description and Planning History

### 2.1 Site identification and description

2.1.1 The Site comprises Southgate Office Village, 286 Chase Road, Southgate, London N14 6HF. A site location plan is attached at Appendix 1.

2.1.2 The Site is approximately 0.57 ha in area. It is located at the southern end of Chase Road, near Southgate Circus and adjacent to Southgate District Town Centre. There are 7 no. three-storey office blocks with 4,433 sq m office floorspace, and a two-storey car park providing 126 parking spaces, with a further 14 informal spaces elsewhere on the Site.

2.1.3 The Site slopes from north to south (with a level change of 4.2m along the Chase Road frontage), and from east to west (with a 4m level change from Chase Road to Park Road).

2.1.4 The site has no specific policy designations.

2.1.5 As set out in the draft Statement of Common Ground, the Site:

- is a brownfield site
- immediately adjoins Southgate District Centre
- immediately adjoins and is located within the setting of the Southgate Circus Conservation Area which includes the listed Southgate Underground station, approximately 150m to the south

- has a PTAL rating of 4, a “good” level of public transport accessibility

2.1.6 Chase Road consists of a variety of uses: close to Southgate District Centre the street contains a mix of offices, mixed commercial and residential uses (including offices converted to residential use under permitted development). St Andrew’s Primary School lies almost opposite the site on the west side of Chase Road. Further north, the road becomes predominantly residential. To the rear of the site is Park Road, a residential street with predominantly two storey terrace housing. There is a variety of open spaces within the surrounding area, ranging from the local Ivy Road Recreation Ground to the larger Oakwood Park to the north and Grovelands Park to the south east.

## 2.2 Planning history

2.2.1 The table below sets out the key elements of the Site’s planning history.

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
<b>282-288 Chase Road/Southgate Office Village</b>		
20/03914/PRJ	Change of use of a building from office use (Class B1(a)) to 74 self-contained units comprising 25 x 1-bed, 47 x 2-bed and 2 x 3-bed (Class C3)	5.5.2021 Prior approval not required
17/00174/PRJ	Change of use of a building from office use (Class B1(a)) to 74 self-contained units comprising 25 x 1-bed, 47 x 2-bed and 2 x 3-bed (Class C3)	28.3.2017 Prior approval not required
16/01311/PRJ	Change of use from office (B1) to residential (C3) to provide 74 units comprising 25 x 1-bed units, 47 x 2-bed units and 2 x 3-bed units.	19.5.2016 Prior approval refused
P14-00512PLA	Redevelopment of site to provide residential units and offices involving	Granted on appeal

	a part 3-storey, part 4-storey block to provide 504sqm of office space at first floor level, 6 x 2-bed and 2 x 3-bed self contained flats at second and third floor level and car parking to basement and ground floor	Subsequent conditions discharged
<b>286 Chase Road</b>		
TP/84/0433	Offices	1984? Permitted
TP/84/0433/1	Details	1984? Approved
TP/83/0688	Offices	1983? Permitted
TP/83/0401	Light industry, warehouse buildings - restricted PD	1983? Permitted
TP/81/0743	Depository	1981? Permitted
TP/70/0940	Boundary walls and access	1970? Permitted
TP/69/1117	Extensions	1969? Permitted
TP/66/0344	Removal van garage	1966? Permitted
SOUTHGATE_1460	Use for furniture and woodwork repairs	Permitted
SOUTHGATE_1242	S/S furniture depository	Permitted
SOUTHGATE_856	Use for light industrial	Permitted
<b>Solar House, 282 Chase Road</b>		
TP/84/1550	Canopy	1984? Permitted
TP/75/0717	Change of use to warehouse	1975? Permitted
TP/71/1403	Toilets	1971? Permitted
TP/70/1502	Boundary wall & access	1970? Permitted
DET/65/0010	Use for light industrial purposes	1965? Not known

## 2.3 Pre Application Consultation

2.3.1 The Appellant undertook pre-application discussions with the Council between January 2017 and April 2019, including a presentation to a

Planning Panel in January 2019. A presentation was also made to the Conservation Advisory Group in February 2019.

2.3.2 Presentations were made to the Council's Place and Design Quality Panel on 19 July 2018 and 31 January 2019.

2.3.3 Pre-application discussions were also held with the GLA and Historic England.

2.3.4 The Appellants undertook public consultation with an exhibition held nearby at South Point House on 13 February 2019. Details are provided in the submitted Statement of Community Involvement.

2.3.5 The Southgate District Civic Voice undertook its own public consultation process in June 2019, assisted by Civic Voice, the national charity for the civic movement in England.

## 3. The Appeal Application

### 3.1 The Appeal Application

3.1.1 The Application was submitted on 19 May 2019 and made valid on 3 June 2019 (LB Enfield ref: 19/01941/FUL).

3.1.2 Amendments to the Application were submitted on 1 October 2019.

3.1.3 Appendix 1 of the draft Statement of Common Ground includes a list of all application documents.

3.1.4 During the application process comments were received from the following statutory consultees:

- Mayor of London Stage 1 report
- Transport for London
- Historic England
- Environment Agency
- NHS London Healthy Urban Development Unit (HUDU)
- LB Barnet
- London Fire Service
- Metropolitan Police (Designing out Crime Office)
- Thames Water
- Conservation Advisory Group
- Greater London Archaeology Advisory Service

3.1.5 The Mayor of London's Stage 2 report was dated 1 September 2020.

3.1.6 A total of 481 representations was received from the public including from Cllr Stewart (neighbouring ward councillor) and the following groups:

- Friends of Grovelands Park
- Southgate District Civic Voice
- Pickard Close Residents Group
- Southgate Green Conservation Area Study Group
- Bambos Charalambous MP (Enfield Southgate)
- Joanne McCartney AM (Enfield and Haringey)

## **3.2 Mitigation**

3.2.1 Heads of terms for a s106 agreement are included in the draft Statement of Common Ground. A full agreement will be put in place for the Public Inquiry in the event the Appeal is allowed, to ensure the impacts of the Development are adequately addressed through relevant planning obligations.

3.2.2 Draft planning conditions to be imposed should the Appeal be allowed are included in the draft Statement of Common Ground.

3.2.3 The development would also be liable for payment of the Community Infrastructure Levy.



## 4. Planning Policy Context

### 4.1 Introduction

4.1.1 This Appeal must be determined in accordance with the development plan unless material considerations indicate otherwise: s38(6) of the Planning and Compulsory Purchase Act 2004 [the 2004 Act].

4.1.2 Section 5 of the draft Statement of Common Ground sets out details of the relevant planning policy framework and relevant material considerations. This section of the LPA's Statement of Case summarises these here.

### 4.2 The Development Plan

4.2.1 The Development Plan comprises:

- the London Plan (March 2021)
- Enfield Local Plan: Core Strategy (2010)
- Enfield Local Plan: Development Management Document (2014)

4.2.2 At the time of the Council's determination of the Application, the previous London Plan (2016) was in force; references to its policies in the reasons for refusal are now of historic relevance only.

4.2.3 The emerging New Local Plan for Enfield has little weight in the determination of the appeal proposal (NPPF para 48 refers). It is anticipated that the imminent draft plan (2019 to 2039) to be published under Regulation 18 will be accompanied by evidence

documents relating to housing land supply that will assist the Public Inquiry in September.

### **4.3 National Planning Policy Framework and Guidance**

4.3.1 The National Planning Policy Framework (2019) is material consideration in the determination of the Appeal. Para 5.5 of the draft Statement of Common Ground lists the following key provisions of the NPPF as relevant in this case:

- para 11(d) and the footnote relating to housing delivery
- para 48 – weight of emerging policy
- para 59s and 61 – housing land and need
- para 80 – support for business
- paras 117, 118, 122 and 123 – efficient use of land for new homes
- paras 124 and 127 – good design
- paras 189, 192, 193 and 196 – decision-making in relation to heritage assets

4.3.2 Reference will be made to relevant sections of national Planning Practice Guidance [PPG] where appropriate.

### **4.4 Development Plan Policies**

4.4.1 The following London Plan policies are relevant to this Appeal (\*refers to equivalent policies of the Intend to Publish London Plan cited in the reasons for refusal):

- D2: Infrastructure Requirements for Sustainable Densities

- D3: Optimising site capacity through the design-led approach\*
- D4: Delivering good design\*
- D5: Inclusive design
- D6: Housing Quality and Standards.
- D7: Accessible Housing
- D8: Public Realm
- D9: Tall buildings\*
- D11: Safety, security and resilience to emergency
- D12: Fire Safety
- D14: Noise
- E3: Affordable workspace
- E11: Skills and opportunities for all
- H1: Increasing Housing Supply
- H4: Delivering Affordable Housing
- H10: Housing Size Mix
- HC1: Heritage conservation and growth\*
- GG1: Building Strong and Inclusive Communities
- GG2: Making the Best Use of Land
- GG3: Creating a Healthy City
- GG4: Delivering the Homes Londoners Need
- G1: Green Infrastructure
- G5: Urban Greening
- G6: Biodiversity and access to nature
- G7: Trees and woodlands
- S4: Play and Informal Recreation
- SI1: Improving air quality
- SI2: Minimising Greenhouse Gas Emissions
- SI3: Energy Infrastructure
- SI5: Water infrastructure
- SI6: Digital connectivity infrastructure
- SI7: Reducing waste and supporting the circular economy
- SI12: Flood risk management

- SI13: Sustainable drainage
- T1: Strategic approach to transport
- T2: Healthy Streets
- T3: Transport capacity, connectivity and safeguarding
- T4: Assessing and mitigating transport impacts
- T5: Cycling
- T6: Car Parking
- T9: Funding transport infrastructure through planning

4.4.2 The following policies of the Enfield Core Strategy are relevant to this Appeal

- CP1: Strategic Growth Areas
- CP2: Housing Supply and Locations for New Homes
- CP3: Affordable Housing\*
- CP4: Housing Quality\*
- CP5: Housing Types\*
- CP6: Housing Need
- CP8: Education
- CP9: Supporting Community Cohesion
- CP20: Sustainable Energy Use and Energy Infrastructure
- CP21: Delivering Sustainable Water Supply, Drainage and Sewerage Infrastructure
- CP24 : The Road Network
- CP25: Pedestrians and Cyclists
- CP26: Public Transport
- CP28: Managing Flood Risk Through Development
- CP29: Flood Management Infrastructure
- CP30: Maintaining and Improving the Quality of the Built and Open Environment\*
- CP31: Built and Landscape Heritage
- CP32: Pollution
- CP34: Parks, Playing Fields and Other Open Spaces

- CP36: Biodiversity

4.4.3 The following policies of the Enfield Development Management Document are relevant to this Appeal:

- DMD1: Affordable Housing on Sites Capable of Providing 10 units or more
- DMD3: Providing a Mix of Different Sized Homes
- DMD6: Residential Character\*
- DMD8: General Standards for New Residential Development\*
- DMD9: Amenity Space
- DMD10: Distancing\*
- DMD37: Achieving High Quality and Design-Led Development\*
- DMD38: Design Process\*
- DMD42: Design of Civic / Public Buildings and Institutions
- DMD43: Tall Buildings\*
- DMD44: Conserving and Enhancing Heritage Assets
- DMD45: Parking Standards and Layout
- DMD47: New Road, Access and Servicing
- DMD48: Transport Assessments
- DMD49: Sustainable Design and Construction Statements
- DMD50: Environmental Assessments Method
- DMD51: Energy Efficiency Standards
- DMD52: Decentralized Energy Networks
- DMD53: Low and Zero Carbon Technology
- DMD55: Use of Roofspace / Vertical Surfaces
- DMD57: Responsible Sourcing of Materials, Waste Minimisation and Green Procurement
- DMD58: Water Efficiency
- DMD59: Avoiding and Reducing Flood Risk
- DMD60: Assessing Flood Risk

- DMD61: Managing surface water
- DMD62: Flood Control and Mitigation Measures
- DMD63: Protection and Improvement of Watercourses and Flood Defences
- DMD64: Pollution Control and Assessment
- DMD65: Air Quality
- DMD66: Land Contamination and instability
- DMD68: Noise
- DMD69: Light Pollution
- DMD70: Water Quality
- DMD71: Protection and Enhancement of Open Space
- DMD72: Open Space Provision
- DMD73: Child Play Space
- DMD76: Wildlife Corridors
- DMD77: Green Chains
- DMD78: Nature Conservation
- DMD79: Ecological Enhancements
- DMD80: Trees on Development Sites
- DMD81: Landscaping

## **4.5 Other Material Considerations**

4.5.1 Para 5.9 of the draft Statement of Common Ground lists the following guidance that is material in this case:

- Enfield S106 SPD (2016)
- Enfield Characterisation Study (2011)
- GLA: London Sustainable Design and Construction SPG (2014)
- GLA: Shaping Neighbourhoods: Character and Context SPG (2014)

- GLA: Accessible London: Achieving an Inclusive Environment SPG (2014)
- GLA: Social Infrastructure SPG (2015)
- GLA: Housing SPG (2016)
- GLA: Homes for Londoners: Affordable Housing and Viability SPG (2017)

4.5.2 The draft Statement of Common Ground also refers to the following documents:

- Enfield Annual Monitoring Report and updated Housing Trajectory (2019)
- 2018 Housing Delivery Test (February 2019)
- Enfield Housing Action Plan (September 2019)
- 2019 Housing Delivery Test (February 2020)
- 2020 Housing Delivery Test (January 2021)

4.5.3 The Council reserves the right to refer to any other documents considered material to the determination of the Appeal.

## **5. The Council's Case for Opposing the Development**

### **5.1 Introduction**

5.1.1 This section of the Statement sets out the Council's reasons for refusing the Application. It outlines the key arguments for considering the Development contrary to the Development Plan and which will be elaborated in its evidence to the Inquiry.

5.1.2 Each of the reasons for refusal is addressed in turn. Note that:

- London Plan policies cited in the reasons refer to the old London Plan (2016) are now superseded by the London Plan adopted on 2 March 2021
- reference to Intend to Publish London Plan policies should now be read as to policies in the current London Plan



## 5.2 Design (Reason for Refusal 1)

### 5.2.1 The first reason for refusal states:

1. *The proposed development, due to its height, bulk and massing would result in an intrusive and incongruous form of development which fails to integrate satisfactorily with its surroundings. The height of the proposed towers in particular is excessive in this location and would result in an inappropriately visually prominent form of development that would be out of context and unduly dominant. The development would be detrimental to and in contrast to the prevailing character and appearance of the area and would be contrary to Policies 3.5, 7.4, 7.6 and 7.7 of the London Plan, Policy D3 & 4 of the draft London Plan (Intend to Publish), Policies CP4 and CP30 of the Core Strategy, Policies DMD6, DMD8, DMD37 and DMD 43 of the Development Management Document.*

### 5.2.2 The policies referred to in the reasons for refusal are as follows:

- LP Policy D3 – promotes optimal site capacity through a design-led approach
- LP Policy D4 – promotes good design quality through appropriate analysis, assessment and review
- CS Policy CP4 – aims to secure high quality design and sustainability of new homes
- CS Policy CP30 – promotes attractive, safe, accessible, inclusive and sustainable places and local distinctiveness
- DMD Policy DMD6 – seeks development at a density appropriate to the locality

- DMD Policy DMD8 – sets out general standards for new residential development
- DMD Policy DMD37 – promotes high-quality, design-led development that adheres to good urban design principles
- DMD Policy DMD43 – sets out criteria for when and where tall buildings may be acceptable, including cross-reference to previous London Plan Policy 7.7 (now Policy D9)

5.2.3 LP Policy D9 promotes a plan-led approach to the location of tall buildings. In relation to development proposals it requires, inter alia, the assessment of visual impacts in long-range, mid-range and immediate views, that tall buildings should reinforce the spatial hierarchy, and that architectural quality should be exemplary.

5.2.4 The Council’s case is that the Development does not accord with the Development Plan in the following ways:

- it fails to integrate satisfactorily with its surroundings
- its height is excessive and inappropriately visually prominent and dominant in its context
- the architectural detail falls short of the exemplary quality required

5.2.5 Each of these points is briefly elaborated in turn below.

***Failure to integrate satisfactorily with its surroundings***

5.2.6 Policy requires a design-led approach to optimising development capacity, to ensure that the proposed design is the most appropriate for the site, responds to context and respects the unique character of the locality. The Appellant has failed to consider alternative

design options even in its earliest pre-application discussions with the Council and others; nor was any such analysis presented to the Place and Design Quality Panel. No such analysis is presented in the submitted Design and Access Statement. This runs counter to the approach set out specifically in London Plan Policies D3 and D4 and results in a proposal that is fundamentally flawed in design terms.

- 5.2.7 In so doing, the Development fails to apply key urban design principles to the Site, as set out in Policies CP30 and DMD37. The scale and form are inappropriate for the existing pattern of development and setting as required by Policy DMD6.

***Excessive and inappropriate height and massing***

- 5.2.8 The height of the Development is inappropriate. No convincing rationale has been provided to justify the proposed height and location of buildings. The Council will demonstrate that the Development fails to meet the relevant tests set out in Policy DMD43 and that the townscape analysis from various viewpoints, including a number of additional viewpoints now requested, is flawed.

- 5.2.9 The Development is an arbitrary landmark that fails to reinforce the existing spatial hierarchy, contrary to London Plan Policy D9.

***Insufficient architectural design quality***

- 5.2.10 The poor quality of the detailed architectural design fails to mitigate for the strategic concerns around height, massing and bulk.
- 5.2.11 The Council will present evidence to show how a more sympathetic approach to detailed design, including materials, façades, the public realm, legibility, and treatment of street frontages could have been more successful in integrating the Development with its context.

***Documents***

5.2.12 Reference will be made to the following documents in relation to this reason for refusal:

- the relevant development policies listed above
- the Enfield Characterisation Study
- GLA: Shaping Neighbourhoods: Character and Context SPG (2014)
- GLA: Town Centres SPG (2014)

### 5.3 Heritage (Reason for Refusal 3)

5.3.1 The third reason for refusal states:

3. *The proposed development, due to its height, bulk and massing would result in an intrusive, incongruous and visually prominent form of development that would cause less than substantial harm to the setting of the adjoining heritage assets with insufficient public benefits provided by the development to outweigh this harm. Harm would specifically be caused to the setting of the Grade II\* listed Southgate Underground Station and the setting of the Southgate Circus Conservation Area. The development therefore is considered to be contrary to Policies CP5 and CP30 of the Core Strategy, Policies DMD6, DMD8, DMD10, DMD37 and DMD38 of the Development Management Document, London Plan Policies 3.4, 7.4, 7.6 & 7.8, and Policies D3 and D9 of the draft London Plan (Intend to Publish) as well as the NPPF.*

5.3.2 The policies referred to in the reasons for refusal are as follows:

- LP Policy D3 – promotes optimal site capacity through a design-led approach
- LP Policy D9 – sets out a context- and plan-led approach to the consideration of tall buildings
- CS Policy CP5 – includes balancing the most efficient use of land with respecting local quality and character, and accessibility
- CS Policy CP30 – promotes attractive, safe, accessible, inclusive and sustainable places and local distinctiveness

- DMD Policy DMD6 – seeks development at a density appropriate to the locality
- DMD Policy DMD8 – sets out general standards for new residential development
- DMD Policy DMD10 – sets out standards for distances between windows
- DMD Policy DMD37 – promotes high-quality, design-led development that adheres to good urban design principles
- DMD Policy DMD38 – sets out requirements for Design and Access Statements to document the design process, alongside design review scrutiny

5.3.3 As set out in the draft Statement of Common Ground two other policies are relevant here:

- LP Policy HC1 – promotes conservation of the significance of heritage assets and their settings in appreciation of their surroundings
- DMD Policy DMD44 – resists developments that do not preserve or enhance heritage assets or their settings

5.3.4 The Council's case is that the Development does not accord with the Development Plan in the following ways:

- it results in less than substantial harm to the setting of the Grade II\* listed Southgate Underground Station
- it results in less than substantial harm to the setting of the Southgate Circus Conservation Area

5.3.5 Each of these points is briefly elaborated in turn below.

***Harm to the setting of Southgate Underground Station***

5.3.6 Southgate Underground Station is Grade II\* listed: it therefore has high significance as a heritage asset. This significance applies equally to the adjoining Pylons (Grade II\*): while not specifically referenced in the refusal reason and not specifically listed as forming a group with the Station, the Pylons are clearly an integral part of the ensemble of buildings, together with Station Parade (Grade II listed).

5.3.7 The Council will demonstrate that the Development would have a major impact on the setting of the listed Station, involving a comprehensive and fundamental change to its setting. This is “less than substantial” only in that it is an impact on setting and not a direct physical impact on the building itself. The Appellant has failed to consider alternative design options, even in its earliest pre-application discussions with the Council and others (as required by DMD38), that might have resulted in less fundamental impacts.

***Harm to the setting of Southgate Circus Conservation Area***

5.3.8 Southgate Circus Conservation Area was designated in 2008. It too has major heritage significance. The designation reflects the set piece that comprises the modernist Underground Station, Pylons and Station Parade, with adjoining parades in contrasting semi-classical or mock-vernacular style, alongside some surviving 19C buildings.

5.3.9 The Council will demonstrate that the Development would have a major impact on the setting of the Conservation Area, involving a comprehensive and fundamental change to its setting. This is “less than substantial” only in that it is an impact on setting and not a direct physical impact on the Conservation Area itself.

5.3.10 Whereas the setting of a listed building is part of the statutory scope of s66 of the Planning (Listed Buildings etc) Act 1990, as amended [the LBA]. Development outside a conservation area but affecting its setting is not covered by s72 of the LBA, although the harm to the setting of a conservation area would nonetheless be a material consideration. This is because s72 applies "*with respect to any buildings or other land in a conservation area*".

5.3.11 However, the Framework goes further than the LBA: it makes the setting of a conservation area part of what may make it significant, which is relevant to planning decisions. Read together, paragraphs 194 to 195 of the Framework make clear that harm to the setting of a conservation area is of equivalent importance, in terms of the justification required, to the setting of a listed building. But it does so as a matter of policy rather than of statutory duty (see *Safe Rottingdean Ltd v Brighton and Hove City Council* [2019] EWHC 2632 (Admin)).

5.3.12 The Appellant has failed to consider alternative design options, even in its earliest pre-application discussions with the Council and others (as required by DMD38), that might have resulted in less fundamental impacts.

### ***Documents***

5.3.13 Reference will be made to the following documents in relation to this reason for refusal:

- the relevant development policies listed above
- listing descriptions of Southgate Underground Station and other listed buildings within the Conservation Area
- Southgate Circus Conservation Area Appraisal



- Southgate Circus Conservation Area Management Plan
- Enfield Local Heritage List (May 2018)
- Historic England: Conservation Principles, Policies and Guidance (2008)
- Historic England: Managing Significance in Decision-Taking in the Historic Environment (Historic Environment Good Practice Advice in Planning: 2)
- Historic England: The Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning Note 3)
- Historic England: Statements of Heritage Significance: Analysing significance in heritage assets (Historic England Advice Note 12)
- *Rottingdean Ltd v Brighton and Hove City Council* [2019] EWHC 2632 (Admin)

## 5.4 Amenity (Reason for Refusal 4)

5.4.1 The fourth reason for refusal states:

4. *The proposed development due to its height, bulk and massing, would give rise to conditions prejudicial to the amenities of the adjacent and nearby residential properties due to the visual intrusion, sense of enclosure and overlooking caused. This would be contrary Policies DMD8, DMD10, DMD37 and DMD43 of the Development Management Document, London Plan Policies 3.5, 7.6, 7.8 and Policies D3 & HC1 of the draft London Plan (Intend to Publish).*

5.4.2 The policies referred to in the reasons for refusal are as follows:

- LP Policy D3 – promotes optimal site capacity through a design-led approach
- LP Policy HC1 – promotes conservation of the significance of heritage assets and their settings in appreciation of their surroundings
- DMD Policy DMD8 – sets out general standards for new residential development
- DMD Policy DMD10 – sets out standards for distances between windows
- DMD Policy DMD37 – promotes high-quality, design-led development that adheres to good urban design principles
- DMD Policy DMD43 – sets out criteria for when and where tall buildings may be acceptable

5.4.3 The Council's case is that the Development does not accord with the Development Plan in the following ways:

- in failing to integrate satisfactorily with its surroundings it does not respect the relationship with adjoining and nearby residential occupiers
- its excessive height and prominence is visually intrusive, causes overlooking and creates a negative sense of enclosure

5.4.4 Each of these points is briefly elaborated in turn below.

***Failure to respect the relationship with nearby residential occupiers***

5.4.5 As with refusal reason 1, policy requires a design-led approach to optimising development capacity, to ensure that the proposed design is the most appropriate for the site, responds to context and respects the unique character of the locality. The Appellant has failed to consider alternative design options even in its earliest pre-application discussions with the Council and others. By pursuing capacity maximisation as opposed to optimisation, there are undue impacts on adjoining and nearby residential amenity, contrary to the principles set out in LP Policies D3 and D4, CS CP30, and DMD DMD6 and DMD37.

***Visual intrusion, overlooking and sense of enclosure***

5.4.6 The Council will demonstrate that the Development would result in visual intrusion in adjoining residential properties by reference to cross-sectional drawings and the townscape assessment that forms part of the Application.

5.4.7 The Council will demonstrate that the Development would result in overlooking of adjoining residential properties by reference to cross-sectional and elevational drawings that form part of the Application.

5.4.8 The Council will demonstrate that the Development would result in a negative sense of enclosure for adjoining residential occupiers by reference to cross-sectional and elevational drawings and to the townscape assessment that form part of the Application.

***Documents***

5.4.9 Reference will be made to the following documents in relation to this reason for refusal:

- the relevant development policies listed above
- relevant application drawings
- the submitted townscape assessment and AVRs
- the Enfield Characterisation Study

## 5.5 Planning balance

5.5.1 This Appeal is one where the 'tilted balance' applies:

*for applications involving the provision of housing, situations ... where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.*

*... granting permission unless:*

- i. ...*
- 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.*

[NPPF para 11(d) and footnote 7]

5.5.2 The 2020 Housing Delivery Test (January 2021) shows that the Council achieved 56% delivery against its strategic requirements, triggering the presumption in favour of sustainable development set out in NPPF para 11(d) above.

5.5.3 It is the Council's case that the adverse impacts of the Development – on townscape character, the setting of heritage assets and on residential amenity – significantly and demonstrably outweigh its benefits.

5.5.4 Having considered the evidence of these matters and in applying the 'tilted balance', it is important to note that housing supply is not static. As noted in the draft Statement of Common Ground, the 2018 Housing Delivery Test (February 2019) showed 85% delivery against requirements. The subsequent Enfield Housing Action Plan (September 2019) set out how the Council aims to improve both current and future housing delivery by undertaking key actions to

either facilitate or deliver a greater number of homes in the borough.

5.5.5 At the time of the decision on the Application the 2019 Housing Delivery Test (February 2020) showed 77% delivery against requirements, necessitating demonstration of a 20% buffer in the housing trajectory.

5.5.6 Furthermore, the Enfield Annual Monitoring Report and updated Housing Trajectory 2019 (AMR) demonstrated a 5-year housing land supply to 2023 (based on the old London Plan figure of 798 homes per annum) and allowing for previous shortfall and a 20% buffer.

5.5.7 Since publication of the 2020 Housing Delivery Test, the Council has prepared an updated Housing Delivery Action Plan (2020) which identifies, *inter alia*, the need to update the local plan to help delivery the London Plan housing requirements. A draft new Local Plan will be published shortly under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2021. It is anticipated that this will be accompanied by evidence documents relating to housing land supply that will assist the Public Inquiry in September.

5.5.8 The latest position on housing supply, the development pipeline and the plan-making process will be a material consideration in applying the presumption in favour of development in the 'tilted balance' in this case.

### **Documents**

5.5.9 Reference will be made to the following documents in relation to the application of the planning balance:

- Enfield Strategic Housing Land Availability Assessment (2020)
- Enfield Capacity Study Policy Review (2020)
- Enfield Capacity Study Site Identification (2020)
- Enfield Local Housing Needs assessment (2020)
- Enfield Housing Delivery Action Plan (2020)

5.5.10 It is anticipated that other documents will be published alongside the new draft Local Plan that will material to this issue.

## 6. Conclusion

- 6.1 The Council will present evidence on each of the issues included within the reasons for refusal. It reserves the right to make reference to any other documents considered appropriate to the case at the time of the Public Inquiry, including other relevant appeal decisions.
- 6.2 The Council does not consider that the Appellant has adequately considered the Site context as the basis for optimising delivery of housing. The Appellant has failed to demonstrate that the Site is suitable for the height, bulk and massing of buildings proposed. And the detailed design of the Development is not of an outstanding quality sufficient to overcome this objection.
- 6.3 This inadequate design process results also in the overbearing impact of the Development on nearby residential properties, resulting in a negative sense of enclosure and loss of privacy.
- 6.4 The Council does not consider that the Appellant has provided clear and convincing justification for the Development's adverse impacts on the setting of the Grade II\* listed Southgate Underground Station and on the setting of the Southgate Circus Conservation Area. This adverse impact is "less than substantial" because it relates to the setting of these designated heritage assets, as opposed to a direct physical impact; the harm nevertheless involves a comprehensive and fundamental change to setting that warrants refusal on this point.
- 6.5 The latest position on housing supply, the development pipeline and the plan-making process will be a material consideration in applying



the presumption in favour of development in the 'tilted balance' in this case.

- 6.6 It is the Council's case that the Development does not accord with the provisions of the Development Plan so far as material to the appeal, and that other material considerations, considered cumulatively, do not indicate that planning permission should be granted.
- 6.7 In these terms, when applying the 'tilted balance' test in paragraph 11 d) of the NPPF, the Inspector will be invited to find that planning permission should not be granted because the adverse impacts of doing so would significantly and demonstrably outweigh the benefits having regard to the policies within the Framework taken as a whole.
- 6.8 Accordingly, in due course, the Council will invite the Inspector to dismiss the Appeal.
- 6.9 Draft planning conditions to be applied to the Development should the Appeal be allowed have been agreed, without prejudice, with the Appellant and included with the draft Statement of Common Ground.
- 6.10 A s106 planning obligation in the form of a legal agreement will be provided in accordance with the Appeal timetable, in the event the Appeal is allowed, to secure the agreed heads of terms set out in the draft Statement of Common Ground.

# Appendix 1: Site location plan

