



**Draft Enfield Local Plan
June 2021**

**Representations from
Cockfosters Local Area Residents
Association (CLARA)**

September 2021

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INTRODUCTION

- 1 The Cockfosters Local Area Residents Association (CLARA) was initially established in 1993 as the Chalk Lane Area Residents Association to represent the concerns of Enfield and Barnet residents in the northern part of Cockfosters. It has since expanded its remit to cover Cockfosters as a whole, namely that part of Cockfosters Ward excluding Hadley Wood.
- 2 We are very concerned with development not only in the immediate vicinity of the Cockfosters local centre but also in adjacent areas.

PREAMBLE

- 3 We have prepared specific responses on the draft Enfield Local Plan. These can be found in **Appendix A**.
- 4 Our comments in **Appendix A** respond to the questions posed in the Local Plan Consultation, with particular attention on the immediate vicinity of Cockfosters. Our current work on the voluminous planning application at Cockfosters Station (21/02517/FUL) has limited the time we can devote to this consultation. However, we are familiar with the analysis undertaken by FERAA, HWA, TES, ETRA, BHE and others. Therefore, we can add our general observations and particular concerns on themes that have been more fully studied and responded to by others.
- 5 We also attach, as **Appendix B**, a report that we recently submitted to Enfield Development Management as part of the consultation on the planning application at Cockfosters station (21/02517/FUL). This particular report is critical of the way that the draft Local Plan has been developed and how the developer is seeking to exploit it. This sets a damaging precedent for other sites across Enfield. It cannot be right that sites in the Plan are, in effect, developer-led rather than justified without proper establishment of the planning evidence base.

GENERAL OBSERVATIONS ON THE CONSULTATION

- 6 The massive volume of documentation in the Plan requires many hours to examine and understand. It is full of internal policy contradictions, omissions, errors, jargon and acronyms and hard-to-understand maps. It demonstrates that the authors are not familiar with the Borough.
- 7 One might conclude that the way this has been published seeks deliberately to defy the principles of good public consultation.
- 8 It is essential that the Council responds proactively to constructive criticism from residents and various groups for the next stage of consultation.

- 9 The time to digest this important information and respond has been insufficient, especially when set against summer holiday time. It is stated that this consultation draws on earlier consultations in 2013 and 2018. Given the degree of ‘transformative’ change in this iteration, that is an unsupportable position. The degree to which the Plan has been explained to residents is insufficient. Furthermore, the Council flyer recently delivered to residents’ homes is, at best, disingenuous.
- 10 This consultation is a wasted opportunity.

GENERAL THEMES

THE GREEN BELT

- 11 The consultation states that it seeks ‘to protect the openness of the Green Belt’. This may be the biggest policy contradiction in the draft Plan. The work done to support the inclusion of the various sites proposed for development has not been done in terms of VIAs, flood risk assessment and constrained transport or road connections. It is said that the need to develop some part of the Green Belt is inescapable. We do not accept this: it is a false proposition that results from managed assumptions in the way the draft Plan has been prepared.
- 12 We further believe that any homes built on the Green Belt will be neither affordable nor improve Enfield’s most critical housing needs.
- 13 The proposals are in direct contradiction with the London Plan.
- 14 Furthermore, the Plan communications speak of investing in Enfield’s Green Spaces. This fine ambition would be ‘doublespeak’ when set against the reduction of the Green Belt.

TALL BUILDINGS

- 15 This is the second serious policy conflict in the draft Plan. The proposals talk about limiting tall buildings in ‘appropriate locations’. That would be in line with the London Plan if the areas for tall buildings had been established through an examination of the evidence base and proper consultation. *They have not.* The draft Plan completely reverses the current reasonable and proper tests that apply to determining those locations. Many of the locations for high-rise development are in inappropriate in terms of proximity to low rise townscape, adjacent heritage assets and protected views.
- 16 The development suggestions for tall buildings invariably provide over-dense residential small family flats, absence of parking and are less sustainable. This is evidenced by the recent summary (September 2021) from the GLA Planning and Regeneration Committee that states ‘the Committee does not believe that tall buildings are the answer to London’s housing needs.’ It goes on to say that tall buildings are neither sustainable nor suitable for family life.

HOUSING MIX

- 17 The targeted numbers for housing additions do not hang together. There is no provision for additions from small or 'windfall' sites, which could contribute over 30 percent of the overall targets. There is an inadequate percentage of truly family-sized homes. Development targets rely substantially on larger development sites to the exclusion of more evolutionary schemes. The contribution from Meridian Water is unclear, both in terms of numbers and dates for completion. Development in the West of the Borough is preferred but this is uncertain in terms of the numbers of affordable homes this can bring and whether it will correspond to the areas of greatest housing need.

EQUALITIES IMPACT

- 18 The need for comprehensive Equalities Impact Assessments under the Equality Act 2010 is a legal obligation under the Public Sector Equalities Duty that the Council cannot defer. It follows that this should be evidenced in this draft Plan. We cannot see that the impact on protected groups has been considered at the heart of the draft Plan.
- 19 The impact on those groups will be tangible in such aspects as modal shift, elimination of car parks at stations and supermarkets and in the design of high-rise apartment blocks

MODAL SHIFT

- 20 As an outer London Borough, car ownership is at above average levels and is likely to remain at or close to existing levels (regardless of the wide adoption of electric vehicles), driven by geography, trade and work patterns. Cars and the like are not simply a luxury but an essential means of mobility for many. We would concede that 'active travel' numbers will grow but, set against a significant growth in population, the total number of vehicles will not decrease, even with compunction.
- 21 The idea that all car parks at stations and supermarkets can be built on is preposterous. It would be damaging to both users (fit or impaired), retail trade and other amenities. To pretend or compel otherwise, will be to drive economic activity to other areas outside of the Borough. Similarly, it is unrealistic to think new homes, especially in the Green Belt or nearby, could be offered for sale without adequate parking provision for private vehicles.

TRANSPORT INFRASTRUCTURE

- 22 The present transport infrastructure has developed over many years. Major rail and tube routes are essentially north-south in Enfield with lateral connections limited to buses that are not uniform across the Borough, nor are they adequate to adjacent boroughs. The draft Plan talks at development around 'transport hubs', with Cockfosters, Oakwood and Crews Hill being examples cited. These are neither town centres nor transport hubs, rather, they are barely local centres. Any draft Plan cannot hold water without a proper appreciation of existing and planned transport connections.

CONCLUSIONS

- 23 This draft Local Plan is a substantial, even intimidating, piece of work. It seeks to address various competing imperatives but does not do this in a forensic or plausible way.
- 24 We conclude, as do others, that the consultation is being pushed through with undue haste and without a transparent process of explanation to residents.
- 25 It is recognised that this is merely a draft for the Regulation 18 phase of the process. However, given the scale of the deficiencies, it should be sent back for material revisions.

APPENDIX A: SPECIFIC COMMENTS

- 26 For ease of reference we have made them in the same order as they appear in the ELP (the 'Plan') with the exception of those on the tall buildings policy. These are in a separate section.
- 27 We note that the Council Leader acknowledges in the foreword to the Plan the need to 'improve the character of our neighbourhood and natural qualities of our landscape.'

1 INTRODUCTION

- 28 **1.10** This consultation document states that the council retains an open mind on the policies outlined in it.
- 29 **1.33** We consider it is important that the existing policies within the Core Strategy, Development Management Document and Area Action Plans will continue to apply until the ELP is adopted.

2 GOOD GROWTH IN ENFIELD

- 30 **2.1.15** It is asserted that 'Growth is never just a 'numbers game' and good placemaking is needed to ensure that the valued qualities, uniqueness and distinctiveness of Enfield's neighbourhood is celebrated.'
- 31 **Figure 2.2:** We agree on the need to:
- Provide a range of housing.
 - Ensure that new and improved infrastructure is delivered to support the population increases.
 - Preserve character areas and heritage and historic assets.
- 32 **2.3.2** We endorse the Vision for Enfield. In particular, the following Strategic objectives (Table 2.1):
- 2. To use good design to create walkable connected communities.
 - 4. securing 50% of all new homes as genuinely affordable.
 - 11. To protect the Green Belt and Metropolitan Open Land and local open spaces and encourage improvements ...
 - 18. ensure that new homes are supported by high quality infrastructure ... education, health ...
 - 20. To use place-based policies to put local distinctiveness at the heart of placemaking and manage proposals for tall buildings to ensure that new development can be sensitively accommodated.
- 33 **Strategic Policy SP SS1: Spatial strategy:** We welcome the following:
- 3. ... Tall building development will only occur where it is exemplary in quality and in

appropriate urban locations.

- 13. The Green Belt will be protected from inappropriate development in line with Government policy.

34 **Table 2.2: Spatial strategy options**

We endorse the council's selection of a Medium Growth option. However, while acknowledging the need to comply with London Plan and central Government policies, and the need to address the shortfall over the last few years, the pandemic has bought into question the seeming inexorable growth of London. All accept that building on the Green Belt should be the last option. **We therefore would prefer option 3, (Medium growth 2)** which releases Strategic Industrial Land for housing in the Lea Valley.

35 **Strategic Policy SP SS2: Making good places**

3a & b. We endorse the need for applicants to justify the contribution their proposals make to placemaking in its neighbourhood and the need to integrate a mix of uses.

4b. Also, for the need for proposals to make a positive contribution to the Borough's rich heritage and local distinctiveness.

5. We question the validity of the final sentence:

'Pending the preparation of and adoption of Masterplan SPDs for the identified placemaking areas and Borough-wide design guide, proposals for major development will be considered on the basis of good growth principles and policies included in this plan and the London Plan.'

We consider that the correct position is that set out in para. 1.33, of the Plan outlined above. Pending the approval of new planning policies, including those contained in this document, the policies in place are those in the approved plans: that is the Enfield LDF, the various adopted supplementary planning documents and the new London Plan, all of which have been tested by a thorough approval process.

36 **Have your say on ... Chapter 2**

1. Do you consider the Council has selected the right spatial strategy option as its preferred option?

- *If yes, please explain why you think this.*
- *If not, which spatial strategy option do you think the Council should adopt. Please explain why you think this.*

We think the **correct spatial strategy is 3**, for the reasons set out above, with some 'gentle densification' as set out below.

2. Are there any changes you would suggest to the proposed key diagram?

We do not consider that Cockfosters Station should be regarded as a transport node. It has modest bus links, poor cycle accessibility and, due to its location on the edge of the Green Belt, only has walking links (other than recreational walking) from half its notional catchment. Instead, it should be regarded as a park and ride facility for those visiting London until regional train links are improved.

3. *Are there any changes you would suggest to the proposed Spatial Strategy policy wording?*

See our comments on SP SS2 above.

4. *Has the Council missed any other spatial strategy options?*

We are disappointed that the Plan makes no reference to the need for ‘gentle densification’ of the suburbs. We would characterise the plan’s approach as a desperate scramble to achieving the target numbers for new homes by encouraging grossly over-dense, inappropriate development, comprising small flats unsuitable for families, in a few easy locations. This is in direct contradiction to the statement of intent in 2.1.15. Instead, it should be taking the more difficult, but more organic approach, of more modest increases of density over a wider area. That is not to say the ‘urban placemaking areas’ are wrong but they should not be an excuse for more high-rise development there. We have expanded on this theme below.

37 **Suitability of high rise living for families**

London Plan Examination in Public – written statement by the London Assembly on Tall Buildings 11/01/19

‘Questions remain as to the sustainability of tall buildings particularly in relation to their residential as opposed to commercial use. The London Plan policies on tall buildings which continued until now virtually unchanged were not intended to apply to residential buildings. A clear policy distinction needs to be drawn between tall buildings for residential use and tall buildings for commercial and mixed use, particularly given that approximately 80% of tall buildings with planning consent are residential. The use needs to be considered in determining the design and configuration of a tall building and the Assembly has requested that alternative configurations for high density development should be considered.

The Assembly does not believe that tall residential buildings are the answer to London’s housing needs and should not be encouraged outside of a few designated and carefully managed areas of London. High densities can be achieved by approaches that are more suitable for families, more in keeping with London’s traditional form and less intrusive on the skyline. This is examined in the Planning Committee’s January 2016 report *Up or Out: A false choice ...*

Evidence has shown that tall buildings result in large monocultures of a single tenure or particular demographic and that the creation of mixed sustainable communities is not achievable using a predominance of tall buildings. High management costs and service charges often preclude affordable tenures and well-designed family homes are harder to achieve as they are remote from shared amenity space which is essential for family living and child development. For this reason, the Assembly has consistently argued that larger flats should be on lower storeys. Furthermore, it is difficult to achieve a mix of unit sizes in tall buildings where all floor plates conform to the same configuration, typically leading to a larger proportion of small units and single aspect homes.’

A report on the 2011 London Riots by Space Syntax noted:

'84 per cent of verified incidents in north London and 96 per cent in south London took place within a five-minute walk [400m] of both an established town centre and, secondly, a large post-war housing estate. Local centres without large post-war estates nearby were unaffected. ... Local centres that were unaffected, such as Stoke Newington, are as well connected as many of the areas where incidents were recorded ... However, in these areas there are no large post-war housing estates in close proximity. This is the case in 75 per cent of the unaffected local centres within the north and south London study areas... Most post-war housing estates have been designed in such a way that they create over-complex, and as a result, under-used spaces. These spaces are populated by large groups of unsupervised children and teenagers, where peer socialisation can occur between them without the influence of adults. This pattern of activity, and the segregation of user groups, is not found in non-estate street networks. Our analysis of court records shows that the almost three quarters of convicted rioters in the study areas live on large post-war housing estate.' (<https://spacesyntax.com/project/2011-london-riots/>)

(Space Syntax, is a spin-off from Bartlett School of Architecture, University College London. Its founder, Bill Hillier, has previously conjectured that the overly complex spatial layout of these housing estates has an effect on social patterns, often leading to social malaise and antisocial behaviour.)

38 Gentle Densification

Centre for London: Gentle densification of suburbs could help meet London's housing needs: Ben Rogers 27/01/21

'Planners, architects, housing campaigners and policymakers agree on the need to intensify our residential suburban streets with more terraced homes and mid-rise flats.

The case for gentle or 'Goldilocks' suburban development – not too high and not too low, not too dense but dense enough – is strong.

When it comes to development, most people have a strong preference for a home on a street with some outdoor green space, rather than one that is overshadowed by a large block or tower complex. The value that people attach to well-designed terraced houses or mid-rise flats is reflected in the enduring popularity of these developments ...'

Extract from Secretary of State's letter to the Mayor with initial comments on the London Plan 13/03/20

'Optimising density: It is important that development is brought forward to maximise site capacity, in the spirit of and to compliment the surrounding area, not to its detriment. Sites cannot be looked at in isolation and Londoners need to be given the confidence that high density developments will be directed to the most appropriate sites, maximising density within this framework. Examples of this are gentle density around high streets and town centres, and higher density in clusters which have already taken this approach. I am therefore Directing you to ensure that such developments are consented in areas that are able to accommodate them.'

Better Neighbourhoods: Making higher densities work: CABE: 2005

This paper, which advocates higher densities, contains this table of housing densities. For comparison we have inserted in red the densities proposed on some recent schemes in the

Borough. As can be seen these are at the top of the range and in the case of Cockfosters are only exceeded by the density of central Hong Kong!

Density Gradient		
	Units/ha	Persons/ha
Low density detached-Hertfordshire	5	20
Average net density-Los Angeles	15	60
Milton Keynes aveage 1990	17	68
Ave. density of new development in UK 1981-91	22	88
Min density for a bus service	25	100
Private sector 1960-79 - Hertfordshire	25	100
Inter war estate - Hertfordshire	30	120
Private sector 1980-1999 - Hertfordshire	30	120
Hulme - Manchester 1970s	37	148
Average net density London	42	168
Ebenezer Howard Garden City 1898	45	180
Minimum density for tram service	60	240
Abercrombie - low density	62	247
New town higher density low rise	64	256
Sustainable urban density	69	275
Victorian/Edwardian terraces - Hertfordshire	80	320
Abercrombie - Medium density	84	336
Central accessible urban density	93	370
Holly Street - London 1990s	94	376
Proposed density of development at Chase Farm	95	
Holly street - london 1970s	104	416
Abercrombie - High density	124	494
Proposed density of development at Arnos Grove Stn	143	
Hulme - Manchester 1930s	150	600
Average net density Islington 1965	185	740
Singapore planned densities 1970s	250	1000
Proposed density of development at Cockfosters Stn	270	
Kowloon actual	1250	5000

3 PLACES

39 Strategic Policy SP PL8: Rural Enfield

- The ambition to protect the Green Belt including open skylines, entrance points, strategic views and valued landscapes.
- We welcome the idea of the ‘sensitive restoration of historic parks and gardens at Trent Park ...’

However, we deplore the proposed loss of areas of the current Green Belt at Chase Park and Hadley Wood

40 Have your say on Rural Enfield ...

1. Do you support the designation of Rural Enfield as a leading transformative destination within London National Park City?

No. The National Parks City foundation wrote to the Council in July 2021 stating that their ambitions for London as a whole should not be used to justify changes to the Green Belt.

2. Do you feel the policy covers the right area of the Borough? If not, what changes would you make?

As noted above, we deplore any loss of areas of the Green Belt.

3. Do you feel the policy could be improved?

Uses in the Rural Enfield which do not accord with its open character, such as very large music festivals, should not be permitted.

4. Do the vision or policy miss any significant matters?

Although 2d makes reference to walking and cycling routes, we believe there is confusion between recreational use and sustainable travel. For example, it would be useful if students at the new Wren Academy Enfield and One Degree Academy schools located at Chase Farm could get access from Cockfosters and Hadley Wood via a direct cycle route. The Green Loop route, although connecting these two locations, is circuitous and really only suitable for recreational cycling. Other parts of the Plan make reference to the need to enhance east-west linkages but this does not seem to be reflected in proposals for Rural Enfield.

4 SUSTAINABLE ENFIELD

41 Strategic policy SP SE1: Responding to the climate emergency.

We welcome the policies set out here.

42 Policy DM SE2: Sustainable design and construction & Policy DM DE3: Whole-life carbon and circular economy

These policies give attention to embodied carbon. It is not good enough to just simply produce homes which are well insulated and use low carbon energy, we must also consider the carbon produced from the construction and maintenance of those homes. High-rise concrete structures are carbon intensive and should be discouraged.

5 ADDRESSING EQUALITY AND IMPROVING HEALTH AND WELLBEING

43 Strategic Policy SP SC1: Improving health and wellbeing of Enfield's diverse communities & Strategic Policy SP SC2: Protecting and enhancing social and community infrastructure

We welcome these policies and would add that when considering equality it is an important legal obligation under the Equality Act 2010/Public Sector Equality Duty for the planning authority to have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct prohibited

under the Act;

- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The duty, which attaches to both the writing of policy, as here, and to the consideration of applications, is a positive one; to advance equality, not just the negative one to stop discrimination.

The protected characteristics are: age; disability; gender reassignment; marriage and civil partnership (this characteristic is excluded from the PSED); pregnancy and maternity; race; religion or belief; sex; and sexual orientation. Aspects of Plan suggest that it has been developed without the consideration of protected groups required by law, e.g. elimination of car parks and significant numbers of tall buildings.

SC2: 3 & 4 While this policy requires contributions toward the cost of the provision of new school places which arise from new housing, they make no mention of the provision of space for schools and other social infrastructure. Many Enfield schools are at capacity with little scope for expansion and in some cases the provision will need to be made on site. This should be incorporated.

6 BLUE AND GREEN ENFIELD

44 Strategic Policy SP BG1: Enfield's blue and green network

We welcome the desire to protect the openness of the Green Belt (1.a.) and the 'sensitive restoration and enhancements of registered historic parks and gardens. (Trent Park...) (2.i.) We welcome that para. 6.14 notes that the effect of this policy will extend to the management of the parks and in the light of this we would ask Enfield to review the use of Trent Park for large music festivals.

45 Strategic policy SP BG5: Green Belt and edges of the countryside/urban areas

This policy only covers 'development within the Green Belt.' It should cover development that effects the Green Belt as well.

The existing policy in the Development Management Document states:

DMD 83: Development Adjacent to the Green Belt

Proposed development located next to, or within close proximity to, the Green Belt will only be permitted if all of the following criteria are met:

- a. There is no increase in the visual dominance and intrusiveness of the built form by way of height, scale and massing on the Green Belt,*
- b. There is a clear distinction between the Green Belt and urban area,*
- c. Views and vistas from the Green Belt into urban areas and vice versa, especially at important access points, are maintained.*

The London Plan notes:

Policy G2 London's Green Belt

A The Green Belt should be protected from inappropriate development:

development proposals that would harm the Green Belt should be refused except where very special circumstances exist ...

NPPF para 144 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

All these policies cover development adjacent to or visible from the Green Belt.

Policy DM BG10: Burial and cremation spaces

Why is Trent Park cemetery not included in Table 6.3?

7 DESIGN AND CHARACTER

46 We are pleased that the existing Characterisation Study will be one of the factors taken into account when considering an application.

47 **Policy DM D3: Inclusive design**

1b.(ii) demonstrate responsive engagement with affected user groups with relevant protected characteristics as appropriate to the scale and type of development.

(iii) support ease of access and independent, dignified approach to, access around and exit from all types of development as part of building inclusive neighbourhoods.

We believe that it needs to be clarified that this process covers the **change** from the existing situation to that which would exist after a proposed development has taken place, so that it reflects not just the adequacy of the new building but also the loss of any existing facility.

48 **Strategic Policy SP DE4: Putting heritage at the centre of place making & Policy DM DE5: Strategic and local views.**

We welcome both these policies which follow on from the current Plan.

49 **Policy DM DE6: Tall buildings**

Please see our separate section.

50 **Policy DM DE10: Conserving and enhancing heritage assets**

We strongly support the emphasis on conserving and enhancing heritage assets.

51 **Policy DM DE10: Conserving and enhancing heritage assets**

We strongly support this policy.

52 **Policy DM DE11: Landscape design**

We strongly support the emphasis on conserving and enhancing the Borough's landscape character, particularly Trent Park.

53 Policy DM DE13: Housing standards and design

We strongly support this policy.

54 Policy DM DE14: External amenity standards

These standards are covered by Policy D6 of The London Plan. However, there are a large number of standard that are covered in The London Plan not mentioned here. It would be better if the Plan simply made reference to The London Plan policy as suggested in the NPPF para. 16:

(f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

7A DESIGN AND CHARACTER: TALL BUILDINGS POLICY

55 Our main area of concern with the draft Plan is the tall buildings policy and the way it has been applied to the sites adjoining Cockfosters Station. Our consultant's report attached as Appendix B expands on this theme.

56 Policy DM DE6: Tall buildings

Location

1. The principle of tall buildings will be supported in appropriate locations. Different definitions of 'tall building' are used throughout the Borough to reflect local context (as explained in Figure 7.3). If a proposal is defined as tall, it will be assessed against the following criteria:

a. Figure 7.4 identifies areas where tall buildings could be acceptable (subject to the criteria contained in this policy) along with indicative maximum heights. Tall buildings should only be developed in locations that are identified as potentially suitable; and

b. Locations marked as potentially appropriate for tall buildings do not allow for a blanket height across the area. Height will only be supported as part of a coherent strategy. All other policies within the development plan remain relevant in determining the detailed location, form and design of buildings. It should be noted that many of the locations include sensitivities, including those related to heritage assets, and therefore more detailed analysis will be needed to justify proposals.

Design quality

2. Proposals involving tall buildings must demonstrate how they will:

a. be of the highest architectural and urban design quality (in terms of materials, silhouette, proportion, finishes and the treatment of the public realm);

b. relate well to the character of the immediate context and its surroundings, taking account of building heights, topography and the pattern of adjoining streets (both existing and planned);

- c. not harm the significance of heritage assets, including their settings and protected views;*
 - d. provide high quality private and communal amenity and play space in accordance*
 - e. activate the street frontage;*
 - f. be carefully sited to avoid creating a wall of tall buildings or isolated and poorly defined buildings and spaces;*
 - g. avoid adverse impacts on the microclimate (including wind and overshadowing) and amenity of the site and surrounding area (including appropriate modelling);*
 - h. provide a positive contribution to the skyline that considers views in the medium, short and long distance as well as contribution to a cumulative impact across an area.*
- 3. Applicants must submit 3D models of their designs in an agreed format to allow a full assessment of the tall building (or cumulative impact of a cluster of tall buildings) across the borough as part of the planning application process.*

Safety

4. Tall buildings must be safely designed to protect residents and users from fire and other emergency situations. Extra scrutiny will be applied at planning stage to ensure safety is considered from design inception, including the materials and construction system proposed.

- 57 This policy is difficult to understand. There appears to be a disconnect between the policy and Figure 7.4. We assume the potentially suitable locations referred to in the policy are what are referred to on the plan as:
- Appropriate location for tall buildings to mark station,
 - Appropriate location for tall buildings frontage, or
 - Appropriate area for tall buildings.

Clearly, 'potentially suitable locations' does not mean the same as 'appropriate locations/area.'

The Figure includes two references that are not mentioned in the written policy or covered in the justification:

- Sensitive edges, and
- Maximum height in meters.

Minor presentational points on Figure 7.4:

- The colour outline of the Conservation Areas is very similar to the colour for the 'Appropriate location for the tall building frontage.'
- The plan is very hard to read at the size it is presented in the Plan and can only be understood if the plan in the Evidence Base is examined and even then expanded to several times its full size.

- 58 The policy identifies potential appropriate locations but then counters that with qualifications, some of which are locational in nature. For example:

2b. relate well to the character of the immediate context and its surroundings, taking account of building heights, topography and the pattern of adjoining streets (both existing and planned);

2c. not harm the significance of heritage assets, including their settings and protected views.

- 59 Specifically, we are concerned that an area adjoining Cockfosters Station is shown as an ‘Appropriate location for tall buildings to mark station’, albeit that the boundary with the Green Belt is shown as a ‘sensitive edge’. The maximum height is shown as 45 metres (15 storeys).

This would appear to directly contradict the following policies elsewhere in the plan.

60 Strategic Policy SP SS1: Spatial Strategy

3. Tall building development will only occur where it is exemplary in quality and in appropriate urban locations.

13. The Green Belt will be protected from inappropriate development in line with Government policy.

61 Strategic Policy SP PL8: Rural Enfield

The open character of this area (as shown on the Policies Map and key diagram) will be protected and enhanced in line with Green Belt and Metropolitan Open Land policies. New development should be designed to sensitively integrate physically and visually with Enfield Chase and the Lee Valley Regional Park, particularly in relation to open skylines, key entrance points, strategic views and valued landscapes.

Para. 7.1.3 ... The study builds on the work completed in the Enfield Characterisation Study (2011) ...

62 Policy DM DE11: Landscape design

1. Proposals will be expected to take account of the quality, distinctiveness and the sensitivity of the Borough’s areas of landscape character (including the river valleys of Salmons, Turkey and Pymmes Brooks, Enfield Chase/Trent Park, Forty Hall, Lee Valley reservoirs, registered parks and gardens and Theobolds Estate) and restore, conserve and enhance:

a. the landscape character and distinctiveness of the area, including its biodiversity and cultural value and tranquillity;

b. the distinctive setting and identity of settlements (beyond the urban area) and buildings and the wider landscape, including strategic and local views;

c. the visual quality of the rural-urban fringe, marking a clear distinction between the urban edge and wider countryside;

d. the pattern of woodland, forests, trees, field boundaries, vegetation and other distinctive landscape features;

e. the special qualities of the historic landscapes, rivers, waterways, wetlands, lakes and ponds, and their surroundings; and

f. the topography of the area, including sensitive skylines, ridgelines and geological features.

63 This is a complete reversal of the current policies, viz.

DMD 43: Tall Buildings

1. Tall buildings will not be acceptable in areas classified as inappropriate.

Areas inappropriate for tall buildings include those:

a. within and adjacent to the Green Belt;

b. within the boundary or in the immediate vicinity of, or along views to, or from: Conservation areas; Nationally or locally listed buildings; Scheduled or locally listed ancient monuments; and Nationally or locally registered historic parks and gardens.

2. There will be a presumption against tall buildings in sensitive areas, with the onus being on the developer to demonstrate how the proposal avoids the negative impacts associated with the sensitive classification.

DMD 44: Conserving and Enhancing Heritage Assets

1. Applications for development which fail to conserve & enhance the special interest, significance or setting of a heritage asset will be refused.

2. The design, materials and detailing of development affecting heritage assets or their setting should conserve the asset in a manner appropriate to its significance.

3. All applications affecting heritage assets or their setting should include a Heritage Statement.

DMD 83: Development Adjacent to the Green Belt

Proposed development located next to, or within close proximity to, the Green Belt will only be permitted if all of the following criteria are met:

a. There is no increase in the visual dominance and intrusiveness of the built form by way of height, scale and massing on the Green Belt,

b. There is a clear distinction between the Green Belt and urban area,

c. Views and vistas from the Green Belt into urban areas and vice versa, especially at important access points, are maintained.

Enfield's Local Plan Evidence Base: Tall Buildings & Important Local Views March 2013

3. Enfield's Characterisation Study ... highlights the sensitivity of green belt ... in proximity to the location of tall buildings. It considers the impact of tall buildings within key views from high ground in rural areas within the green belt.

5.8 ... it is not considered feasible to define tall building acceptability zone boundaries ...

Appendix 1 Existing Taller Buildings & Structures: 48. Holbrook House / Blackhorse Tower 116 Cockfosters Road

On a ridge occupying a prominent position very sensitive to tall buildings. The existing curved shaped building is highly visible in many views from the south and east. Although

...serving as a landmark and aiding legibility of the borough the existing building does not contribute positively to its surroundings nor provide high quality public space. However, the site has good access to public transport being adjacent to Cockfosters tube station the existing office use is appropriate in this location. A high quality less bulky replacement building that better respects the prominent location and setting might be acceptable.

Appropriateness: inappropriate location; inappropriate building

64 In the summary under existing policies the site at Cockfosters, which is now to be shown as ‘an appropriate location for tall buildings’ in the new plan, is clearly shown as inappropriate location because:

- It is adjacent to the Green Belt.
- It is within a Conservation area.
- It is adjacent to a Grade II nationally listed building (Cockfosters Station), a locally listed building (Trent Boys School House) and a nationally Grade II Listed Park & Garden (Trent Park).

*This site must be one of the few in the Borough which fails **every one** of the criteria set for an appropriate location for a tall building in the existing plan.*

65 This inappropriate classification is reinforced by the Evidence Base: Tall Buildings & Important Local Views document: Appendix 1 which classifies Holbrook House/Blackhorse Tower, the building next door, as ‘Inappropriate location; inappropriate building’.

No explanation or justification is given for this total reversal the council’s view of appropriateness.

66 It would also appear to contradict NPPF:

133. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

67 It also contradicts London Plan policies:

Policy GG2

F Protect and enhance London’s open spaces, including the Green Belt, Metropolitan Open Land, designated nature conservation sites and local spaces, and promote the creation of new green infrastructure and urban greening.

Policy HC1 Heritage conservation and growth

C Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

Policy G2 London's Green Belt

A The Green Belt should be protected from inappropriate development:

development proposals that would harm the Green Belt should be refused except where very special circumstances exist ...

68 Finally, it contradicts **Historic England** guidance.

Tall Buildings—Historic England Guidance Note 4

One of the principal failings in the design of certain tall buildings was a lack of understanding of the nature of the area around them, and the impact they would have on both specific features of the historic environment and its general character.

The NPPF makes it clear that new development should be plan-led, with an emphasis upon the Local Plan having clear policies on what will or will not be permitted, in order to provide clarity for the determination of development proposals.

NPPF also makes it clear that the Government attaches 'great weight' to the conservation of designated heritage assets, including their settings.

A successful urban design framework will identify those elements that create local character and other important features and constraints, including:

- *Natural topography*
- *Urban grain*
- *Significant views of skylines*
- *Scale and height*
- *Streetscape and character assessment (including the history of the place)*
- *Materials*
- *Landmark and historic buildings and areas and their settings, including backdrops, and important local views, prospects and panoramas.*

69 Running through some of the features and constraints listed by HE as they relate to the Cockfosters site, it is clear that it is inappropriate for tall buildings:

- *Topography:* it is on the peak of a ridge.
- *Urban grain:* classified in the Enfield Characterisation Study as Farmland Valleys and Ridges landscape type and described as 'the borough's most important landscape type and forms a special area of landscape character which is a major asset for the borough. It is of both landscape and historic significance.'
- *Significant views of skylines:* HE in their pre-planning advice to the developer of the Cockfosters Station site stated:
 'Most notably, the landscape retains the character of a designed park set in wider

countryside and is largely unimpacted by outside influences. As such, the boundaries of the park are usually defined by thick vegetation with very little development being visible from within the park.'

- *Scale and Height:* the LPA have made clear their judgment in their Tall Buildings & Important Local Views document: Appendix 1 by classifying the 9-storey building next door as an inappropriate building in an inappropriate location.

It is hard to understand how that site is now appropriate with a maximum height of 33 metres (taller than the existing inappropriate building), and how the site to the north-east of the station, which is even more sensitive because it is within the Conservation Area and adjoins the Green Belt, is now an appropriate site for an even taller building of 45metres (15-storeys).

- *Landmark and historic buildings and areas and their settings, including backdrops, and important local views, prospects and panoramas:* tall buildings on this site will fall within the locally listed views from The Ridgeway. They will also be visible from most parts of the Trent Park Conservation Area and Grade II Listed Garden and Park. They will fall within the backdrop of Trent Park House and the backdrop and foreground of Cockfosters Station, both of which are Grade II Listed.

70 In all the expert judgements quoted above, the sites round Cockfosters Station are inappropriate for tall buildings. We therefore ask that the two designations in this area on Figure 7.4 are deleted, namely:

- The site north-east of the station which is shown as 'Appropriate location for tall buildings to mark station'; and
- The line along Cockfosters Road designating 'Appropriate location for tall building frontage;
along with the associated notes 'Maximum height in metres'

71 It might be argued that this is unnecessary as 1a of the policy uses the words 'could be acceptable' and 1b qualifies this by listing other criteria which must be met. This is not the case for three reasons:

1. The plan shows these locations as 'Appropriate locations'.
2. It defies logic to say they are appropriate when they are clearly not.
3. PPF is quite clear on what the Local Plan should do:

16. Plans should:

(d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.

72 The 'Maximum height' designation at the site at Cockfosters north-east of the station is inexplicable. The explanation given in the plan does not help:

Para. 7.6.2 ... Stations may also justify some height, although due to the context, a height meeting the definition of 'tall' may not always be appropriate.

Why is this height different, at 45 metres, from the 33 metre designations at Oakwood, Enfield Chase, New Southgate and Palmers Green? This is especially the case as it is in a more sensitive location. We could surmise that the plan has been made to fit the development proposals being brought forward; rather than the development proposals being guided by the plan.

8 HOMES FOR ALL

73 Strategic Policy SP H1: Housing development sites

1. The sites set out in Table 8.1 are allocated for housing development and defined on the Policies Map. Further information on site allocations is presented on the site proformas in Appendix C. The proformas carry the status of policy and indicate key requirements and considerations that need to be taken into account as sites come forward for development.

This policy is unequivocal: ‘... are allocated for housing development ...’ One of the sites so allocated is:

SA31 Cockfosters Station Car Park (Parcels a & b) – Housing – Estimated Capacity 316 units.

The policy goes on to say:

Further information on site allocations is presented on the site proformas in Appendix C. The proformas carry the status of policy and indicate key requirements and considerations that need to be taken into account as sites come forward for development.

We will set out why this site should not be allocated in this way in our comments on Appendix C.

74 Table 8.2 Housing supply

This policy lists the sources of the supply of new housing. 78% are from the allocations listed in Policy SP H1 and only 5% are from ‘Unidentified small windfall sites.’ Looking at our area of Enfield, Cockfosters, a significant proportion of the supply of new homes recently has been from these small schemes. For example, along Cockfosters Road there have been a series of developments between numbers 359 – 389 that have changed 9 houses into 76 flats: a gain of 67 units. By comparison, the only large development which would have been likely to appear in the site allocations list would have been Cat Hill former Middlesex University site which provided 232 units. So nearly 25% of the new units in this small and admittedly unscientific survey have been created from windfall sites.

The Council should be encouraging this approach.

75 The other area which would potentially be a fruitful source of sites are secondary retail premises. The list of site allocations does contain some retail sites but they are supermarkets and retail parks, the parts of the retail market which are thriving. The sort of retail which is in decline are small shops. It would help those small shops if the number were reduced and the policies in Policy SP TC2 to protect them should be deleted.

- 76 The London Plan sets targets for Enfield over 10 years of 12460 homes, 3530 (28%) of which are on small sites.

We believe that Enfield are unduly focusing on trying to cram too much housing on to a few large sites, creating high rise ghettos unsuitable for families, as set out in our comments on 'Good growth in Enfield'. Instead, they should be using those sites for lower density, mid-rise schemes with family housing supplementing that with 'gentle densification' over a wider area.

- 77 Many question whether London will continue to grow following the pandemic. The growth of London's population only resumed in the early 1990's having fallen for the previous 50 years. Perhaps its growth could reverse again. Planning policy should be flexible enough to adjust. Now there is a significant backlog so there is no need to slow housing construction. But the focus on large schemes means that inflexibility is built into the plan.

78 **Strategic Policy SP H2: Affordable housing**

These policies are set out in detail in The London Plan. Although they appear similar here the wording is different and not as detailed. In accordance with NPPF guidance (Para. 16(f)) these policies should be incorporated by reference to the London Plan policies to avoid confusion.

79 **Policy DM H3: Housing mix and type**

We support this policy.

80 **Policy DM H4: Small sites and small housing development**

We support this policy.

81 **Policy DM H7: Build to rent**

These policies are set out in detail in The London Plan. Although they appear similar here the wording is different and not as detailed. In accordance with NPPF guidance (Para. 16(f)) these policies should be incorporated by reference to the London Plan policies to avoid confusion.

9 ECONOMY

- 82 As noted at 9.21, the evidence report on employment land (London Borough of Enfield Employment Land Review) was written in 2016-17 and finalised in October 2018. Since then the pandemic has dramatically changed demand for commercial accommodation. Demand for offices and in-town retail has slumped, demand for out-of-town retail has remained fairly strong and the demand for warehouse space needed to service e-commerce home deliveries has rocketed. As noted elsewhere, there is a case to downsize in-town retail floorspace and office floorspace.

These changed circumstances need to be reflected in these policies and the freed-up land can be freed up to meet residential needs, avoiding the need to

resort to over dense residential or using the Green Belt.

83 Strategic Policy SP E4: Supporting offices.

We believe that this policy is of questionable relevance now and should be deleted.

10 TOWN CENTRES AND HIGH STREETS

84 As noted above, given the demand for housing and the lack of demand for in-town retail floorspace, we believe that these policies need to be rewritten to allow for the managed reduction of retail floorspace in secondary locations, for example: DM TC3: 2. Proposals resulting in the net loss of residential or employment floorspace will be refused.

11 RURAL ENFIELD

85 **Policy DM RE1: Character of the Green Belt and open countryside**

We strongly support this policy.

86 **Policy DM RE2: Improving access to the countryside and green corridors**

We strongly support this policy.

12 CULTURE, LEISURE AND RECREATION

87 **Policy DM CL3: Visitor accommodation**

We support the need to protect hotel accommodation. However, we do not support directing this to Enfield Town and the District Centres. We regret the loss of the Royal Chase Hotel. West Lodge Park Hotel is an important asset to Enfield and key to its offer is its edge of town location benefitting from a parkland setting, while linking good motorway connections with ready access to the Tube.

13 MOVEMENT AND CONNECTIVITY

88 **13.2 & 13.1.1** The 80% mode share for active and sustainable travel is a London-wide target. In outer London it is acknowledged that this is not possible. For example the MTS states:

Trips in this area [outer London] tend to be longer and have many different start and end points, which makes it harder to provide efficient public transport services.

Figure 57 of the MTS shows journeys within outer London changing from a 2015 split between walking/cycling/public transport and Car/Taxi/PHV of 60%/40%; changing to 75%/25% by 2041. Cars will still be an important component of the transport system.

No mention is made in this chapter of the needs of those groups with protected characteristics as set out in the Equality Act 2010. The PSED requires public authorities to eliminate discrimination, advance equality and foster good

relations between these groups and others. The particular relevant characteristics are age, disability, pregnancy and maternity.

14 ENVIRONMENTAL PROTECTION

89 No comments.

15 DELIVERING AND MONITORING

90 **Strategic Policy SP D1: Securing contributions to mitigate the impact of development**

While we support the requirement for developments to make CIL contributions toward providing social infrastructure, often as well as needing financing, this infrastructure requires space. While we can see Policy DM D2 allows a mechanism for this to be achieved on larger developments, there does not appear to be a way for this to be achieved from smaller schemes. We consider that such a provision should be incorporated.

APPENDIX C: SITE ALLOCATION PROFORMAS

91 **SA31: Cockfosters Station Car Park**

The PTAL of 6a is incorrect. The correct figure is mainly 3 with part being 4.

Heritage Considerations should read:

‘Within the Trent Park Conservation Area; within the immediate setting of Cockfosters Station (Grade II Listed Building) and Trent Park Registered Park and Garden. Within the wider setting of numerous other heritage assets.

Green – heritage constraints; potential to develop; usual methodology for assigning indicative density may not apply; heritage impact assessment required; mitigation required.’

92 The method by which the ‘Estimated Capacity’ is derived is not explained. But despite the note in both the Heritage Considerations and the Impacts on an Archaeological Priority Area that ‘usual methodology for assigning indicative density may not apply’ the density proposed is 275 homes/ha; an extremely high density.

In the density matrix reproduced in our comments on Chapter 2, it is the second highest density shown only exceeded by Kowloon, Hong Kong.

93 No reference is made in the Proforma to the importance of the existing car park use to the users of the car park, many of which have protected characteristics. For these reasons we believe that this proforma should be removed.

APPENDIX B: OBJECTION REPRESENTATIONS TO PLANNING APPLICATION 21/02517/FUL



OBJECTION REPRESENTATIONS
LAND ADJACENT TO COCKFOSTERS UNDERGROUND STATION
LPA Ref:- 21/02517/FUL

ON BEHALF OF COCKFOSTERS RESIDENTS ASSOCIATION (CLARA)
& SAVE COCKFOSTERS

July 2021

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1.0 Introduction

- 1.1 We act on behalf of Cockfosters Local Area Residents Association (CLARA) and Save Cockfosters who have asked us to provide our comments on Quod's Planning Statement in support of proposed residential tower blocks (351 units) located at land adjacent to Cockfosters Underground Station, and our view generally in terms of the planning policy position.

2.0 The Headlines

- 2.1 The highly controversial headline from Quod's statement is their view that because LB Enfield Council is now categorised by the Government as a '*presumption authority*' (as they have failed to deliver 75% of their housing requirement over the past three years), the decision maker should effectively ignore the Council's adopted Local Plan and the associated raft of restrictive policies that apply to the subject site, and grant planning permission come what may.
- 2.2 This proposition is not only factually incorrect from a legislative perspective, in our opinion, it represents an irresponsible, ad-hoc and opportunistic approach to planning which should not be countenanced. CLARA therefore wholly reject it.
- 2.3 The report also makes many broad assertions and sweeping statements throughout its contents, which are often presented as facts; examples being that the proposals involve a '*heritage-led*' scheme; that the buildings would only '*be visible in some limited views from Trent Park*' and that any harm caused to the Conservation Area would only be '*at the lower end of the scale of less than substantial harm*'. Such assertions are not substantiated by the reality of the visually intrusive tower block buildings, of conventional and rather bland design, that are proposed.

3.0 A Plan Led System

- 3.1 The starting point in considering Quod's position must be the Planning and Compulsory Purchase Act 2004 itself, Section 38(6) of which requires decision makers to determine planning applications, where regard is to be had to the development plan, in accordance with the plan unless material considerations indicate otherwise.
- 3.2 LB Enfield's statutory development plan comprises the London Plan (adopted March 2021) together with the Council's Core Strategy (CS; adopted November 2010) and Development Management Document (DMD; adopted November 2014), the latter being prepared post the Government's original National Planning Policy Framework (issued 2012) and meeting its criteria for '*soundness*'.
- 3.3 The application site itself is highly constrained by a number of important policy designations both within and surrounding it; this is reflected by the Council advertising the application as being a '*departure*' from the development plan thereby recognising that the proposals involve '*conflict*' with its adopted policies; citing DMD Policies 43 (Tall Buildings) and 44 (Heritage). It should be noted that CLARA's separate representations will demonstrate that there are indeed a whole range of other additional policy conflicts involved resulting from a detailed assessment of the scheme; this paper however focuses mainly on the '*in-principle*' issues.

- 3.4 Quod's creative contention is that this fundamental policy departure should be overridden based on the associated 'footnote' (no7) to paragraph 11d at the bottom of page 6 of the NPPF. In this regard, their position is that LB Enfield's most important policies for determining the application are out-of-date by virtue of the Council's under delivery of housing over the past 3 years and that as such the Framework's 'tilted balance' should be engaged. This argument is indeed a frequently used one, but one that is conventionally applied to Authorities whose development plans significantly pre-date the NPPF and often in respect of sites involving Green Belt locations, situated in sustainable and accessible areas, whose boundaries have not been reviewed for many years. In our opinion, for the reasons explained below, the paragraph is not engaged in this case.
- 3.5 Whilst it is accepted that the Council face difficult challenges to meet their housing needs and an urgent action plan is clearly required, this does not provide them with carte blanche to ignore their adopted Local Plan and the associated restrictive planning policies that reflect the environmental constraints and sensitivities of the application site. Enfield are not in a unique position here and is one of eight other boroughs categorised in the same 'presumption authority' bracket. The efficient progression of a new Local Plan through all its necessary public consultation stages which is ultimately subject to Inspector scrutiny is clearly one of a suite of actions available to the Council to help address their housing strategy issues going forward; other initiatives being the delivery of the Meridan Water project; Enfield's empty homes strategy; Council-led market interventions; and collaborative working with other sectors including Housing Associations.
- 3.6 Guiding the appropriate location for siting tall buildings is clearly a strategic planning issue which must be handled properly through the Local Plan process. With the Council's support and encouragement, however the applicant is seeking to prematurely progress their strategic tall buildings proposals far in advance of the new Local Plan, but rather in the context of the existing adopted DMD policy 43 (Tall Buildings) and the adopted London Plan (see paragraph 3.9.1 of Policy D9) which dictates a 'plan-led' approach to locating tall buildings. This represents poor planning practice in our view; a planning application should not under any circumstances be used as a lever to change the Local Plan position. It smacks to us of LB Enfield Council adopting a 'developer led' rather than a 'strategy led' approach.
- 3.7 Paragraph 7.82 of Quod's statement dealing with this issue highlights the complete 'U' turn that the Council has undertaken in this regard, with the site somewhat miraculously transforming from being 'inappropriate' for tall buildings in the adopted plan to now being considered 'appropriate' and allocated for high density housing within the draft emerging Local Plan. It should be noted that the Plan is still at its early Regulation 18 Draft stage and currently subject to public consultation until 13th September and that the Council's initial 'Issues & Options' consultation had made no reference whatsoever to this even being a possibility. CLARA will be submitting separate objection representations on this. It is also instructive that both parcels shown in the draft plan reflect the precise outline of the application site, at an estimated capacity of 316 units which is within the same ballpark as the applicant's proposed quantum at 351 units and could only be achieved through developing tower blocks.
- 3.8 Local Plan DMD policy 43, as one of the two departure policies identified by the Council, post-dates the NPPF and was therefore advanced against the backdrop of the Government's policy objective of significantly boosting housing supply. Applying it to the subject proposals results in fundamental conflict with its relevant policy criteria, particularly in relation to its sensitive

location adjacent to the Green Belt and relationship to heritage assets (ie. being part within and adjoining Trent Park Conservation Area and next to the historic listed station building) as well as being sited on a prominent ridge. Consistent with this, the Council's relevant evidence base (Report on Location of Tall Buildings and Important Local Views, dated March 2012) specifically and categorically identifies the location as being '**Inappropriate**' for such development. The physical relationships that this evidence was based upon have clearly not changed.

3.9 Quod have helpfully identified the various planning designations and environmental constraints that apply to the site at paragraphs 3.9 & 3.10 of their report, noting in summary, inter-alia, that:-

- *Site A is located partially within the Trent Park Conservation Area and Area of Special Character;*
- *Site A is located within an Area of Archaeological Importance;*
- *the Site is within an Air Quality Management Area*
- *part of Site A is designated as 'Local Open Space' (approx. 815sqm)*
- *the Site is located within the setting of a Grade II Listed Building (the Station)*
- *the Site is located within the setting of Trent Park Grade II Registered Park and Garden;*
- *to the north and east, adjacent to Site A, is land designated as Green Belt;*
- *the Site is adjacent to a 'Site of Metropolitan Importance for Nature Conservation' Site Borough Importance for Nature Conservation and Wildlife Corridor'*

Notwithstanding this plethora of existing planning constraints and the '*inappropriate*' zoning of the site for tall buildings, the draft plan has bizarrely reached a different conclusion.

3.10 We can reasonably deduce that the site's proposed allocation is entirely opportunistic and has not been strategically assessed in respect of the prevailing environmental constraints or how it performs relatively compared to other potential housing locations. Where is the robust evidence base that supports this '*volte face*' from the Local Authority? We would contend that there isn't one, as it is simply not credible. In our view, no rational, impartial, or fair planning judgement would lead to a selection of the site for developing 'tall buildings'. Rather, it represents a manipulation of emerging policy to suit the circumstances, based on the simple crude alignment of the Council knowing that this application was on its way as part of the wider portfolio of TfL sites being rolled out and looking to '*piggyback*' on its proposed generated housing numbers as an easy win.

3.11 In this respect, we would highlight paragraph 7.17 of the planning statement concluding on the '*Principle of Development*', where it is stated that the proposals will be '*counteracting the need for alternative sites to be found in Enfield, which may be in less sustainable locations, to ensure sufficient homes are delivered*'. Paragraph 7.26 also refers to the national and regional policy objective of protecting the Green Belt, noting its 40% coverage within the borough. Whilst Enfield's new Local Plan will clearly have difficult issues to grapple with, the Planning Department should be assessing all competing alternative sites strategically, including those within Green Belt locations given the housing supply challenges faced, and should not be acting on the hoof in the manner that is demonstrated through their support of the subject site just because it has become available.

3.12 At this early stage of the new Local Plan, however, very limited weight, if any, can be attached to its emerging policies or designations, and Quod do not attempt to argue otherwise, rather

relying solely on the NPPF footnote 7 applied to paragraph 11d. CLARA will be making separate representations on the draft Local Plan in due course.

- 3.13 The tension of the Council's policy position and inconsistency of their approach is further highlighted with reference to Quod's '*Planning History*' section under '*Recent adjacent schemes*' dealing with the next door Blackhorse Tower site. In this regard, paragraph 3.25 identifies a relevant refusal of planning permission issued in March 2021 (ref:- 20/04025/FUL) relating to simple external works including re-cladding and replacement of windows/doors associated with a prior approval that has already been granted to change the use of the building from office to residential. The refusal notice states that the proposal would:- '*appear visually intrusive and overly dominant, thereby failing to preserve or enhance the character and appearance of the property, the streetscene of which it forms part and the setting of the adjacent Trent Park Conservation Area and Green Belt...*' Whilst recent amendments appear to have overcome Officers' concerns, in the context of a recladding scheme to an existing building being considered to have an adverse effect upon the setting of the Conservation Area and damaging views, it is impossible to reconcile Officers' negative assessment on that application with their seemingly supportive position on the subject application which involves erection of new buildings of demonstrably increased height; massing; visual impact and harm.

4.0 The 'tilted balance' case

- 4.1 Whilst it is accepted that LB Enfield are technically captured by the terms of the NPPF footnote that Quod rely on (by virtue of their relatively poor housing delivery figures), it is strongly refuted that the most important policies for determining the application are '*out of date*'. In particular, the Council's heritage protection policies have no relationship whatsoever with housing land supply matters; they were adopted in the Council's DMD 2014, post the NPPF, and are clearly not out of date.
- 4.2 The decision maker does not therefore need to go as far as the exception clauses (i & ii), but for completeness the whole of paragraph 11d is set out verbatim below together with our commentary:-

For **decision-taking** this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

*i. the application of **policies in this Framework that protect areas or assets of particular importance** provides a clear reason for refusing the development proposed; or*

*ii) **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits**, when assessed against the policies in this Framework taken as a whole. (Our emphasis in bold)*

- 4.3 Turning firstly with clause i, there is a separate footnote 6 (not referenced by Quod) that clarifies the type of protection policies (from the Framework) it is referring to. It is a matter of fact that these include policies relating to heritage assets (ie. including Conservation Areas and listed buildings); land designated as Green Belt; and Local Green Space. Moreover, there can be no dispute that these matters are of specific and direct relevance in the assessment of the application proposals.

- 4.4 With regard to clause ii), CLARA's separate representations will demonstrate that the proposals will result in a visually intrusive and unsympathetic built form that will be hugely damaging and harmful in this sensitive location. The resultant harm caused will not only be to the heritage assets effected by the proposals, Local Green Space and adjacent Green Belt designation, but also that caused indirectly to the adopted policies themselves and plan-led system as whole, which would be totally undermined by permitting tall buildings at the subject site. This is reflected by the Council's '*departure*' status that they have assigned to the application.
- 4.5 In terms of the public benefits that would be generated by the scheme, other than the increase to the local housing supply, including affordable housing (albeit 10% below the 50% policy target set by the London Plan) and statutory CIL payment requirements, they would appear to be marginal at best. There is no meaningful mix of other land uses; community uses or social infrastructure involved; the inclusion of a small ground floor unit (for flexible Class E use) smacking as a token gesture. Any public realm benefits promoted by the applicant are more than negatively offset by the loss of the existing open space designation. Any sustainable travel benefits, in CLARA's opinion, are also more than negatively offset by the loss of the station car park, which fulfils the wider role of a highly sustainable 'park & ride' facility for both workers and visitors to Central London alike. The LUL staff facilities proposed are simply a replacement, involving the unsustainable demolition of a relatively new facility. Despite the planning statement's assertions to the contrary, the proposals can therefore hardly be said to embrace the social dimension of sustainable development and in our opinion, there would be a paucity of public benefits arising.
- 4.6 In respect of the policy deficient affordable housing quantum proposed, we wish to highlight paragraph 7.137 of Quod's statement, which categorically states that:- '*The viability analysis has demonstrated that a scheme comprising a reduced number of units could not viably deliver 40% affordable housing (by Habitable room), which would mean that the Applicant could not deliver the Proposed Development*'. This certainly implies a '*take it, or leave it*' approach from the applicant and that the final scheme design and associated quantum has not been the result of the careful iterative and collaborative design process described by Quod, but rather has been driven solely by the mathematics, and even then the applicant has not achieved policy compliance on affordable housing targets. There is clearly no scope offered for compromise by the applicant; this aligns with CLARA's position insofar as their 'in-principle' policy objections are so fundamental, that no opportunity should be given for re-negotiation of an amended scheme in any event.
- 4.7 The assertion that there are significant public benefits associated with the proposed development is therefore strongly contested. Similarly, the repeated planning jargon asserted throughout the report that the harm caused is at the '*lower end of the scale of less than substantial harm*' and that the buildings will only be '*visible in some limited views*' is so far divorced from what will be the visual reality of tower blocks looming over Trent Park, it is impossible to reconcile their case with any credibility. The weighing of the harm versus the alleged benefits of the scheme will be dealt with in more detail by CLARA's separate representations, but from our perspective, it is abundantly clear that paragraph 195 (and not paragraph 196 as contended) of the NPPF applies whereby Local Planning Authorities should refuse consent where a proposed development will lead to substantial harm to designated heritage assets. This aligns with the Council's decision to cite DMD Policy 44 (Heritage) as one of the reasons for advertising the proposals as a '*departure*'.

5.0 Design Quality

- 5.1 This topic is dealt with at Quod's Planning Statement at paragraphs 7.55 to 7.89 under their 'Planning Considerations', Section 7. A critique on the design on the scheme, with supporting visual material, will be provided separately by CLARA. Whilst it is understood that the proposals have been through a number of Design Panel Reviews and scrutiny as part of the pre-application stage, ultimately this is an entirely subjective matter, which Councillors are perfectly entitled to take a view on.
- 5.2 The case is made that design changes have lead to fewer buildings to allow taller and more '*slender built forms*' so that the development appears more '*elegant in the skyline*'. It is also contended that the resultant massing '*improves the setting of the heritage assets*' and '*minimises the appearance of built form in key views, particularly from Trent Park Registered Park and Gardens and the designated Green Belt*'. Our view is that rather than being 'slender and elegant', the buildings appear as a conventional 'bland and boxy' development, and that its visual impact will be hugely and irreversibly damaging from a whole range of surrounding important views. With reference to the Council's emerging draft Strategic Policy SP DE4 (Putting heritage at the centre of place making) and policy DM DE6 (Tall buildings) it would fail the relevant criteria on many fronts in our view in that the scheme;-
- is not of sufficient design quality to become future heritage
 - is not of the highest architectural and urban design quality
 - does not relate well to the character of the immediate context and its surroundings
 - would harm the significance of heritage assets, including their settings and protected views
 - would not provide a positive contribution to the skyline that considers views in the medium, short and long distance as well as contribution to a cumulative impact across an area

The visual modelling work that CLARA has undertaken will support this position, but Councillors will be able to make their own mind up.

- 5.3 It should also be noted that since the application was submitted, the Ministry of Housing, Communities & Local Government has issued a new version of the NPPF; in essence there is little change from the previous version (issued Feb 2019). Notably, however, there is increased emphasis on the importance of design quality with the introduction of the concept of '*beautiful*' buildings. In this regard, paragraph 126 of Chapter 12 (Achieving well-designed places), inter-alia, states:- '*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*'.
- 5.4 A further minor point is that paragraph 7.74 doesn't make any sense; it ends prematurely, as it does not set out what mitigation measures have been employed.

6.0 Conclusion

- 6.1 For all of these reasons, CLARA wholly rejects Quod's proposition that the tilted balance is engaged to allow planning permission to be granted. In our opinion, the '*departure status*' alone creates a tension with adopted policies, and in particular those unrelated to housing issues and which post date the NPPF. Rather, this paper demonstrates that paragraph 11d can not be engaged and that the application proposals comprehensively fail the Section 38(6) test of the Act.
- 6.2 Our report also highlights a fundamentally flawed '*tail wagging the dog*' approach to planning which strikes us as being one that is '*developer led*' rather than '*strategy led*'.
- 6.3 We would urge the Council to refuse planning permission accordingly and to follow the applicant's steer by offering no opportunity for renegotiation.