

**Public Examination of Enfield's Development Management Document (DMD)**

**Enfield Council's Response to MIQs raised by the Inspector**

**MATTER 2: HOUSING AND COMMUNITY FACILITIES**

**Question 1: Do Policy DMD 1, and the justification in paragraphs 2.1.3 & 2.1.4; require modification to secure general conformity with the London Plan and Revised Early Minor Alterations (REMA)? Is Enfield's approach to affordable rented housing justified?**

---

LBE Response

- 1.1. DMD 1 and its supporting text in paragraphs 2.1.3 and 2.1.4 do not require modification. They set out an approach which is justified on the basis of guidance in the National Planning Policy Framework (NPPF), London Plan policies and local evidence.
- 1.2. Under the NPPF, local planning authorities have a duty to meet the full, objectively assessed needs for affordable housing; to plan for a mix of housing and identify the tenure and range of housing that is required; prepare a Plan which is based on adequate, up to date and relevant evidence; and to assess policies to ensure their cumulative impact does not put the implementation of the Plan at serious risk. The Council has fulfilled these obligations in the development of DMD 1 and its supporting text.
- 1.3. Firstly, evidence in Enfield's Housing Market Assessment (HMA) (2010) has established that there is a need for affordable housing in the borough; it recommends that in Enfield, 70% of this affordable housing should be provided as social rented and 30% as intermediate housing. This is reflected in adopted Core Policy 3. The HMA predated the publication of the NPPF, which subsequently introduced the Affordable Rented tenure. However, in accordance with definition in the NPPF, the Affordable Rent tenure is intended to cater for households who are eligible for social rented housing.
- 1.4. Within the wider definition of affordable housing set out in Annex 2 of the NPPF, eligibility for those who needs are not met by the market will need to be considered with regard to local incomes and local house prices (and market rents in the case of affordable rent). The Council has therefore considered these factors as part of modelling affordability, and examined what would be affordable to households in Enfield; this work included those affected by changes to the benefit system and those in employment, with reference to local incomes and market rents.
- 1.5. The Council has modelled what could be affordable to Enfield residents on median incomes (see Table 1 in Appendix 1), which for a household in Enfield was £31,015 in 2012. The

Council used the following affordability criteria established in Enfield's Housing Market Assessment (HMA) to determine the amount of rent that would be affordable for the borough's residents:

- Households with children that could afford to spend 30% of their gross income on housing costs; and
- Households without children who could afford to spend 35% of their gross income on housing costs.

The amount households could afford to pay was then compared against local evidence on market rents for different size properties to calculate the percentage of market rent which would be affordable to those households on median incomes when applying the HMA affordability criteria.

- 1.6. This work demonstrates that Affordable Rent will be affordable to those on median incomes, given the local rent levels in Enfield, if they are: 78% of market rent for two bed units, 60% of market rent for 3 bed units and 49% of market rent for 4+ bed units. These figures are therefore referred to in paragraph 2.1.4 of the submission DMD, as a summary of objectively assessed need.
- 1.7. It should be noted that the percentages of market rent for one and two bed units do not significantly deviate from the maximum level of up to 80% of market rent. However, lower percentage levels are indicated for larger family units (3+ bed units), in conclusion of the analysis that these households will not be able to afford rents at up to the maximum 80% of market rent.
- 1.8. Paragraph 2.1.4 is not intended to act as a cap on Affordable Rents; its intention is simply to provide borough-wide guidance for developers and the Council on what is affordable for local residents, based on evidence of local incomes and market rents. The Council accepts that in individual cases, rents may be higher or lower than those outlined in supporting paragraph 2.1.4. If information from this local evidence was not included, the Council will fail the duties that the NPPF places on local planning authorities to meet objectively assessed needs. Without paragraph 2.1.4 there is no local expression of what objectively assessed needs are in Enfield.
- 1.9. Secondly, the Council has assessed the impact of its planning policies on development viability through the CIL and DMD Economic Viability Assessment (2013). This Study considers what level of Community Infrastructure Levy can be charged, alongside the impact of implementing Local Plan policies (including those on affordable housing) on the viability of development.



- 1.10. The Study modelled the percentages of market rent stated in DMD paragraph 2.1.4 in tandem with implementing existing and proposed policies, including achieving the borough's affordable housing targets. It concludes that implementing the rent levels set out in the Submission DMD, in conjunction with other Local Plan policies, will not prejudice the viability of development overall; and that a future CIL charge could be set at a level which has taken these factors into account.
- 1.11. It demonstrates that overall, the viability of development, and therefore its deliverability and the supply of new housing, would not be adversely be affected.
- 1.12. London Plan Policy 3.11 (as amended by the Revised Early Minor Alterations in 2013) (Affordable Housing Targets) requires the Mayor to work with boroughs to seek to maximise affordable housing provision to meet strategic targets for the number of homes and tenure mix, whilst prioritising affordable family housing. In their Local Plans, boroughs are required to set targets for the amount of affordable housing reflecting the strategic objectives, taking into account a range of factors.
- 1.13. The Council has demonstrated through the viability assessment [EBD-10], that housing supply and Enfield's ability to meet its housing targets will not be adversely affected if rent levels illustrated in paragraph 2.1.4 considered to be affordable to local residents were applied. The delivery of affordable family homes is a priority for the Council, and ensuring that these homes are affordable to local people is the basis for providing the text in paragraph 2.1.4 and the approach in DMD1.
- 1.14. The same modelling work as described above (see paragraph 1.5) has been undertaken to establish what proportion of market rent would be affordable to those affected by the benefit cap (based on a cap of £350 per week for single claimants and £500 per week for all other claimants). This evidence (see Table 2 in Appendix 1) shows that those on affected by the benefit cap would not be able to afford the higher end of the range of rents possible within the Affordable Rented tenure, and that the reduction in benefit means Affordable Rent is less affordable than if benefits were not capped.

**Question 2: Should Policy DMD 1 (and/or DMD 2) be amended to emphasise the need to take account of development viability, or secure design which is 'tenure blind' and well integrated?**

LBE Response

- 2.1 DMD 1 and DMD 2 in conjunction with adopted Core Policy 3 take sufficient account of feasibility and viability issues. Submission DMD paragraph 2.1.5 provides further guidance n implementation of the policies and allows for flexibility to address potential viability issues in the east of the borough. Supporting paragraphs were amended include references to the potential for alternative provision and viability. Paragraphs 2.1.7 was amended to respond

to comments raised during at the Draft DMD consultation stage (2012) and now includes a final sentence which reads *“However, circumstances may exist where different sized sits are being delivered by the same developer at the same time which would enable on-site provision”*. Similarly, paragraph 2.1.8 within the first sentence now includes a reference to viability and reads *“Contributions will be sought subject to viability and further guidance...”*.

- 2.2. DMD 1 requires that new residential developments capable of providing 10 units or more should aim to be tenure blind. The spatial distribution of different tenures, their consistent outward appearance, the provision of communal spaces, and the design of family-friendly neighbourhoods are widely identified as decisive factors for the success and sustainability of mixed communities.
- 2.3. DMD 2 does not refer to the same requirement, because the Policy is concerned with offsite, financial contributions towards provision of affordable housing and not necessarily with its physical delivery. Submission DMD paragraph 2.1.7 acknowledges that for sites of less than ten units on-site provision will not normally be appropriate due to management and monitoring issues. Therefore, the Council expects that the physical delivery of the affordable housing funded by the contributions will be part of larger developments of over 10 units. DMD 1 would apply in these cases and require tenure blind and well integrated housing design.

**Question 3: Policy DMD 5(b) states that the number of residential conversions along any road must not exceed 20%. Is this too restrictive and contrary to the London Plan SPG, or justified by local evidence?**

LBE Response

- 3.1. Submission DMD 5 is supported by local evidence in Enfield’s Housing Market Assessment (HMA) (2010) analysed the difference between the supply and need for affordable and market housing across the range of house sizes (1 bed to 4+ bed homes) and identified that the relative shortfall is much greater for larger dwelling types (3+ bed homes). This effectively means that households in affordable need requiring larger dwellings will generally face longer waiting times before their needs are met. In recognition of this, the targets in adopted Core Policy 5 highlight the need for, and prioritise the delivery of, family homes. This is clearly enshrined as an adopted Core Strategy principle and DMD policies (particularly DMD1, 3 and 5) aim to be consistent with this.
  - Protecting against the loss of Family Housing
- 3.2. DMD 5 seeks to manage the conversion of existing residential units to ensure such conversions does not compromise the borough’s supply and range of different sized homes and ultimately the ability to meet identified housing needs. Existing family homes play an important role and, as demonstrated in the HMA, they are required to meet existing and

future demand. If existing family homes are converted into smaller flats, then this will reduce the availability of larger houses. An approach which allowed the unfettered conversion of family units into smaller flats would facilitate the oversupply of smaller units, and therefore would be unsustainable and undermine the strategic housing mix targets set out in the Core Strategy.

- 3.3. In addition to this, local evidence of new housing supply shows a under delivery of larger family units which further supports the Council's protective approach. Under delivery could affect the Council's ability to meet housing needs, so existing 3+ bed housing needs to be retained wherever possible to ensure availability of the right type of homes.
- 3.4. To address the issue outlined in paragraph 3.2 more directly, DMD 5 states that the number of residential conversions must not exceed 20% along any road. The Council has operated a similar policy since the adoption of the Unitary Development Plan (UDP), (1994). This UDP policy was subsequently saved in 2007 in accordance with the Planning and Compulsory Purchase Act 2004; Schedule 8(1(3)) and has therefore been in practice across the borough for a considerable amount of time. It supports the delivery of the housing mix targets set out in the Core Strategy, which for market housing, is limited to only 20% of new market housing being in the form of 1 and 2 bed flats. For affordable housing, the form of accommodation is not distinguished in this way, however, it is less likely these would be delivered by way of individual residential conversions.
- Preserving residential Character
- 3.5. The need to ensure development does not harm the character of an area has also been a key consideration in shaping this Policy. The conversion of single family dwelling houses into multiple flatted units can, through intensification, have a visible impact on the street scene. This can include the impact of associated physical works to facilitate the development; noise and disturbance; front garden hard surfacing to provide off street parking; on-street parking pressures; and increased service demand i.e. multiples of satellites dishes and waste collection bins. Enfield's Characterisation Study (2011) identifies the clutter of aerials, satellite dishes and rubbish bins, and the loss of front gardens, boundary walls and soft landscaping to provide parking as key issues affecting the quality of the street scene. Therefore, the Council needs to manage a form of development (residential conversions) which contributes to these impacts.
- 3.6. Paragraph 1.2.14 of the London Plan Housing Supplementary Planning Guidance (2012) acknowledges that a balance has to be struck between realising the potential of residential conversions and sustaining the residential quality of those neighbourhoods, and that London Plan Policy 3.5: (Quality and Design of Housing Developments) applies to residential conversions. The approach in DMD 5 seeks to strike an appropriate balance having regard to

Enfield's specific housing needs (which prioritises family housing) and maintaining the character and quality of residential neighbourhoods.

- 3.7. Paragraph 1.2.15 of the London Plan Housing Supplementary Planning Guidance states that: "as a general principle, locally restrictive policies, including those based on 'conversion quotas', should not be applied along transport corridors or within reasonable walking distance of a town centre without a robust justification. This provides flexibility for boroughs to address exceptional local circumstances where application of the principle would not be appropriate". This statement suggests that locally restrictive policies should not be applied in certain cases however, it does not prohibit these policies overall. Even in the cases identified, it still gives boroughs flexibility to circumvent this if needed to address exceptional circumstances. The Council's approach would apply boroughwide, including along transport corridors and within and around town centres, and justification for this is provided above. The Greater London Authority (GLA) has raised no objections to the approach in the DMD.
- 3.8. The Council considers that a restrictive approach is required in light of the need to ensure the availability of a range of housing sizes appropriate to meeting housing need; and to protect the character of local areas. This approach is justified by local evidence and represents the continuation of a policy approach which has been in operation since 1994.

**Question 4: Is it sufficiently clear how Policy DMD 6 will be implemented, given its repeated use of 'appropriate'?**

Enfield's Response

- 4.1. The London Plan Density Matrix provides a numerical and theoretical statement on density and DMD 6 provides the criteria for making decisions on what the most appropriate density would be within the numerical ranges provided in the matrix. These criteria are unavoidably qualitative and a degree of judgement has to be applied when they are being considered.
- 4.2. The guidance and references to evidence provided in the supporting paragraphs (2.4.1 – 2.4.5); and the cross references to other policies in the DMD are intended to aid and clarify the implementation of this policy. This guidance and evidence base provide parameters on which to qualify judgements on what is 'appropriate'. For example, under DMD criteria a) appropriateness would be judged in light of evidence in Enfield's Characterisation Study (2011) which identifies different character forms across the borough. On the other hand, the use of the word 'appropriate' in the final paragraph is qualified by the need to justify appropriateness through the development of a comprehensive plan (masterplan or planning brief) which would describe what this would look like.

- 4.4. The Council considers that DMD 6 is sufficiently clear on how it will be implemented because it refers to local evidence and has supporting guidance which helps to provide this clarity.

**Question 5: Is there any substantive evidence that the standards for new housing in Policy DMD 8 are set so high that deliverability could be adversely affected? (I note that Core Policy 4 of the Core Strategy expects all new homes to be built to Lifetime Homes standards).**

LBE Response

- 5.1. No, there is no substantive evidence that the standards in DMD 8 will adversely affect the deliverability of new housing.
- 5.2. A number of the criteria in DMD 8 do not identify specific or quantifiable parameters, therefore it would be difficult to assess whether there was any associated impacts on the deliverability of development. The criteria referred to include: DMD 8, Part 1) a, b, c, h, i and j.
- 5.3. The remaining criteria in DMD 8 set out standards related to the following:
  - d.space;
  - e.the layout and size of rooms ;
  - f.Lifetime Homes (LTH) and wheelchair accessible/adaptable housing; and
  - g.amenity space.
- 5.4. Firstly, criteria d, e and f (and the quantifiable parameters attached to them) reflect the requirements in London Plan policies 3.5 and 3.8 and documents these refer to. The London Plan policies on Lifetime Homes and wheelchair accessible/adaptable housing have been in operation since 2004; and minimum space standards and layout/size of rooms were introduced in 2011. As noted in the question, Core Strategy Policy 4 already includes the same requirements for Lifetime Homes and wheelchair accessible/adaptable housing. If these standards were not implemented there would be an inconsistency between Enfield's DMD, the Core Strategy and the London Plan.
- 5.5. The Council has assessed the impact of its proposed planning policies on development viability through the CIL and DMD Economic Viability Assessment (2013) [EBD-10]. This Study considers what level of Community Infrastructure Levy can be charged, alongside the impact of implementing Local Plan policies on the viability of development. This Study includes additional notional allowances and contingencies above the assumed base build costs, which could be assigned to a range of cost factors – this could include any costs attributable to criteria d.- g. listed above. Specifically in relation to Lifetime Homes, the Study allows for this as a potential cost variable (depending on design, etc.).
- 5.6. Through the Unitary Development Plan (UDP) (1994), the Council has been applying a policy setting a higher numerical standard for amenity space provision than is proposed in the



Submission DMD. The proposed policy is therefore likely to have a beneficial impact when benchmarked against this longstanding existing policy.

- 5.7. In preparing the DMD the Council revised the UDP amenity space standards in accordance with the London Housing Design Guide (2010). These assess the functional requirements of households (i.e. for play, eating/sitting outside) from which a minimum amount of space is required in order to undertake certain activities. The Council does also recognise that a range of provision is desirable to allow a degree of choice for those wanting larger gardens, and necessary where local character dictates more open/landscaped settings. However, amenity space provision which is below the minimum standards set out would not be acceptable, as it is considered that the use and purpose of this space would be undermined, and therefore the implementation of other planning principles will be compromised. Deliverability must be balanced against the importance of delivering other planning objectives; in this case, the standard is based on the lowest acceptable provision.

**Question 6: Does focused change No 1 to Policy DMD overcome concerns about new flats, amenity space and overlooking?**

LBE Response

- 6.1. DMD 9 Part 1 relates only to private amenity space and Focused Change 1 [FC1] sought to address concerns with overlooking. The Council wishes to make an additional minor change to further clarify this point – the change (FC1A) replaces the original [FC1].
- 6.2. DMD 9, Part 2, criterion b. refers to communal amenity space. Communal space generally benefits from being overlooked as a means of natural surveillance, and the Council considers that it is not feasible or desirable to discourage the use of windows and balconies facing associated communal amenity space. Criterion b. is therefore considered appropriate.

<u>Text in Bold Print and underline</u>		Proposed insertion			
Text with a strikethrough		Proposed deletion			
FC No.	Page no.	Chapter, Section, Policy, Paragraph, Diagram, Tables, Figures	Proposed Change	Justification	Source of Change / Representation no.
<b>Chapter 2 Housing</b>					
1A.	20	DMD 9 Amenity Space	<p><b>DMD 9 Amenity Space</b></p> <p>“1) New development must provide good quality private space that <b>is not significantly overlooked by surrounding development</b> <del>that</del> and meets or exceeds the following minimum standards .....</p>	Focused changes to provide clarity over application.	30 – Graham Fisher on behalf of A C Nicholas (Rep no. 30). & LBE

**Question 7: Does focused change No 2 to Policy DMD 16 overcome concerns about the policy's application to Strategic Growth Areas?**

LBE Response

- 7.1 The adopted Core Strategy establishes the spatial approach for delivering community cohesion and promoting social equity through: setting the pattern of urban growth; developing new facilities or improving existing ones; ensuring that public transport is available to maximise accessibility; dealing with crime and safety issues; and, providing for housing needs, schools, health provision, open space, and employment.
- 7.2 Large scale growth and regeneration will be focused in four broad locations - Central Leaside and North East Enfield in the Upper Lee Valley, the area around the North Circular Road at New Southgate and the Borough's major town centre - Enfield Town. It is therefore considered appropriate for DMD 16 to promote new community infrastructure specifically within these regeneration areas.
- 7.3 Focused Change [FC2] seeks to overcome representation nos. 33 and 34 by providing reasonable flexibility by replacing the word "will" with "**may**". Additional signposting to the Infrastructure Delivery Plan is included as this is a supporting local plan document that will be kept under review to provide a position on all community infrastructure requirements at both a borough-wide and strategic growth area level.

**Question 8: Having regard for the Council's response in DMD 8, is there any outstanding evidence that Policies DMD 16 & 17 might inhibit police and emergency service activities**

LBE Response

- 8.1 The Council does not consider there to be any outstanding evidence that policies DMD 16 and DMD 17 would inhibit police and emergency service activities and has endeavoured to address the individual representations. As stated in the Schedule of Representations the Council's response to the issue raised by the Edmonton/Enfield & Southgate Fire Station is addressed by including the words "accessible to the public" to clarify the definition of a community facility. Paragraph 3.1.5 was added to the Proposed Submission DMD to specifically address previous comments in recognition that some emergency services do not need public access and may not always be in locations easily accessible by public transport. In response to Representation no. 38, the Council maintains paragraph 3.1.9 offers sufficient flexibility to assess and manage the loss of community facilities without the need to make specific reference to the individual estate strategies and plans of the emergency services.

## APPENDIX 1

Table 1: Scenario modelling median income households

Bedroom size	Median Income	Affordable housing costs (per week) <sup>5</sup>	Market Rent <sup>6</sup>	Housing costs as a % of the Market Rent (rounded)
1 bed	£31,015 <sup>1</sup>	£147.70 <sup>2</sup>	£184.62	<b>80%</b> <sup>8</sup>
2 bed		£178.93	£231.00	<b>78%</b>
3 bed		£178.93	£300.00	<b>60%</b>
4 bed		£178.93	£369.00	<b>49%</b>

Table 2: Scenario modelling households affected by benefit cap

Bedroom size	Universal Credit benefit cap (per week)	Affordable housing costs (per week) <sup>3</sup>	Market Rent <sup>4</sup>	Housing costs as a % of Market Rent (rounded)
1 bed	£350	£122.50	£184.62	<b>66%</b>
2 bed	£500	£150.00	£231.00	<b>65%</b>
3 bed	£500	£150.00	£300.00	<b>50%</b>
4 bed	£500	£150.00	£369.00	<b>41%</b>

<sup>1</sup> Paycheck, 2012

<sup>2</sup> In this case, the amount households can afford to pay towards housing costs exceeds 80% of the Broad Market Rent Level – this would mean it would not meet the definition of Affordable Rent. The figure has therefore been capped at the 80% level.

<sup>3</sup> The amount households can afford to pay (per week) towards housing costs has been calculated by applying the following affordability criteria established in Enfield's Housing Market Assessment:

- Households with children - could afford to spend 30% of gross income on housing costs; and
- Households without children - could afford to spend 35% of gross income on housing costs.

<sup>4</sup> The outer North London Broad Rental Market Area is being used as a proxy for market rent