

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE
HELD ON MONDAY, 4 MARCH 2013**

COUNCILLORS

PRESENT Andreas Constantinides, Ali Bakir, Lee Chamberlain, Ingrid Cranfield, Dogan Delman, Christiana During, Patricia Ekechi, Ahmet Hasan, Ertan Hurer, Nneka Keazor, Paul McCannah, Anne-Marie Pearce, Martin Prescott and George Savva MBE

ABSENT Toby Simon

OFFICERS: Bob Ayton (Schools Organisation & Development), Linda Dalton (Legal Services representative), Bob Griffiths (Assistant Director, Planning & Environmental Protection), Andy Higham (Planning Decisions Manager), Aled Richards (Head of Development Management), Richard Laws (Planning Case Officer), Mike Hoyland (Senior Transport Planner), Giles Sutton (Biodiversity Officer) and Stephen Downing (Tree Officer) Jane Creer (Secretary) and Metin Halil (Secretary)

Also Attending: Approximately 240 members of the public, applicants, agents and their representatives
Councillor Del Goddard, Cabinet Member for Business & Regeneration
Ward Councillors: Lionel Zetter, Michael Lavender, Robert Rams, Andreas Ioannidis, Barry Evangelis, Joanna Tambouridis

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WELCOME AND LEGAL STATEMENT

The Chairman welcomed everyone to the meeting, and the Legal Services representative read a statement regarding the order and conduct of the meeting.

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APOLOGIES FOR ABSENCE

NOTED that apologies for absence were received from Councillor Simon.

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DECLARATIONS OF INTEREST

NOTED that Councillor McCannah declared a disclosable pecuniary interest in the application under consideration, as he lived near the site and was consulted as a resident by the Planning Department. It was confirmed by the Legal Services representative that Councillor McCannah must therefore leave the room and take no part in the debate or the vote.

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P12-02266PLA - FORMER CAT HILL CAMPUS, MIDDLESEX UNIVERSITY, 182, CAT HILL, BARNET, EN4 8HU

NOTED

1. The introduction by the Planning Decisions Manager, including the following points:
 - a. Summary of the proposals.
 - b. Summary of the main differences from the previously refused application TP/11/0904.
 - c. Summary of the key planning issues for the current application.
 - d. Receipt of a petition containing 26 signatures from residents adjoining the site.
 - e. Receipt of 13 additional letters of objection raising concerns in respect of parking, infrastructure, crime, drainage, school places, transport, health facilities, out of keeping, ecology, Oak Hill nature reserve, woodlands, contamination, screening, quality of life, and use of site.
 - f. Receipt of additional points of objection on behalf of the Campaign for Cat Hill including that Block A had been improved in terms of massing, but was overwhelming and unsympathetic to the area; dissatisfaction with the pattern of materials; and heights of Blocks B – F should be reduced and set back.
 - g. Receipt of an additional letter on behalf of London Wildlife Trust – Barnet Group raising concerns including likely disturbance to protected species; some houses were too close to bats commuting along the western boundary; and loss of habitat for Great Crested Newts.
 - h. Receipt of one letter of support.
 - i. The following updates to the report:
 1. Paragraph 2.2 of the report proposal involves 57 and not 59 Terraced houses.
 2. Paragraph 4.4.5 – Favourable conservation status of Newts not Bats.
 3. Paragraph 10.7 28% instead of 30% affordable rent / social rent and 72% intermediate units instead of 71%.
 4. Paragraph 9.1.4 22nd January to read Tuesday instead of Thursday and 24th January to read Thursday instead of Tuesday.
 - j. Section 106 contribution and Mayors CiL of £1,739,160.
2. The deputation of Dr Kim Coleman, on behalf of the Campaign for Cat Hill, including the following points:
 - a. The recommendation contained illegalities, in particular to wildlife issues, and had been subject to an illegal process with submissions not issued for public review and submissions issued too late for public review.
 - b. In response to previous refusal of planning permission, a few cosmetic changes had been made to the scheme, but it was still out of keeping with the character of the surrounding area and would be highly intrusive, over intensive, too big, too dense, dark and forbidding and architecturally bland, and contrary to the Council's Core Strategy.

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- c. The northern pond and southern woodland should be excluded in density calculations.
 - d. Lack of full resolution of S106 payments and the Travel Plan.
 - e. There would be insufficient parking space, leading to overspill parking, and references to parking availability on Mansfield Avenue and Vernon Crescent were unacceptable, and not releasing survey details was illegal.
 - f. The new Transport Assessment was submitted too late for proper consultation.
 - g. Shocking number of trees to be felled 40% across the site, loss of ancient woodland and veteran trees, degradation of the woodland screen, and impact on retained trees with likely loss to be more than indicated, not in compliance with NPPF policies and Natural England note the impact on the western boundary and therefore the Local Planning Authority must refuse. Impact of increased soil levels on the site.
 - h. Inadequate bat surveys, not in accordance with Natural England recommendations or legal obligations.
 - i. Loss of habitat of Great Crested Newt and negative effect on the species with an inadequate and unlawful buffer zone from development.
 - j. Legal obligations in respect of protected species were not being met.
 - k. Flood risk concerns, especially effects on Vernon Crescent and Oak Hill Park, where events had been cancelled due to flooding.
 - l. Ongoing grave concerns regarding ground contamination including lack of testing for some substances, and presence of chemicals responsible for causing birth defects, and substances remaining from the 1940s.
 - m. The site was given in trust and should have remained for education use. Loss of educational facilities should be resisted, particularly at this time when school places were in such demand in the area.
 - n. Residents of Southgate and Cockfosters opposed these proposals and had given legitimate reasons for refusal of this application, and the Committee was urged to reject the application.
3. The deputation of Mr Daniel Keane, local resident and leader of the Catholic Primary School Group at Cockfosters, including the following points:
- a. There were unanswered questions, and concerns that were not fully resolved.
 - b. He questioned the decision to change the status of the land to housing and advised this site would be suitable for a school.
 - c. He questioned what happened to the Lottery fund for setting up the MODA museum.
 - d. The proposals were unsuitable in this woodland setting and buildings would be too high and the density too great.
 - e. There would be negative impacts caused by increased traffic on Cockfosters Road and increased demands on local services.
 - f. The extended woodland was important and the area should be used for limited or small scale housing only. The land was not inner city. Trees and natural habitats would be lost forever.
4. The deputation of Ms Kathleen Levine, East Barnet resident and on behalf of the Chipping Barnet Labour Party, including the following points:

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- a. There were already traffic problems, especially coming out of Mansfield Road into Cat Hill, and making the R-hand turn this was not covered in the parking review, and concerns the volume of traffic would increase. She was horrified at the assumption Mansfield Avenue and Vernon Crescent were going to be used for overspill parking.
 - b. The flood risk report seemed to have reservations, and there were ongoing concerns from East Barnet Festival organisers and Vernon Crescent residents. Mitigations suggested that the development would add to the problems.
 - c. Biodiversity issues were not addressed properly. She welcomed additional research, but had not drawn the same conclusions. Concerns remained about Great Crested Newts and Bats, and legal issues.
 - d. High numbers of trees to be lost and no indication that more would be planted.
 - e. Impact of the blocks on people living in the area. These were five storey buildings with extra lift housing and did not fit in with the surrounding area.
5. The statement of Councillor Lionel Zetter (Cockfosters Ward Councillor, LB Enfield) and on behalf of Mr David Burrowes MP (Enfield Southgate Constituency), including the following points:
- a. He read a statement from David Burrowes MP, who sent apologies for not being present to speak in person due to business in Parliament.
 - b. In addition to drawing attention to paragraph 4.19.6 of the officers' report, the following concerns were highlighted:
 - The four storey buildings were out of keeping with the character of the local area in terms of style, height and massing and failed to link with existing houses and flats in Cat Hill.
 - Despite reduction by 29 units, the stretched length of Blocks B to F, and ten blocks of terraced housing was still an over intensive form of development.
 - The Committee's previous objections had not been overcome, particularly in respect of impact on the environment.
 - Whilst T48 veteran oak has been saved, its long term future had not been guaranteed due to its proximity to the new developments.
 - The loss of about 40% of trees was not acceptable to the area.
 - The Committee will note that the Mayor's office wants confirmation that there is no ongoing or future demand for education use on the site. Given the demand for school places in Enfield, Barnet and London he urged the Committee to reconsider the principle of development. Enfield had limited primary schools plans and no plan to deal with future pressures on secondary schools.
 - c. Mr Burrowes urged the Committee to maintain their robust position and continue to defend the character and appearance of the local area and to refuse this unsustainable development.
 - d. Councillor Zetter remarked on the level of opposition to the proposals, which were too high, too dense and out of character with the area.
6. The statement of Councillor Robert Rams (East Barnet Ward Councillor, LB Barnet) and on behalf of Rt Hon Theresa Villiers MP (Chipping Barnet Constituency), including the following points:

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- a. He read a statement from Rt Hon Theresa Villiers MP, who sent apologies for not being present to speak in person due to business in Parliament.
 - b. Changes to the scheme were little more than cosmetic.
 - c. The environment would be damaged, especially along the western boundary. Important wildlife habitats would be lost.
 - d. The buildings would be out of character with the low rise suburban surrounding area, it was too high and too dense.
 - e. There was not the necessary infrastructure to support such a significant number of dwellings.
 - f. Impact on traffic was a grave concern. Local roads were already congested.
 - g. Parking provision would be inadequate. This was a major concern for constituents. Suggestions about parking on nearby streets were unacceptable and it was understood the surveys had not been disclosed and there was concern about overspill parking in adjacent streets.
7. The statement of Councillor Andreas Ioannidis (Brunswick Park Ward Councillor, LB Barnet), including the following points:
- a. He was the closest Labour councillor in Barnet and was speaking on behalf of East Barnet residents, and on behalf of Andrew Dismore and Joanne McCartney (Barnet & Camden and Enfield & Haringey London Assembly Members) who sent their apologies.
 - b. Chipping Barnet Labour Party had sent objections in October and not all points had been addressed.
 - c. LB Barnet was directly affected with impact on services and infrastructure but it was unclear if they would receive S106 contributions. Impacts were not properly accounted for.
 - d. Parking would overflow into neighbouring roads.
 - e. Full steps were not being taken to ensure flooding was prevented.
 - f. The cost should be covered for a controlled parking zone or parking permits for all affected and for visitor parking.
 - g. Design of buildings would be out of character and blight the area.
 - h. There will be additional demand for services in Barnet.
8. The statement of Councillor Barry Evangelis (East Barnet Ward Councillor, LB Barnet), including the following points:
- a. He was speaking on behalf of the councillors for East Barnet ward which included Cat Hill, Mansfield Avenue and Vernon Crescent.
 - b. The height and density would be out of character with East Barnet and Cockfosters wards, which had mainly two storey family homes.
 - c. Loss of so many trees including mature trees was unjustified and unacceptable, and greenery would be pruned back which formed an important privacy screen to Mansfield Avenue and Vernon Crescent residents. Loss of important green habitat, questioned whether the thinning of trees to make garden space was acceptable.
 - d. There were fears of huge overspill parking.
 - e. Concerns regarding pressure on Barnet services, particularly schools, without any guarantee of S106 money to compensate.

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- f. Reductions from the previously refused scheme were minimal and there would be such detrimental effects that this application should be rejected.
9. The statement of Councillor Michael Lavender (Cockfosters Ward Councillor, LB Enfield), including the following points:
- a. The entire community of the area would be affected, across Enfield / Barnet boundaries.
 - b. The significant tree and shrub removal would degrade the woodland screen. That alone should be sufficient to reject the application.
 - c. The applicants were cramming too much development into the site, to cover their losses.
 - d. It seemed the Council wanted to pick and choose the planning guidance to justify the recommendation.
 - e. Paragraph 13.1.6 set out changes to education contribution figures further to adoption of S106 Supplementary Planning Guidance, but that the contribution had to have regard to the viability of the scheme so would only be £600k in this case, and similarly £400k for health provision. A £1.8M shortfall would not be provided for, and he questioned the governance of writing off this amount of public money.
 - f. This site should be used for educational purposes. As set out in paragraph 13.1.4, Government policy was that any new schools would now be either academies or free schools. The Council would not be interested in such provision as it would be outside their control.
10. The response on behalf of L&Q, the applicant, including the following points:
- a. Mr Simon Baxter, Project Manager, L&Q spoke on behalf of the applicant and advised that L&Q had been operating in Enfield for 50 years and owned and managed around 2000 homes including private and shared ownership and affordable rented homes catering for those in modest or average occupations.
 - b. The officers' report dealt with all relevant policy issues, including the Local Plan and the London Plan and guidance. There had been detailed scrutiny and the application found to be in compliance with policy.
 - c. As illustrated by slides, the buildings on site at Cat Hill at the moment included concrete panelling, flues and asbestos, none of which would feature in this development. The GLA and officers had expressed satisfaction with the applicant's design approach.
 - d. There would be a 25 year woodland management plan.
 - e. Ecological surveys had been supported by the Council and carried out to Natural England guidelines.
 - f. Heights had been reduced from six storeys to four storeys.
 - g. The housing tenure mix was confirmed as 162 for owner occupation, 50 for shared ownership for first time buyers and 19 affordable or social rent.
 - h. There would be investment in local facilities through S106 and CiL contributions, and a local labour scheme would be instigated, and local suppliers and contractors would be used in construction.
 - i. He appreciated concerns regarding traffic, but previously 2,000 students and 200 staff used to visit the university. Surveys indicated a 1 to 2% increase in traffic.

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- j. Methodologies used met recommended guidelines. It was understood parking surveys regarding capacity in Vernon Crescent and Mansfield Avenue were carried out in response to points made at the Planning Panel that these roads were saturated already, not for consideration as overspill parking for the development.
- k. The Environment Agency was a statutory consultee and had to be satisfied in respect of flooding and waste water issues. The site was not in a flood risk area and there would be no flooding caused by the development. Surface water attenuation meant that water would leave the site at a considerably slower speed so there should be a beneficial impact.
- l. Mr Michael Derbyshire, Planning Director of Savills spoke as agent and planning consultant, with reference to reasons for refusal of the previous scheme and how these had been addressed.
- m. There had not been objection to the principle of residential use on site or loss of education.
- n. In response to the specific refusal in relation to T48 veteran oak, the road layout no longer passed next to the tree and was replaced by a pedestrian path. Conditions 28 and 29 also related to protecting this tree.
- o. There were no objections on highways grounds from the Council or TfL. There would be a different type of movement in and out of the site than the previous university use with an increase of around 2% in traffic. This is not a significant increase. There was capacity in local roads but it was not the intention to encourage overspill. There would be S106 highway contributions including for pedestrian crossings and footway improvements, cycle paths and modelling on Cat Hill roundabout, a Travel Plan, and upgrading of four bus stops.
- p. The drainage strategy was now amended. Existing foul and surface water pipes could be re-used with minimal impact upon the south west woodland. Significant improvements would be made to the pond and overall there would be a net ecological benefit.
- q. Officers accepted some tree removal in the western boundary woodland compartment, and this would be good arboricultural practice. Significant new planting was proposed and a 25 year management plan. Distances were considerable, even if there was no screening, and all exceeded minimum standards, and taking into account ground levels.
- r. The number of units had been reduced and the density level was at the lower end of GLA standards. Houses backing onto Vernon Crescent were now semi detached and there were gaps between terraces. There was also more traditional architecture. Heights in this location were entirely appropriate and not exceptional even in this area.
- s. Education issues were covered in the report. Neither Enfield or Barnet supported a school on this site. A S106 contribution would be made.
- t. A new homes bonus of £2.2M would also be gained by Enfield Council: an incentive proposed by government to encourage home building.
- u. Mr Andrew Macarthy, a Technical Director from SLR Consulting, responded on ecology matters. He was a chartered environmentalist and licensed to survey bats and Great Crested Newts by Natural England. He dealt with European protected species regularly and had worked on a range of sites, including internationally important sites. He had become involved with this application in 2012 following the previous refusal.

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- v. The level of survey work had been proportionate given the nature of the site and type of habitats on this essentially brownfield site. The Council and Natural England were satisfied the survey work was adequate.
- w. Tree loss would be offset by positive mitigation elsewhere on site. Woodland management would be covered by the 25 year plan. Positive mitigation measures would benefit Great Crested Newts, bats, invertebrates, and White Letter Hairstreak Butterflies. Licences would be obtained to ensure compliance with wildlife legislation and there was no reason to think that Natural England would refuse the licences. With the mitigation measures the application would preserve and enhance the ecological value of the site. The conclusion in the environmental impact assessment was there would be overall net gain.
- x. Residual impact on the western boundary would be offset by work elsewhere and this would be conditioned.

11. A brief comfort break adjournment was taken before the meeting resumed.

12. Officers' responses to points raised, including the following:

- a. The Schools Organisation & Development Officer confirmed that when developing a strategy for additional school places it was necessary to look at areas where demand was greatest. This area was not the highest priority area in Enfield in this respect, but the impact of the proposal was recognised and Enfield and Barnet had been liaising on school expansion plans to ensure sufficient pupil places were available to meet projected demand across the area as a whole. In Enfield further reports to Members would come forward on future phases of primary and secondary school place provision to meet projected need. A school on this site would not address needs across the borough for either Enfield or Barnet. It could not be assumed that either a free school or academy would be approved in the area to meet demand, so the two Authorities could only plan to provide additional places in existing schools. However, should any free schools or academies be approved by the Secretary of State, they would be taken into account in developing future strategies.
- b. The Planning Decisions Manager clarified calculation of the density, which was not just numeric, but took a whole site approach, and was considered compliant with the London Plan.
- c. Ecological impacts (its strengths and weaknesses) had been acknowledged in the report. Policies concentrated on minimising harm. Natural England and the Environment Agency had not raised objections. Conditions were proposed to deal with issues raised.
- d. Heights and densities had been reduced, but Members may take subjective views.
- e. Ground contamination was covered by Condition 11.
- f. The Council had adopted S106 supplementary planning guidance and secured appropriate contributions set balanced against viability.
- g. The Senior Transport Planner confirmed the S106 contributions linked to highways issues were significant and would cover concerns appropriately and provide acceptable mitigation. Parking provision was tied to London Plan policies and this scheme's parking provision was towards the top end of London Plan standards. Parking was not given as a reason

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in the previous refusal. An additional parking survey had been carried out to satisfy concerns raised. Surveys were public documents. The survey showed average 61% parking occupancy in Mansfield Avenue and Vernon Crescent: a level which did not cause concerns regarding unacceptable potential impact. S106 contributions would mitigate the highway issues.

13. Members' lengthy debate, including the following points:
- a. Ongoing concerns regarding parking provision. Overflow parking onto other streets was felt to be unacceptable. Officers confirmed that the approach to car parking was set out in the London Plan which had clear policies; and the impact had been looked at.
 - b. In response to Members' queries it was confirmed that the parking surveys referred to on page 45 of the report were carried out at 8:30pm in the evening on 22nd, 23rd and 24th January, when most residents were likely to be at home, and over a few days.
 - c. Parking provision included within the total 245 spaces was confirmed. This included the visitor and disabled spaces and those providing electric charging points. This provision is compliant with London Plan. The number of cycle spaces was confirmed as 353 in line with London Plan standards and these were distributed through the site.
 - d. Ongoing concerns regarding mass and density and that the proposals would be out of keeping with the locality. Members expressed that heights of blocks had not been reduced by enough. Officers clarified density calculations, which included the whole site area.
 - e. Costs to the community in terms of education and health provision had been suggested as £2.8M against which £1.8M would be contributed. A shortfall due to viability for the applicant was not considered acceptable. It was confirmed that officers had clear models, and were satisfied with contributions and the balance with promotion of sustainable development and housing provision. The NPPF promotes growth and housing. Advice had also been received from an external independent consultant on the scheme's viability. Members commented that they would have liked to question the consultant on the robustness of the calculations. Confirmation was given that the new homes bonus was a central government scheme. This application also included a S106 contribution towards health provision as this issue had been raised at the Planning Panel as an important infrastructure need.
 - f. In response to Members' queries regarding S106 contributions for health provision in particular, it was advised that there had been discussions with the health authority and the preference was for a single practice in a combined facility, and that active discussions were ongoing but that the S106 contribution would be held for health purposes. Officers confirmed that previous applications had not provided for health care provision but that this application responded to concerns raised previously.
 - g. Members highlighted concerns received relating to ground contamination and queried the wording of Condition 11. Officers agreed to review the condition to ensure it would investigate presence / mitigation of specific contaminants.
 - h. In response to Members' concerns regarding potential detrimental effects of excavations on the site, it was confirmed there were three

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relevant conditions dealing with surface water drainage which were satisfactory to mitigate impact, further to discussions with the Environment Agency.

i. The comments of the Cabinet Member for Business & Regeneration in respect of S106 and CiL contributions and viability issues; the need for housing; and that the application was compliant with Enfield's Core Strategy and the London Plan.

j. **SUSPENSION OF COUNCIL CONSTITUTION – TIME OF MEETING AGREED** that the rules of procedure within the Council's Constitution relating to the time meetings should end (10:00pm) be suspended for a period of 30 minutes to enable the business on the agenda to be completed.

k. Officers confirmed that a standard condition prevented tree cutting during nesting periods, and that distancing standards met required guidance.

l. Members' comments on the importance of working closely with communities affected by an application, and the high levels of opposition expressed by residents, councillors, MPs and GLA Members.

m. Confirmation that the GLA were a consultee, and that Enfield and Barnet had been clear the site was not appropriate for a school and would not best meet school places needs under existing programmes and emerging school places strategies. There were no current free school or academy applications for this area.

n. Members' concern that demand for school places had grown recently; that sites for education were increasingly important and full consideration should be given to retaining sites for educational use in the borough.

o. Confirmation that the Environment Agency were satisfied with the application if conditions indicated were imposed, and that the landscaping plan indicated 161 trees would be replanted.

p. In response to concerns raised over flooding, officers responded that the Environment Agency was satisfied that drainage was sufficient.

q. In response to Members' queries regarding facilities for children, it was confirmed there would be three play areas, two of which would be for under five year olds, and a trim trail.

r. Members' comments on the poor existing state of the site, and welcoming the reduction of units while providing affordable homes to meet housing needs in the area.

s. Confirmation that crime prevention officers had been consulted on the proposed scheme, and their recommendations had been taken on board.

t. Confirmation that Officers considered that concerns leading to refusal of the previous scheme had been satisfactorily addressed but that certain issues and elements were subjective and it was for Members to reach their decision.

14. The support of the majority of the Committee for the officers' recommendation: 8 votes for and 5 votes against.

AGREED that subject to the referral of the application to the Greater London Authority and the Mayor raising no objection to the recommendation, and the signing of the S106 agreement the Head of Development Management /

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Planning Decisions Manager be authorised to grant planning permission, subject to the conditions set out in the report and review of Condition 11 as above, for the reasons set out in the report.

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MINUTES OF PLANNING PANEL 5 DECEMBER 2012

NOTED the minutes of the Planning Panel meeting held on Wednesday 5 December 2012.