

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 7th March 2012

Report of
Assistant Director, Planning &
Environmental Protection

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Ward:
Cockfosters

Application Number : PA/11/0035/1

Category: Demolition Notices

LOCATION: MIDDLESEX UNIVERSITY, 182, CAT HILL, BARNET, EN4 8HU

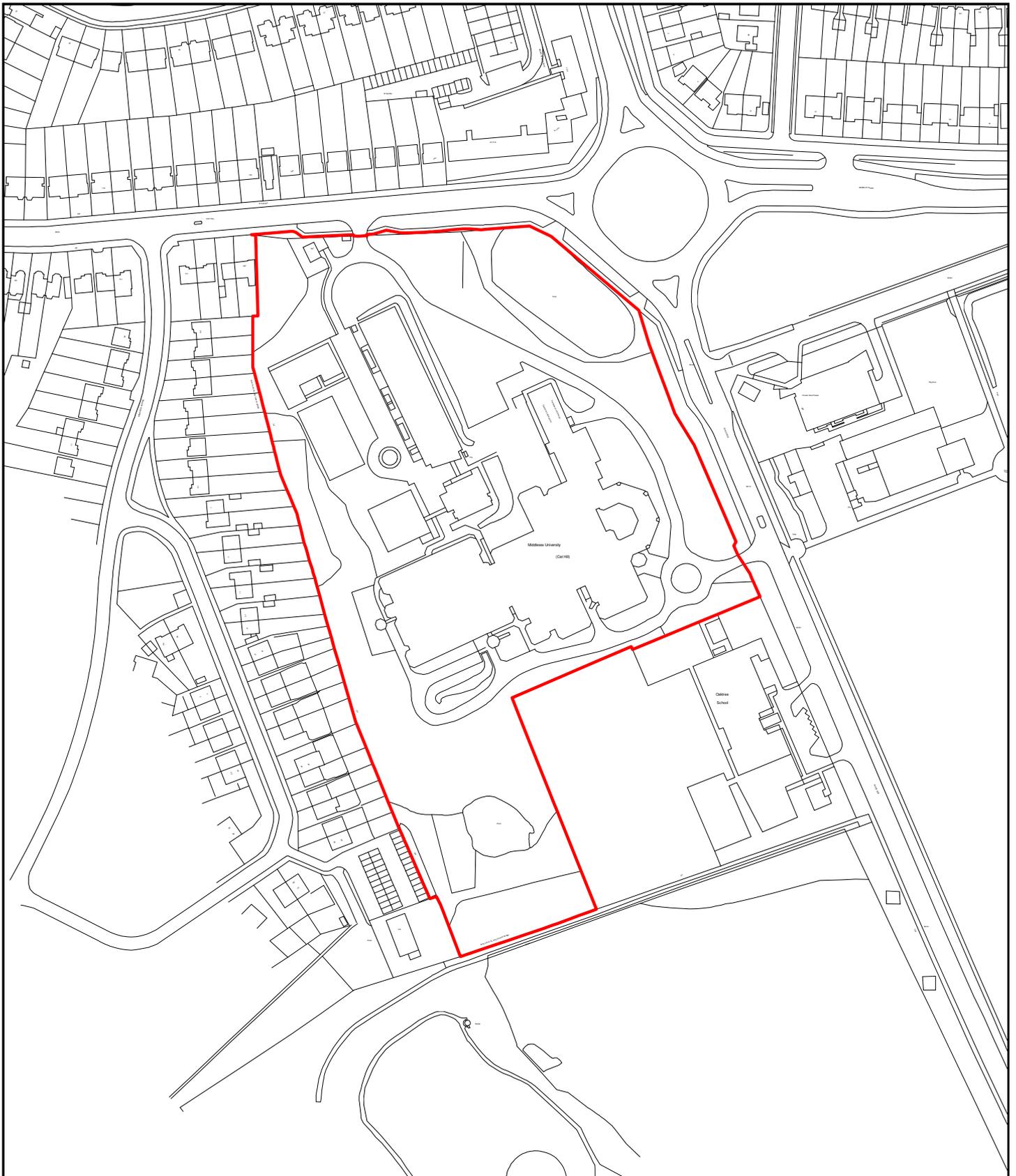
PROPOSAL: Prior approval of method of demolition and restoration of site.

Applicant Name & Address:
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Quadrant Construction
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Stratford,
London
E15 1BJ

Agent Name & Address:
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RECOMMENDATION:

That the details submitted for the method of demolition and site restoration be **REFUSED.**



Development Control



Scale - 1:2500
Time of plot: 13:12

Date of plot: 27/02/2012

1. Site and Surroundings

- 1.1 The former Middlesex University Cat Hill Campus is located at the junction of Cat Hill and Chase Side. The University has vacated the Campus and relocated to a new purpose built facility on the University's Hendon Campus as part of the universities rationalisation programme. The Campus currently has approximately 17,000sqm of D1 (higher education) use class floor space with buildings of varying heights ranging from single storey to three storey. The museum for Domestic Architecture was also previously located here until it closed to relocate to Beaufort Park, Colindale in October 2011.
- 1.2 The site is approximately 4.9 hectares in area and contains approximately 17,000 sqm of educational buildings. The site contains a significant number of mature trees and two landscaped ponds. The site also has a Tree Preservation Order on LBE (No 351) 2011 which covers the trees woodland around the perimeters of the site as well as the woodland in the Southwest corner, but excludes trees within the central core of the site. The site slopes down from the roads to the south west corner.
- 1.3 The site is bounded by a school to the south, playing fields to the east on the opposite side of Chase Side and semi detached and detached residential properties to the west and north.

2. Proposal

- 2.1 The proposal involves the demolition of all the existing university buildings on site, including the Museum of Domestic Architecture, Charles Wanstead/ Peter Green/ Sheila Mckween, Harold Shelton buildings, Fine art shed, textile annex, caretakers lodge and substation.
- 2.2 An application proposing the redevelopment of the site is reported elsewhere on this agenda

3. Relevant Planning Decisions

- 3.1 PA/11/0035 – an application for prior approval to the demolition of existing buildings was considered and determined that approval is required for method of demolition and site restoration. The decision was dated 28th November 2011.
- 3.3 SO /11/004- a request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 1999, as amended, was received and related to the "Proposed redevelopment of the site involving demolition of the existing Campus buildings to provide a residential development for a maximum number of 291 residential units containing a mixture of flats and houses of varying heights, with access, car parking and landscaping". The screening opinion concluded that the proposal did not require an Environmental Impact Assessment (EIA) under the regulations and an Environmental Impact Statement is not required. The screening opinion was issued on 22/6/11.
- 3.4 Tree Preservation Order (No .351/ 201) (Middlesex University Cat Hill Campus, Chase Side). This was confirmed on the 14th of March 2011 and relates to the woodland areas/ trees around the internal perimeter boundaries

of the site as well as the woodland area in the Southwest corner of the site and 4 individual trees. The TPO Order does not include trees within main internal central campus core. The confirmed Tree Preservation Order on the 14th March 2011 replaces a Blanket Area TPO on the site which originally covered all the trees.

4. Consultations

4.1 Statutory and Non Statutory consultees

4.1.1 Environmental Health

4.1.2 It is considered that the demolition methodology should be suitable to prevent dust issues to local residents.

4.2 Natural England

4.2.1 They advise that while further information on protected species survey effort has been submitted, the surveys were undertaken using insufficient methods. Therefore Natural England continues to consider the information submitted to be inadequate and advises that additional survey information should be obtained before determination of the application. Additionally, they have the following species specific comment:

- a) *Great Crested Newts* - They have concerns that the information supplied does not yet establish whether or not the proposal would impact on the GCN within the operational demolition area. Further the outlined mitigation measures appear inadequate to ensure that GCN and related habitat would be protected during demolition works.
- b) *Bats* - The ecological information provided is considered to be inadequate. Trees and felling is indicated to be part of the demolition operations, whilst some of the trees on site have been identified in the applicant's submission as having potential for bat interest (Category 1 or 2). Further information from the applicant should be requested prior to granting consent relating to the site to support bat roosts. This is in line with paragraph 98 of ODPM Circular 06/2005 which states that " It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all the relevant material considerations may not have been addressed in making a decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

4.2.2 A further letter was also received on the 20th February from Natural England, the conclusion of which was that as it stands they are unable to confirm that survey work conforms with good practice guidance, and that the LPA could have confidence in the mitigation proposals. Consequently there previous responses still prevail.

4.3 Biodiversity

- 4.3.1 The Council's Biodiversity Officer comments that in order to ensure that the Council fulfils its duties as per the Conservation of Habitats and Species Regulations 2010, the application for prior approval of the demolition should be refused on the grounds inadequate information has been submitted to determine the likely impact of the development on Bats and Great Crested Newts.
- 4.3.2 The reports submitted are not considered sufficient to adequately determine whether or not a bat roost exists on site and as such what impact demolition will have on bats. This is at odds with national planning policy guidance which states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by affected by the proposed demolition, is established before permission is granted, otherwise all relevant material considerations may not have been addressed in making a decision.
- 4.3.3 Natural England have confirmed in their responses to the current and previous application for prior approval for demolition that the information submitted is inadequate and advise that additional survey information should be obtained before the application is determined. The survey has not followed national guidance or Natural England's Standing Advice in relation to surveys and reporting. A summary is set out below:
- a) The survey effort is inadequate in terms of time on site. Only two of the surveys were carried out in accordance with Natural England's Standing Advice. The activity (transect) surveys in May lasted for between 1hr 12minutes and 1hr 30 minutes after sunset, the emergence surveys in August and September lasted for between 1hr 10 Minutes and 2 hrs 14 minutes (only 2 surveys lasted longer than 2 hours), and the dawn surveys started between 40m and 1 hr 24 minutes before sunrise.
 - b) In terms of the number and location of surveyors, it is not clear where on site the surveyors were located, what features they were targeting in their surveys, and inconsistencies regarding the number of surveyors.
 - c) In terms of the time of the year. The applicant undertook 3 activity surveys during May 2010 (the transect surveys) one evening survey on the 31 August and four emergence and dawn surveys during September so only one of the emergence surveys was undertaken during the optimum period, with no surveys undertaken during the summer months and none of the activity surveys being conducted during the optimum period (as defined in Natural England's Standing Advice)
 - d) The report also does not follow the recognised reporting format set out in the Bat Conservation Trust bat survey guide lines.

Great Crested Newts

- 4.3.4 The applicant undertook six surveys and did not record any newt during the survey. It is however unclear whether or not demolition, and the resulting groundwork's, movement of machinery, storage of materials etc would be carried out under licence to Natural England. It is reasonable to assume that at least some of the terrestrial habitats within the demolition site (grass land,

shrub borders etc) and which are within 500m of a breeding pond, will support Great Crested Newts. If this is the case then the applicant will need to obtain a licence for works affecting Great Crested Newts before commencing demolition. The Document Demolition Framework Tree, Woodlands and Protected Species does not provide additional survey information. It does not make an assessment of habitats within the development site and what impact the demolition will have on the species and therefore not able to determine the likely impact of the proposals on the species.

4.3.5 National Planning Policy guidance states that: “ It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.” When dealing with cases where a European protected species may be affected, a Planning Authority is a competent Authority within the meaning of the Habitat Regulations, and therefore has a statutory duty to have regard to the requirements of the Habitats Directive in the exercise of its function. If works would impact upon the favourable conservation status of a European Protected Species, the council would need to be satisfied that the three tests of the habitat regulations could be met and the applicant was likely to get a licence from Natural England.

4.3.6 In the absence of adequate information in relation to bats and Great Crested newts and as per Natural England’s advice the council should refuse the application on the grounds that insufficient information has been provided to determine the impact the proposal would have on bats or Great crested newts, which in turn means that the LPA cannot determine whether the applicant will be able to obtain a licence for the works under the habitat regulations.

4.4 *Traffic and Transportation*

4.4.1 No objections raised, all the required plant vehicles will be able to access from Cat Hill and wheel washing is provided. There is enough room for contractor parking as well. There is no problem with the routing of vehicles as both Cat Hill and Chase Side are classified roads and can cope with large vehicles,

4.5 Environment Agency

4.5.1 They note the commitment made to the management of potential environmental impacts especially as it relates to controlled waters and the management of wastes. In view of the scale of the planned demolition works and potential for contamination would wish the following in formatives

- i) The developers should adopt all appropriate pollution control measures, both underground and on surface, to ensure that the integrity of the aquatic environment both ground water and surface water is assured.
- ii) Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards Characterisation of Waste- Sampling of Waste Materials- Framework for the preparation and Application of a

Sampling Plan” and that the permitting status of any proposed treatment or disposal activity is clear

- iii) Contaminated soil that is, or must be disposed of is waste. Therefore, it's handling transport, treatment and disposal is subject to waste management legislation.

4.6 Public

4.6.1 Public consultation is not required in respect of applications for prior approval. However, four site notices were displayed. Six letters were received relating to this application. The following comments were made

- Permission should be refused on ecological & legal grounds due to presence of Protected Species
- Campus should be retained for educational purposes
- Natural England's letter criticises the bat and newt Surveys which makes it difficult to a lawful decision regarding, demolition of buildings, felling of trees depositing material in the woodland
- Survey reports provided have insufficient information to confidently determine the scale of any impact of demolition or development
- Such information is of a material consideration Circular 06/2005
- No decision should be made on demolition application until planning application decided

5 **Relevant Policy**

Circular 10/95 – Planning Controls over demolition
Schedule 2, Part 31 Town and Country Planning (General Permitted Development) Order 1995
The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (as amended by Town and Country Planning (environmental Impact Assessment) (England Regulations 2008)

6.0 **Analysis**

Background

- 6.1 Following a Court of Appeal ruling {R (Save Britain's heritage) v SSCLG} the rules on demolition have changed and all buildings will now require planning permission or prior approval for demolition if no planning permission has which permits demolition. Permitted Development rights for such developments apply under Part 31 of the Town and Country Planning (General Permitted Development) Order 1995, but an application to the Local Planning Authority is needed to see whether the Local Authority requires prior approval in line with the conditions set out as Part 31 of the General Permitted Development Order. This amendment to Part 31 also requires consideration of whether the demolition project is likely to have significant environmental effects and requires a screening opinion to be issued.
- 6.2 As part of the original screening opinion carried out on the development under SO/11/0004, which also included the demolition of the existing campus buildings on site it was considered that with regards demolition of the existing buildings, that in terms of transportation, noise/ vibration, air quality or production of waste these impacts were not considered to be of more than local significance and unlikely to have significant environmental effects in

terms of the Environmental Impact Assessment Regulations. Consequently an Environmental Impact statement was not required and subsequently planning permission would not be required for the demolition and it would benefit from permitted development rights.

6.3 The applicants currently have a planning application in Ref: TP/ 11/0904 which is under consideration at this Committee but as no formal planning permission presently exists a prior notification procedure to demolition is required. This is in two steps firstly the applicants submitted in an application PA/11/0035 on which the Local Planning Authority had 28 days to decide whether prior approval was needed for the method of demolition and site restoration which are the only matters that are considered. The LPA determined that in respect of that application prior approval of the Local Planning Authority was required for the method of demolition and site restoration. The relevant Government Circular 10/95 Planning Controls over Demolition explains that the requirements for the applicant to apply to the LPA for a determination whether prior approval will be required to the proposed method of demolition and any proposed restoration of the site, gives the LPA the means of regulating the details of demolition in order to minimise the impact on local amenity. Accordingly this current application seeks the prior approval for the method of demolition and site restoration.

6.4 The documents submitted in with the application are:

- Demolition Framework: Trees, Woodlands and Protected Species dated Dec 2011 (also separate Bat and Great Crested Newt Documents)
- Amended Cat Hill Demolition Logistics Plan Drawing
- Tree/ Removal Retention Plan Drawing 6621 SK054 Rev 03
- Existing Site Boundary: DWG 6221 D4100
- Cordoned off Exclusion zone
- Cat Hill campus (Quadrant Construction) Construction Phase Method Statement
- Work Instruction Sheets for: Textile annexe, Sheila McEwen building, Peter Green Building Cat Hill, Charles Swinstead Building, Bad block Cat Hill
- Asbestos Removal Statement by L&Q
- Site Notice and Photos of site notice
- E-mail to Natural England dated 15th December 2011
- Additional letter sent to Natural England on 8 February 2012
- Updated Tree Protection Plan Drawing C8523-39 Rev B

6.5 Method of Demolition

6.5.1 In carrying out the works to the site to demolish the existing university buildings, the most likely source of adverse amenity impacts are dust, noise, visual impact and traffic. Taking each potential impact in turn the submitted details can be considered, and a determination made as to whether or not they are sufficient to minimise the impact of demolition on local amenity.

6.6 *Dust / Noise/ Vibration Control*

6.6.1 During the demolition and crushing operations a "DUST BOSS" would be used to constantly suppress the dust generated through the demolition. Water being used for dust suppression will be delivered to the required location as a

fine mist spray. If during demolition works there are high winds in the direction of adjoining neighbours the work activities will be assessed and if required stopped in areas adjacent to the boundary. Dust whilst not necessarily causing a nuisance or threat to human health, could adversely affect neighbouring occupier's amenities given the scale of the demolition works and proximity of adjoining occupier properties, in particular residential gardens. However, it is considered that the submitted details demonstrate that dust and its impact on amenity will be minimised demonstrate as much as reasonably possible.

6.7 *Noise*

6.7.1 With regards noise and vibration, during internal stripping and removal generally within the buildings all tools and generators would be silenced and /or operated within enclosures so as to reduce noise outputs to the lower levels that can be expected for such equipment. All plant and equipment would be maintained and serviced to ensure that all noise measures fitted are working correctly. All buildings would be demolished by mechanical means, section by section and on a bay by bay basis in accordance with the method statement.

6.7.2 The demolition contractors would also carry out background survey of noise around the site before any works commencing and also during the works in 4 locations with readings being available for inspection. With regards proposed hours of operation it is intended that the site working hours would be Monday to Friday 08.00- 18.00 with no works on Saturday, Sunday or Bank holiday unless with prior agreement.

6.8 *Asbestos Removal*

6.8.1 In terms of asbestos removal the contractor is registered for such work and any issues would be enforced by the Health and Safety Executive as they are the responsible body for health and safety as regards asbestos. In addition the contractor has undertaken a survey and a method statement for safely removing the asbestos. All asbestos would be removed in accordance with the control of Asbestos Regulations 2006. It is considered that the details submitted are satisfactory to deal with this.

6.9 *Demolition Logistics Plan*

6.9.1 A Demolition Logistics Plan has also been submitted with the entry and exit of vehicles involved in demolition being via the Cat Hill access with the Chase Side access not intended to be used. A wheel wash facility is also proposed within the site, in addition operatives will be detailed to inspect and clean vehicles. A mechanical road sweeper would also be used if felt necessary. These details are considered acceptable to protect adverse debris and mud being deposited on the surrounding roads. Traffic & Transportation advise that the size of the access is considered suitable for vehicles involved in demolition and is unlikely to result in vehicles queuing up to enter or having to reverse out. There is also enough room for contractor parking etc. It is considered that sufficient information has been provided to be satisfied that the impact of the proposed demolition regarding traffic/ vehicles is acceptable.

6.10 *Tree Protection during demolition*

6.10.1 The site does have a Tree Preservation Order on TP 0351 (2011) which relates to the Trees/Woodland around the perimeters of the site, although does not cover the trees within the main central core of the campus. The Councils Arboriculture Officer advises that adequate protective fencing and a Tree Protection Plan in accordance with BS: 5837 is required so as to ensure protection of the TPO trees during demolition. Details of an updated tree protective fencing area has been proved to ensure that the trees protected by the TPO would be satisfactorily safeguarded during demolition. The details of the siting of the protective fencing are considered acceptable. The siting of the area for the proposed spoil/ crush heaps has also been repositioned further away from the southwest corner as well as having no impact on any of the trees protected by Tree Preservation Order.

6.10.2 The trees within the central core of the site are not protected by a TPO and would be removed within the scope of the demolition works (T94, T93, T92, T87, T90, T91, T81, T86, T85, T80, T75, T74, G5, T73, G6, G7, G4, T72, T49, T50, T65, T64, T63, T66, T56, T57, T55, T61, T59, T60, T54, T52, T51, T53, T72, T35, T35a, T35b, T34, T33 T34, T34A, T36, T37, T45, T38, CPT 7, T41, T44, T43, T42) however two veteran trees within the central core of the site T46 and T62 are shown on an interim basis whilst the main application is considered.

6.11 *Visual Impact*

6.11.1 In terms of the siting of the proposed spoil/ crush heaps these have been repositioned within the site. It is considered that the location of the spoil heaps in the would help to minimise as much as possible the visual impact of this to an acceptable degree.

6.12 Potential Impact on Bats & Great Crested Newts during demolition

6.12.1 All native species of Bats and Great crested newts are protected under the 1981 Wildlife and Countryside Act as amended and under the European Habitats and Species Directive (92/43/c) enacted in the UK through the Conservation of Habitats and Species Regulations 2010. The applicants have provided a Demolition Framework Trees; Woodland & Protected Species document Dec2011, as well as a Bat and Great Crested Newt report. In addition an e-mail sent to Natural England on the 15th Dec 2011 as well as a letter to Natural England on the 8th of February 2012.

6.12.2 The Demolition Framework: Trees, woodlands and protected species document dated Dec 2011 outlines how the surveys were carried out for bats and Great Crested Newts and confirms that both were carried out in accordance with Statutory framework, PPS9 and other relevant National and Technical guidance. It also outlines that adequate protection measures would be applied to the demolition process and that demolition methods would be carried out with all the best practice associated with species protection. All demolition activity is excluded from the south west corner, and therefore there are no activities that might impact on the hibernating newts population, pond or TPO Woodland. The demolition process, as applied to bats, is in accordance with the guidance as it relates to precautionary demolition.

6.12.3 However, Natural England considers the information submitted still to be inadequate and advises that additional survey information should be obtained. They have concerns that the information submitted does not yet

establish whether or not the proposal would impact on the Great Crested Newt within the operational demolition area. In addition the outline mitigation measures appear inadequate to ensure that the Great Crested Newt habitat would be protected during demolition. It is also considered that the bat surveys undertaken are not adequate for the LPA to determine whether or not a bat roost exists on site or in any of the buildings and as such what impact demolition may have on bats. In some instances parts of the bat surveys do not meet Natural England standing advice.

6.13 *Site Restoration*

6.13.1 With regards the method of proposed site restoration, it is intended that with regards to the removal of slabs, any large voids where foundations have been removed would be backfilled from the demolition process. Any regarding of the site would only commence once planning permission has been granted.

7. Conclusion

7.1 Taking the above factors into account and in particular, the absence of robust information upon which the potential effect on demolition works on the protected Bats and Great Crested newts as identified by Natural England, it is considered that it is not possible to agree to the proposed demolition methodology.

8. Recommendation:

8.1 That the details submitted for the method of demolition and site restoration be REFUSED for the following reason:

The proposed details for the method of demolition are not considered to satisfactorily demonstrate that the demolition works would not adversely impact on bats and Great Crested Newts which are both European Protected Species and would not accord with PPS9; Natural England's standing guidance as well as having regard to ODPM 06/2005.