

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE
HELD ON WEDNESDAY, 7 MARCH 2012**

COUNCILLORS

PRESENT Andreas Constantinides, Lee Chamberlain, Yusuf Cicek, Ingrid Cranfield, Ahmet Hasan, Ertan Hurer, Nneka Keazor, Paul McCannah, Anne-Marie Pearce, Martin Prescott, George Savva MBE and Toby Simon

ABSENT Kate Anolue, Yasemin Brett and Dogan Delman

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

Also Attending: Approximately 250 members of the public, applicants, agents and their representatives and deputees

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WELCOME AND LEGAL STATEMENT

The Chairman welcomed everyone to the meeting, with apologies for the slight delay to wait for the arrival of all Committee Members, and the Legal Services representative read a statement regarding order and conduct of the meeting.

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APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Anolue, Brett and Delman.

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DECLARATION OF INTERESTS

NOTED that Councillor McCannah declared a personal and prejudicial interest as he lived in Cockfosters Road and would be directly affected by the proposal. Following advice from the Legal representative, Councillor McCannah would make a deputation and then leave the room and take no part in the debate or vote.

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REPORT OF THE ASSISTANT DIRECTOR, PLANNING AND ENVIRONMENTAL PROTECTION (REPORT NO. 207)

RECEIVED the report of the Assistant Director, Planning & Environmental Protection (Report No. 207).

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TP/11/0904 - MIDDLESEX UNIVERSITY, 182, CAT HILL, BARNET, EN4 8HU

NOTED

1. Introduction by the Planning Decisions Manager to give:
 - an overview of the proposals
 - a Powerpoint presentation of illustrative images and plans
 - an update on items received since publication of the report.
2. Points highlighted in the overview of proposals included:
 - a. The site was approximately 4.9 hectares. Around 2 hectares were covered in trees and woodland. A Tree Preservation Order was in place, though this did not include the trees within the main central core of the campus.
 - b. There was a significant drop in land levels across the site.
 - c. There were areas of importance for nature conservation adjacent to the site.
 - d. To the north was a residential area of two-storey detached and semi-detached houses, maisonettes and a three-storey block of flats.
 - e. The proposal involved demolition of the existing campus buildings and redevelopment of the site for residential purposes with construction of a total of 250 units. 75 units (30%) were intended for affordable housing.
 - f. The proposed density of the scheme was 208 habitable rooms per hectare, which was within the acceptable density range.
3. The key issues for Planning Committee Members were highlighted as:
 - principle of residential development
 - impact on infrastructure
 - design
 - ecology and trees
 - impact on neighbouring residential properties
 - traffic and parking.
4. Slides were projected to illustrate the proposals, including aerial photos, and proposed layout, access points, elevations of dwellings, and landscaping, and CGI images prepared by the applicant.
5. Receipt of 24 additional letters of objection, in addition to those recorded in the report, which re-iterated points already listed in the report.

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6. An amendment to the recommendation, reason 5 on page 66, in that the siting of the end units '(665 and 685)' should read '(B65 and B68)'.
7. Receipt of an additional letter from Councillor Yasemin Brett (LB Enfield) who wanted to highlight contamination issues. Officers advised that contamination would be dealt with through conditions as was normal procedure, but contamination was not believed to be significant.
8. Joanne McCartney (London Assembly Member for Enfield) was unable to attend the meeting but sent a letter of objection which raised concerns including:
 - poor design
 - out of keeping with the surrounding area
 - height and size of blocks and intensity of terraced housing
 - strain on infrastructure
 - impact on local services
 - traffic generation, particularly around Cat Hill roundabout
 - inadequate car parking and effect on local residents
 - impact on local wildlife
 - loss of significant oak trees
 - residents' concerns regarding flooding.
9. The deputation by representatives of the applicant, including the following points:
 - a. Simon Baxter, Project Manager for L&Q on this scheme, urged support for this £50 million investment proposal. The London Borough of Enfield had a serious housing shortage. It also publicly promoted housing, jobs and investment in the borough and should welcome the opportunity that this proposal represented. Others who might be considering investing in Enfield would be taking note of tonight's decision.
 - b. The Planning Officers had produced a comprehensive report which listed all relevant policies, national, regional and local regulations, which were overwhelmingly positively addressed by this scheme.
 - c. The Council accepted the principle of residential development; the density; the principle of urban design layout; the scale, height and massing; distancing; amenity space; principles of the car parking; that traffic generation did not warrant an objection on highway grounds; the access and housing layout.
 - d. The Mayor's Office acknowledged that the proposals were compliant with London Plan policy.
 - e. The reasons for refusal of planning permission set out in the report were relatively minor items of disagreement.
 - f. Michael Lawson, Managing Director, Landscape Planning, spoke further on ecology and trees.
 - g. Licensed experts had spent time carrying out internal and external surveys but had found no evidence of roosting bats. The number of visits made exceeded what was regarded as good practice and detectors had been used, but it was concluded that there were no

roosts in any of the trees or buildings. The presence of foraging bats was acknowledged.

h. The new planting strategy and 25 year management plan would enhance the environment for bats and the ecological potential for other species.

i. There was a method statement for ecological supervision for every stage of demolition, and standard guidance had been followed.

j. The southern pond was in decline and if no action was taken it would fail and the Great Crested Newts (GCN) would lose it as a site for breeding. The proposals would improve the pond, which could be part of the drainage system and still support the GCN population.

k. Large scale agreements had been reached with Planning officers in respect of trees. It had been right to raise the issue relating to Tree T48, but a way could be found to comply with its root protection.

l. With regard to reason for refusal no 3, there would not be a substantial increase in traffic and there was no objection in principle on highways grounds. Predicted cycle and pedestrian traffic would be lower. Therefore the justification for off site highway safety improvements was unclear, but more information on the matter would be welcomed.

m. The tank referred to in reason for refusal no 4 was needed to catch run-off and reduce flooding risk. It was practical to have the tank on the lowest part of the site, and this hybrid solution had been suggested which would also increase the habitat value. The developers would be willing to consider alternative solutions or conditions to address concerns.

n. Further discussions could be held on reason for refusal no 5. There could also be appropriate conditions.

o. This was a good scheme which balanced the need for housing and preserving the ecological value of the site, and should be approved.

10. The response of Kim Coleman on behalf of the Campaign for Cat Hill, including the following points:
- a. The Campaign for Cat Hill had attracted the support of around 4,000 local residents. Despite the minor amendments their objections remained unchanged.
 - b. Enfield Council should be required to justify loss of the campus as an educational site, at a time of major growth in the demand for school places. The site was not identified in the Mayor's London Plan for opportunity housing nor as an area of intensification and, therefore, presumably assumes ongoing educational use.
 - c. There were serious reservations about the scale, size and height of the proposed building works. The scheme did not reflect the character of the surrounding area. High rise flats along the main road frontage and at the road junction would heighten the visual density effect and would look bland and uninteresting architecturally.
 - d. There were concerns about the apportioning of Section 106 payments. Negative effects of the development would impact on this side of Enfield Borough, and also on residents of Barnet.

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- e. The scheme would lead to a major increase in the population in the area, but it lacked provision of facilities for children or the elderly. This could lead to anti-social behaviour problems and a strain on social services provision. There would also be an impact on medical facilities and emergency services, at a time when the Chase Farm Hospital A&E department and maternity wing were to be closed.
 - f. There were serious shortcomings in the traffic projections. The Cat Hill junction was currently overloaded, with queues of 40 to 50 vehicles commonplace. Extra traffic generated by this site would hugely exacerbate the situation and make noise and air pollution worse.
 - g. There had been parking problems in surrounding streets when the university operated at the site, but it was in term time only for a few hours per day. The parking provided in this scheme would generate huge overspill parking in the surrounding streets.
 - h. Predicted run-off coefficients were queried. L&Q did not say what SUDs would be used for or who would monitor them. The development would worsen flooding problems and there could be water quality issues.
 - i. The site was important for wildlife and had historical and cultural associations. The developer had offered to move great crested newts to a safer area, but the cumulative value of the site mattered.
 - j. Grave concerns about the type and level of contamination on site and a belief that important information was concealed, that there were contamination hot spots, and parts were unfit for human habitation or recreation.
 - k. Cockfosters was not an area in need of regeneration. The area would change beyond recognition and not for the better. Quality of life of local residents would be irreparably damaged.
11. The response of Dianne Murphy, London Wildlife Trust, including the following points:
- a. Over the years, volunteers had worked closely with landowners to monitor and protect the wildlife in the area.
 - b. The trees on this site were part of a connecting chain in the area allowing wildlife to move through and find food and shelter.
 - c. Significant trees were missing from the tree survey, including a 150 – 200 year-old hornbeam close to the pond. Concerns remained about roots of veteran oak trees being affected by development work.
 - d. The great crested newt (GCN) population had been monitored for over ten years. This was a European protected species under strict legal protection; newts and their eggs had been found regularly in and around the woodland pond. This pond was the only one in the area where GCN had bred for several years.
 - e. The excavation needed for the tank and flood attenuation works was totally unacceptable: this was too sensitive a pond to be used in this way. Resting and breeding places of GCN would be destroyed.
 - f. Four out of the six British species of bat had been found feeding and roosting in this area. The bats were also protected under European law. The surveys by the applicant were insufficient. It was essential the

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presence or otherwise was established before any planning permission was granted.

g. The Committee were urged to make the only lawful decision available to them, which was to reject this application.

12. The statement of Rt Hon Theresa Villiers MP (Chipping Barnet Constituency), including the following points:
 - a. Few planning applications had caused such concern to her constituents as this, and she shared their concerns and opposition.
 - b. The high rise high density development would be out of keeping with the surrounding neighbourhood. It was a locality of green spaces and open character. This development would transform the character of the area and what it meant to live there.
 - c. The neighbourhood did not have the necessary infrastructure to support this development. Traffic congestion was inevitable on the already busy local roads and roundabout. The traffic would undermine the quality of life of residents and put pressure on the limited on street parking.
 - d. There was a strong argument that this should continue to be an educational site. Local secondary schools were oversubscribed and free schools were looking for places to set up in North London.
 - e. The Committee were urged to listen to objections and turn down this application.

13. The statement of David Burrowes MP (Enfield Southgate Constituency), including the following points:
 - a. He disagreed with the officers' recommendation as he did not believe the reasons for refusal went far enough in objecting to the application.
 - b. The report understated the wider concerns of residents.
 - c. The impact of 6-storey blocks would be severe: they would be out of character with surrounding properties. Justification by reference to the height of the chimney was ridiculous.
 - d. The impact on amenity and biodiversity, particularly on the woodland and trees, would be severe. The veteran oak tree T48 was of massive heritage significance. Trees T46 and T62 should not be sacrificed and there should be a more robust refusal.
 - e. The area had an important historical and ecological value as a natural habitat and ecosystem.
 - f. This proposal would be high in density and low in quality and was an unsustainable development which should be refused.

14. The statement of Councillor Brian Coleman (London Assembly Member, Barnet & Camden and LB Barnet Cabinet Member for Environment), including the following points:
 - a. He was disappointed that Middlesex University had decided to abandon Enfield, but this site would be an ideal site for a free school.
 - b. This proposal would be gross overdevelopment, to the detriment of the local area and the infrastructure of East Barnet and Cockfosters

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- c. The development would lead to an unacceptable increase in traffic and exacerbate congestion in Cat Hill and Cockfosters Road. There was low public transport accessibility from the site so limited mitigation.
 - d. Impact on green space and wildlife sites was severe.
 - e. The proposals were contrary to national and local planning policies and should be rejected.
15. The statement of Councillor Joanna Tambourides (LB Barnet, East Barnet Ward), including the following points:
- a. She was also speaking on behalf of the other two councillors from East Barnet Ward, which included Cat Hill, Mansfield Avenue and Vernon Crescent, to urge refusal.
 - b. The height and density would be out of keeping in this outer London suburb. The high blocks would loom over the tree line.
 - c. The loss of trees was unacceptable in this belt of greenery. The trees were a valuable wildlife habitat and privacy screen.
 - d. Existing residents also had concerns about the trim trail and overspill parking.
 - e. No S106 money would be provided to compensate for the pressure on East Barnet primary and secondary schools, health facilities, highways, etc.
16. The statement of Councillor Michael Lavender (LB Enfield, Cockfosters Ward), including the following points:
- a. He supported the comments made by all speakers, but wished to highlight supplementary reasons for refusal.
 - b. He would argue there was an ongoing or future demand for educational use. In Barnet and Enfield there was a primary pupil place shortfall of 700 places over the next ten years, and there were no perfect sites for educational use left.
 - c. This was a poor and inappropriate location for such a development. He had concerns that this was not aspirational housing and that units may be bought to let by absent landlords.
 - d. The health impact was another reason for refusal. Para 23.1 of the report acknowledged the issues. Local residents should not be negatively affected.
17. The statement of Councillor Paul McCannah (LB Enfield, Cockfosters Ward), including the following points:
- a. He supported and endorsed all the objections raised, but wished to particularly re-iterate concerns regarding the size and scale of the proposals and that the scheme did not reflect the character of the surrounding area and seemed to be squeezing as many units as possible into a small area for profit.
 - b. The resulting increase in population would put a strain on already stretched local infrastructure, particularly on GP and dentist surgeries.
 - c. Extra traffic would significantly exacerbate existing problems. There was already gridlock in the area at morning and evening peak times, and overspill parking would impact massively on surrounding roads.

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- d. There would be an unacceptable impact on the environment and wildlife in this thriving woodland area.
 - e. As a member of the Planning Committee, he would remain to listen to the applicants' response, but then leave the room and take no part in the debate or vote.
18. The response by Simon Baxter, Project Manager for L&Q, on behalf of the applicant, including the following points:
- a. He disputed the point about maximising profit. They were a non profit making organisation.
 - b. Health care funding was a complex issue, but funding from S106 was not appropriate.
 - c. There was no reason to think there would be numerous buy to let units. A number of approaches had been made already by potential owner occupiers.
 - d. The officers' report included details of the consultation with Schools and Children's Services Department and that this was not an area where demand for school places had been identified.
 - e. How S106 contributions were distributed was a matter for Enfield and Barnet Councils.
 - f. The proposals complied overwhelmingly with legislation and policies.
 - g. In respect of tree T48, the issue was technical disagreement between the developers' and the Council's tree specialists regarding the methodology.
 - h. Cockfosters was one of the least dense wards in one of the least dense boroughs. People living at much higher densities in other parts of the borough would be confused at the comments made tonight.
 - i. Despite surveys, no bat roosts had been found on the site.
 - j. The Environment Agency wanted to see surface water attenuation and were the competent authority, but negotiations could be pursued to ensure the environment for the newts was not affected.
 - k. The ancient hornbeam referred to may not have been surveyed, but there was no question of it being removed.
 - l. Reports did not reveal substantial contamination which could not be dealt with through standard conditions. There was no clandestine report on the site which had not been disclosed.
 - m. Comments on design were quite a subjective area and he did not agree with the negative remarks. Many designs which had been derided in the past were now lauded.
19. Councillor McCannah left the room at this point and took no part in the debate or votes.
20. Lengthy debate by Members of the Committee, including the following points:
- a. Concern about effects on communities.
 - b. Concern about the design and appearance of the blocks and the terraced housing.
 - c. Health and educational services would be insufficient in the area.

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- d. Residents in other wards did not live in squeezed conditions from choice, and over-development was not desired or justified.
 - e. Methodology had not met Natural England's requirements.
 - f. There was insufficient reassurance about the engineering works involving the pond in the south west corner.
 - g. Concern about safety and security for residents.
 - h. Remaining concerns regarding pollution, traffic, parking and density.
21. In response to queries regarding cycling feasibility, it was advised that adequate cycle parking facilities had been sought, and contributions would be put into off site measures including cycle routes and safe crossing facilities.
22. In response to Members' queries, the Biodiversity Officer confirmed that the applicant's survey method did not follow recognised guidance and confirmed that tree T48 was the best example of a veteran tree on site and was particularly vulnerable to development, and that concerns remained that pond works may damage tree roots.
23. The School Organisation and Development Officer provided further clarification that in the wider context the highest school place priorities were in the south and east of Enfield borough, but acknowledged that this proposal would result in a considerable increase in demand for school places in the vicinity. The Council did not own this site and with their limited resources neither Enfield nor Barnet would choose to put a school on this site, but both authorities had strategies to provide more places at existing schools in the area.
24. The Planning Decisions Manager advised that the Fire Brigade Access would be fully considered by officers if Members were minded to approve permission, but that it was not sufficient reason for refusal.
25. Members felt that the design and appearance were not acceptable, and should be added as a reason if Members were minded to refuse permission. It was acknowledged that the matter was subjective and finely balanced and that it was open to the Committee to come to a different conclusion to officers.
26. In response to queries on flood risk, it was advised that the Environment Agency been consulted and required compliance with a number of conditions.
27. Members also considered scale and height to be unacceptable and out of keeping. Officers acknowledged these would be significant built forms and had come to a finely balanced recommendation.
28. Officers advised that the development would be built to secure by design standards.
29. The meeting was briefly adjourned for a comfort break.

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30. The advice of the Head of Development Management that in their discussions, Members had gone beyond what officers had recommended as reasons for refusal: in respect of the scale of the 6-storey element and that the proposed design of the development was inappropriate. He proposed wording for Members' approval for two additional reasons for refusal if they were minded to refuse permission.
31. The advice of the Legal Services representative regarding potential reasons for refusal.
32. The unanimous support of the Committee for the amended recommendation of refusal for the reasons set out in the report and two additional reasons requested by Members.

AGREED that subject to the referral of the application to the Greater London Authority and the Mayor raising no objection to the recommendation, the Head of Development Management / Planning Decisions Manager be authorised to **REFUSE** planning permission, for the reasons set out in the report and amendment above and the additional reasons below.

Additional Reasons

The proposed development in particular that of the terraced residential properties, due to its style, architectural approach, scale and design, would result in the introduction of an overly intensive form of development having a poor appearance and environmental quality detrimental to the character and visual amenities of the area as well as the development itself leading to a poor quality residential environment for the future occupiers of the development. This would be contrary to Policy CP30 of the adopted Core Strategy, Policy (II)GD3 of the Unitary Development Plan and Policy 7.4 of the London Plan as well as PPS1 and PPS3.

The proposed six storey blocks by virtue of their height and size, would result in the introduction of a visually prominent form of development out of keeping with and detrimental to the character and appearance of the area contrary to Policy CP30 of the adopted Core Strategy, Policy (II)GD3 of the Unitary Development Plan and Policies 7.4, 7.6 and 7.7 of the London Plan.

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NOTED the unanimous support of the Committee for the recommendation.

AGREED that the details submitted for the method of demolition and site restoration be **REFUSED** for the reason set out in the report.

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MINUTES OF PLANNING PANEL 1 NOVEMBER 2011

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NOTED the minutes of the Planning Panel held on 1 November 2011.