

PLANNING COMMITTEE

3rd February 2022

REPORT OF:

Head of Planning

- Vincent Lacovara

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Subject:

Member Update for Planning
Committee -

Land adjoining Cockfosters Station

Update to Planning Committee

Ahead of Planning Committee, please note the following updates to the Committee report will be of assistance to Members in your assessment of the proposals.

There are a small number of updates and clarifications which will be verbally reported at tomorrow's meeting. A printed copy will also be available for

Item 5: 21/02517/FUL

Land adjacent to Cockfosters Underground Station, Cockfosters Road, Barnet, EN4 0DZ

Updates to Report

Landscape Plans

- Replace '~~CF116.3.DP01.MP – Hard Materials Palette~~' with '**CF116.3.DP01.MP Rev P3**'

Documents

- Replace '~~Air Quality Assessment by Atkins dated June 2021~~' with '**Air Quality Assessment (Rev 3.0) by Atkins dated January 2022**'
- Remove reference to '~~Daylight and Sunlight Assessment Internal by GIA dated June 2021~~'
- Remove reference to '~~Energy Assessment by Atkins dated June 2021~~'

- Remove references to '~~Heritage Statement by ABA dated June 2021~~' and '~~Heritage Statement Addendum by ABA dated October 2021~~' and replace with '**Heritage Statement (Rev 2.0) by ABA dated October 2021**'
- Remove references to '~~Townscape and Visual Impact Assessment by ABA dated June 2021~~' and '~~Townscape and Visual Impact Assessment Addendum by ABA dated October 2021~~' and replace with '**Townscape and Visual Impact Assessment (Rev 2.0) by ABA dated October 2021**'
- Add reference to '**Whole Life Carbon Assessment (Rev 3) by Mott MacDonald dated October 2021**'

Section 2 – 'Recommendation' – Section 106 Heads of Terms

- 4. Local Car Parking Controls: Management and Monitoring – delete ~~{TBC}~~ from b. and c in the 'Allocation scope'.
- 5. Highway Improvements – under 'c. Contribution to sustainable transport improvements – upgrade to existing cycle facilities on Cockfosters Road' replace ~~{TBC}~~ with '**{£110,425}**'
- 18. Heritage Enhancements – delete ~~{up to £25,000}~~ in point six and reinsert at the end of point five to read as follows:
 - *Additional tree planting and tree management (informed by Arboricultural Management Plan) of the tree belt surrounding the application site **{up to £25,000}**; and*

Section 6 – 'Consultations' under 'Public Consultation'

Since the publication of the Committee report, the following additional representations have been received:

Statutory and External Consultees

- London Borough of Barnet (further response received 02/02/22)

'It is understood that a meeting has taken place between Enfield and Barnet's Highway Departments and the Committee advises that a contribution TBC will be secured towards the implementation of a parking scheme within the London Borough of Barnet.

While Barnet Council is pleased that discussions have taken place, it is noted that the committee report acknowledges that the roads that are most likely to be affected are in Barnet and until such stage as the highway mitigation measures are developed, the London Borough of Barnet cannot be certain that there would not remain an unacceptable impact on Barnet roads and as such the London Borough of Barnet would like to maintain its formal objection to the scheme.'

Officer Comment: The above concerns raised have been addressed in the

relevant sections of the report.

Members of Parliament, London Assembly Member and Councillor Consultation

- Cllr Anderson (LBE Enfield – Independent – Community First) (Response received 31/01/21 – originally submitted 19/08/21)

Objection to the proposal for the following reasons:

- The proposed housing would be unaffordable to most Enfield residents and insufficient affordable housing has been provided (50% of units should be affordable);
- Displaced parking onto nearby residential streets; and
- Increased congestion onto Cockfosters Road.

Officer Comment: The above concerns raised have been addressed in the relevant sections of the report.

Public / Interest Group Consultation

- Cockfosters Local Area Residents Association (CLARA) (Further response received 01/02/22)

Objection to the proposal for the following reasons:

- The proposed buildings are too dense and tall;
- None of the homes are truly affordable for Enfield families;
- Loss of car parks and the absence of residents parking;
- Loss of car park will make accessing the station difficult for those with statutory protected characteristics: disabilities, the elderly etc;
- Overloading local services;
- Traffic chaos; and
- Poor design.

Officer Comment: The above concerns raised have been addressed in the relevant sections of the report.

- East Barnet Residents' Association (Further response received 01/02/22)
 - A video purporting to show a visualisation of the proposal in context has been submitted.

Officer Comment: The video is to be played during the objection deputations at the committee meeting.

Public Consultation

- **10 additional representations** have been received (received 27/01/22 to 02/02/22), including 9 **objections** and **1** letter of **support**. The representations made raise no new issues beyond those already considered and set out in Paragraphs 6.58 (Table 2) and 6.59 of the committee report.
- Para 6.58 (update) – To reflect the above additional representations made, amend paragraph to read as follows:

6.58.1 'In total, ~~2,867~~ ~~2,857~~ representations were **have been** received with **15** ~~14~~ of support and ~~2,852~~ ~~2,843~~ raising objections to the proposal as set out in **Table 2** below'.

Petition

- Para 6.61 (update) – Officers received an electronic full copy of the petition in the form of two spreadsheets, including the names, addresses and signatories/names of all that have signed it together with their individual comments on 27/01/22.
- The content of the petition has now been verified and the submitted version shows **12,315** signatories/names in total. In the information provided, 270 signatories make specific reference to the development at Cockfosters with remaining 12,045 making no comment on the spreadsheet provided
- It is unclear from the information provided whether the signatories/names were signing a petition objecting to the closure of all TfL owned car parks in London rather than specifically to the Cockfosters car park. However, at the time of writing, this online petition, which relates specifically to the closure of all TfL owned car parks in London rather than the Cockfosters car park, indicated **12,068** (12,030 as quoted in the report) signatories.
- In addition, Members should be aware that a separate petition on change.org under the banner "Stop Cockfosters Station Car Park Development to keep crucial facilities in our area" and organised by CLARA has 3861 signatories objecting to the development.

Section 7 – 'Relevant Policies'

- Para 7.2 (third line) – amend to read '*Enfield Development Management Document (2014)*'

- Under ‘Relevant planning appeals and case law’ insert the following new paragraph:

7.27 **‘Appeal Ref: APP/Q5300/W/20/3263151: 79 Windmill Hill, Enfield, EN2 7AF: This appeal was allowed on 2 November 2021 and was for the redevelopment of the site involving demolition of existing buildings and erection of 49 Self-contained flats within 3 Blocks (part 3, part 4 storey’s) comprising 12 x 1, 19 x 2 and 18 x 3 bed involving shared basement level between Block B and C, installation of lifts, solar panels and balconies together with erection of a substation, play area and associated access and landscaping.**

- **Paragraph 19 of the appeal decision noted when considering ‘Housing mix’ “The Council’s Policy set out in CP5 of the CS requires that there should be around 35% 1 and 2 bed units and 65% 3+ bed units in a development of this nature. However, this target is ‘over the lifetime of the Core Strategy’. This Policy is reinforced by DMD3 which states, amongst other things, that this target should be applied in particular to developments capable of accommodating 10 or more dwellings. It is clear that the appeal proposal would not be consistent with the housing mix required by either the CS or the DMD. However, the CS and DMD date from 2010 and 2014 respectively and more recent development plan policy is set out in the adopted LP21 at Policy H10”.**
- **Paragraph 20 further notes “Policy H10 of LP21 is more flexible in that it takes account of locational factors, the benefits of 1 and 2 bed dwellings in taking pressure off conversions of larger family homes to smaller dwellings and the opportunity additional 1 and 2 bed units provide for people in larger homes to downsize, thereby releasing family homes. The appeal proposal would provide a mix of dwellings, a range of tenure types and a range of sizes from 1 to 3 bedrooms and incorporating larger 2-bedroom units”.**
- **Paragraph 21 goes on to conclude “It would fulfil the aims of Policy H10 to provide opportunities for those in the Borough currently occupying larger dwellings to downsize. Moreover, it would provide smaller accommodation which might reduce the need for larger properties to be subdivided in order to meet the need for smaller dwellings, thereby retaining larger properties elsewhere in the Borough’.**

Section 8 - 'Assessment'

References to NPPF (paragraphs)

- Para 8.5 – 120(d) – amend to read as follows:

'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively (for example...car parks...)' (Paragraph 120, d)'

- Para 8.66 – replace '~~123~~' with '**125**'
- Para 8.189 – replace '~~122~~' with '**124(d)**'
- Para 8.281 – replace '~~193~~' (public access to information on historic environment) with '**199**' (weight to be given to designated heritage)
- Para 8.297 – replace '~~134, part (e)~~' with '**138, part (e)**' (on encouraging recycling of derelict and urban land)
- Para 8.298 – replace '~~133~~' with '**137**' (regarding preventing urban sprawl)
- Para 8.179 – replace '~~170~~' (coastal change under flood chapter) with '**180**' (on biodiversity compensation)
- Para 8.355 – replace '~~153~~' (principle of mitigating and adapting to climate change) with '**157**' (compliance with local requirements regarding decentralised energy)
- Para 8.391 – replace '~~Paragraph 174~~' (contribution to natural environment) with '**Paragraphs 183 and 184**' (making development acceptable in ground condition terms)

Section 8 - 'Assessment'

- Para 8.106 (second line) – amend to read as follows 'Cockfosters Station is a ~~Grade II*~~ **Grade II** listed building of great ~~unique~~ importance in Enfield. ~~It and is a one of the most~~ highly regarded examples **of** Charles Holden's designs'.
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- Para 8.127 – Amend 'Table 6' as follows:

DMR at London Affordable Rent Equivalents (inclusive of Service Charge)			
	% market rent	Rent per week	Household Income required *
1 bed	n/a	n/a	n/a
2 bed	n/a	n/a	n/a
3 bed	43%	£221	£20,500
DMR at London Living Rent Equivalents (inclusive of Service Charge)			
1 bed	66%	£225	£21,000
2 bed	60%	£250	£23,200
3 bed	53%	£275	£25,550

DMR at 60% of Market Rent (including Service Charge)			
1 bed	n/a	n/a	n/a
2 bed	60%	£251	£23,300
3 bed	60%	£312	£28,950
DMR at 70% of Market Rent (including Service Charge)			
1 bed	70%	£240	£22,300
2 bed	70%	£293	£27,150
3 bed	n/a	n/a	n/a

Table 6 – Indicative Rent and income levels for the BtR Accommodation proposed

*Assuming **two** incomes based on household costs being no more than 28% of income

- Para 8.128 (first line) – replace ~~‘70% of the affordable homes at Cockfosters are proposed as DMR (1- and 2-bedroom homes set at 70% of market rent)’~~ with **‘The minimum discount offered for 1-bed and 2-bed DMR is at 70% of market rent, as demonstrated in Table 6 above’**
- Para 8.137 (third line) – replace ~~‘(7 x LLR and 21 x DMR of 65%)’~~ with **‘(10 x DMR at LAR, 6 x DMR at LLR and 12 x DMR 60%)’**
- Para 8.244 (third line from bottom) – replace ~~‘As set out in Table 8 above, the proposed development fully complies with the criteria relating to impacts and public access set out in Policy D9 of the London Plan’~~ with the following:

‘While the proposed development is not located within an area identified in Development Plans as indicated under Policy D9.B of the London Plan, adequate considerations have been given, as set out in Table 8, to address the criteria relating to impacts and public access specified in Policy D9.C of the London Plan. The proposed development is therefore considered acceptable on those terms’.
- Para 8.274 (update) – the application for Christ Church to be designated a Listed Building is still pending. Amend paragraph to read as follows:

8.274 ‘At present there is an application for Christ Church to be designated a Listed Building. A decision ~~is was~~ expected **to be made** by the Department for Communities and Local Government prior to Planning Committee, **however, this has not been the case**. Were the Church to be designated the scheme should be determined in accordance with the ~~sequential test requirements of paragraphs 199 to 202 o~~ **the NPPF**. The level of harm caused in this instance would be at the lower end of *‘less than substantial’*’.

- Para 8.277 – amend ‘Table 9’ in ‘Adverse Heritage Impacts’ to read as follows:

Designated Heritage Assets			
Asset Name	Status	Impact on Setting	Resulting Harm
Cockfosters Station	Listed Grade II	Negative	Less than substantial harm – moderate
Trent Park	Listed Grade II Registered Park and Gardens	Negative	Less than substantial harm – lower end
Trent Park CA	Conservation Area	Negative	Less than substantial harm – moderate
Non-Designated Heritage Assets			
Christ Church	Local Heritage List	Negative	Low degree of harm to setting
1-12 Cockfosters Parade	Local Heritage List	Negative	Low degree of harm to setting

Table 9 – Adverse Heritage impacts identified

Clarification on Affordable Housing

To assist members understanding of what is defined as affordable housing, the following is an extract from the London Plan which details the Mayors preferences for genuinely affordable housing.

4.6.3 *The Mayor is committed to delivering genuinely affordable housing. Within the broad definition of affordable housing, the Mayor’s **preferred affordable housing tenures** are:*

- *homes based on social rent levels, including Social Rent and London Affordable Rent*
- *London Living Rent*
- *London Shared Ownership*

4.6.4 **London Affordable Rent and Social Rent** homes are for households on low incomes where the rent levels are based on the formulas in the Social Housing Regulator’s Rent Standard Guidance. The rent levels for Social Rent homes use a capped formula and London Affordable Rent homes are capped at benchmark levels published by the GLA. Rents for both are significantly less than 80 percent of market rents, which is the maximum for Affordable Rent permitted in the NPPF. More detail is contained within the

*Mayor's Homes for Londoners Affordable Homes Programme funding guidance*⁶¹. These homes will be allocated in accordance with need (based on the borough's allocations policy).

- 4.6.5 **London Living Rent (LLR)** offers Londoners on average incomes a lower rent, enabling them to save for a deposit. The Mayor is introducing LLR as an intermediate affordable housing product with low rents that vary by ward across London. Where funded by the Greater London Authority, LLR will be a Rent to Buy product, with sub-market rents on time-limited tenancies, which will help households on average income levels to save for a deposit. As London Living Rent can be a step to homeownership, it can be considered as an affordable homeownership product.
- 4.6.6 **London Shared Ownership** is an intermediate ownership product which allows London households who would struggle to buy on the open market, to purchase a share in a new home and pay a low rent on the remaining, unsold, share.
- 4.6.7 Other affordable housing products may be acceptable if, as well as meeting the broad definition of affordable housing, they also meet the London Housing Strategy definition of genuinely affordable housing and are considered by the borough to be genuinely affordable.
- 4.6.8 Currently all intermediate rented products such as London Living Rent and Discounted Market Rent should be affordable to households on incomes of up to £60,000. Intermediate ownership products such as London Shared Ownership and Discounted Market Sale (where they meet the definition of affordable housing), should be affordable to households on incomes of up to £90,000.
- 4.6.9 For dwellings to be considered affordable, annual housing costs, including mortgage (assuming reasonable interest rates and deposit requirements), rent and service charge, should be no greater than 40 per cent of net household income, based on the household income limits set out above. Boroughs should seek to ensure that intermediate provision provides for households with a range of incomes below the upper limit. For London Living Rent – please refer to the rent setting guidance provided on the GLA website.
- 4.6.10 In addition to the income caps, boroughs may set other eligibility criteria for the intermediate units, reflecting local housing need. However, any local criteria including income caps below the maximum amounts set out above, should automatically cascade out to the London-wide eligibility criteria within three months to ensure that units are not left vacant. Re-sales and re-lets should be available to those meeting the London-wide income caps and not be restricted by local eligibility criteria. Homes should be made available

through the new Homes for Londoners online portal.

Clarification of Definition of Registered Provider

In the context of affordable housing, members may also appreciate that the definition of a Registered Provider are usually Housing associations and are organisations that are run independently from councils with the purpose of developing of new homes in the social housing sector and provide housing for people.