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PLANNING COMMITTEE - 3.2.2022

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 3 FEBRUARY 2022

COUNCILLORS

PRESENT Maria Alexandrou, Kate Anolue, Mahym Bedekova, Sinan Boztas, Susan Erbil, Ahmet Hasan, Michael Rye OBE, Jim Steven, Doug Taylor, Peter Fallart, Hass Yusuf and Derek Levy

ABSENT Daniel Anderson

OFFICERS: Vincent Lacovara (Head of Planning), Andy Higham (Head of Development Management), Sharon Davidson (Planning Decisions Manager), Gideon Whittingham (Planning Decisions Manager), Michael Cassidy (Principal Planning Officer), Sarah Odu (Principal Planning Officer), David B Taylor (Head of Traffic and Transportation), Harriet Bell (Regeneration & Environment), Nicholas Page (Conservation & Heritage Adviser), Sarah Cary (Executive Director Place), Doug Wilkinson (Director of Environment & Operational Services), Jeremy Chambers (Director of Law and Governance), Elizabeth Paraskeva (Principal Lawyer) and Julie Thornton (Legal Services) Jane Creer (Secretary), Metin Halil (Secretary) and Clare Cade (Secretary)

Also Attending: Members of the public, deputies, applicant and agent representatives.

1 WELCOME AND APOLOGIES FOR ABSENCE

NOTED

1. Councillor Boztas (Chair) welcomed all attendees to the meeting, which was also being filmed for live public broadcast.
2. Apologies for absence were received from Councillor Daniel Anderson, who was substituted by Councillor Derek Levy.

2 DECLARATION OF INTEREST

NOTED that there were no declarations of interest.

3 REPORT OF THE HEAD OF PLANNING

RECEIVED the report of the Head of Planning.

4

ORDER OF THE AGENDA

AGREED to vary the order of the agenda. The minutes follow the order of the meeting.

5

21/04218/RE4 - MERIDIAN WATER, ORBITAL BUSINESS PARK 5 ARGON ROAD LONDON N18 3BZ

NOTED

1. The introduction by Sarah Odu, Principal Planning Officer, clarifying the proposal.
2. Amendment to Condition 20 to amend the trigger point from prior to the construction to prior to operation of the development.
3. Members' questions responded to by officers to clarify that this was a stand-alone planning application.
4. The unanimous support of the Committee for the officers' recommendation.

AGREED that

1. In accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 planning permission be granted, subject to conditions.
2. The Head of Development Management/Planning Decisions Manager be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of the report.

6

21//03886/HOU - 378 CHURCH STREET, LONDON N9 9HS

NOTED

1. The introduction by Gideon Whittingham, Interim Planning Decisions Manager, clarifying the proposals.
2. The unanimous support of the Committee for the officers' recommendation.

AGREED that the Head of Development Management/Planning Decisions Manager be authorised to grant planning permission subject to conditions.

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21/02517/FUL - LAND ADJACENT TO COCKFOSTERS UNDERGROUND STATION, COCKFOSTERS ROAD, BARNET, EN4 0DZ

NOTED

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1. The introduction by Michael Cassidy, Principal Planning Officer, clarifying the site and the proposals, including noting pre-application discussions and design evolution; mix of units; affordable housing offer; car parking; tree removal and planting; separation distances; relationship to the street scene; sunlight and daylight impacts; adverse heritage impacts; and public benefits. Confirmation this was a Departure Application: the proposed development was a departure from Policies DMD43 and DMD44 of the Enfield Local Plan : Development Management Document (2014) and Policy G4 of the London Plan (March 2021). Officers' conclusion was that the public benefits outweighed the less than substantial harms, and the recommendation was for approval of planning permission.
2. Recent updates to the report, published online and circulated to Members, including details of additional representations received.
3. Receipt of further additional representations, circulated via email and printed and tabled for Members:
 - Concerns particularly regarding the Council's planning approach, and application of tilted balance, on behalf of Cockfosters Residents Association (CLARA) and Save Cockfosters.
 - Concerns from Mr J. Champion that there should be a Fire Staircase and a separate Service Staircase, and querying measures to address ventilation in summer.
 - Full formal objections from Councillor Daniel Anderson dated 19/8/21.
 - Letter from Laurie Handcock, Director, Built Heritage and Townscape, Icen, that the application should be refused on heritage grounds.
 - Letter from Irwin Mitchell LLP highlighting concerns regarding the officers' report and that Members did not have sufficient information before them to safely resolve to grant permission for this development.
 - Brochure supporting the proposals from Connected Living London.
4. As part of the deputations Members would be seeing a video against the recommendation. Officers noted that it was prepared some time ago and did not reflect revisions to the scheme, did not show verified views, and included birds' eye views rather than from people's level.
5. The deputation of Bambos Charalambous MP (Enfield Southgate Constituency) that he shared the concerns raised by Cockfosters residents that the proposal would be an overdevelopment and would lead to increased traffic congestion, parking issues in surrounding roads, and adverse impact on local services including schools and GP practices. The reduction in car parking at the station would affect disabled and elderly users.
6. The deputation of Rt Hon Theresa Villiers MP (Chipping Barnet Constituency) that the proposal violated planning policies and its massing and bulk were inconsistent with the neighbourhood, which was an area of predominantly one and two storey homes. It would be visually overbearing to the station. The building fronting Cockfosters Road was ugly, and the Trent Park Conservation Area would be irreparably harmed, and Cockfosters changed for ever. Loss of the car park would discriminate against vulnerable groups and affect their access to the Tube network.
7. The video on behalf of East Barnet Residents' Association to demonstrate objections particularly in respect of the overly high scale and density of the proposed development on a prominent ridge adjacent to Green Belt and

- cemetery and Christ Church. It would spoil views and ruin the character and heritage of the area.
8. The deputation of Colin Bull on behalf of CLARA, that the report oversold the benefits and underplayed the harms of the proposal. Cockfosters Tube station and car park played an important park and ride function for Enfield and Barnet and beyond. People would continue to drive there, leading to parking issues as residential streets were already full. Schools and health services would be challenged by the increased population. The scheme would be only 40% affordable, and the small flats in tower blocks would not address local housing needs. There were also concerns about fire safety. The plaza provision was unwise.
 9. The deputation of Alan Ward, Cockfosters Road resident and qualified planner, that there were sound reasons to refuse planning permission, as set out in the Irwin Mitchell letter. He believed that the Planning Inspectorate would dismiss any appeal by the applicant against refusal. He questioned officers' interpretation of policy DMD10.
 10. The deputation of Peter Gibbs, on behalf of Friends of Trent Country Park and FERAA, that the proposal was not sustainable development and would not comply with para 8 of the NPPF. Local heritage in Trent Park including the mansion, the Conservation Area and the essence of Cockfosters were at stake.
 11. The deputation of Kate Bishop, on behalf of East Barnet Residents' Association, that closure of 90% of the car park would breach Equalities legislation as it would disadvantage protected groups. The proposal should be rejected under these grounds. Over 12,000 people had signed petitions to stop TfL closing car parks. Those objecting included women, shift workers, elderly people, and disabled people who did not require a blue badge. This car park was extremely well used and served the end of the Piccadilly Line and should rather be promoted for park and ride.
 12. The deputation of Tony Bishop, local resident, highlighting the importance of the ability to drive to and park at Cockfosters station for himself and those in a similar situation. He was 71 years old, had mobility issues but did not hold a blue badge, and was a football season ticket holder. Walking to his nearest station at Enfield Chase was too difficult. Loss of this car park would impact his freedom and reduce his options.
 13. The deputation of Councillor Edward Smith, Cockfosters Ward Councillor, raising concerns regarding the blocks' height and location, out of keeping in the area, unsuitable for families, and with fire safety risks. The proposal did not comply with fundamental aspects of the London Plan or of the existing Enfield Local Plan. Blackhorse Tower aside, this proposal did not respond to the low rise, suburban character of Cockfosters.
 14. The deputation of Councillor Alessandro Georgiou, Cockfosters Ward Councillor, highlighting that over 3,000 local residents had objected to this proposal, including elderly people, women, and mourners. He referenced a similar scheme for Canons Park station where the Planning Inspector upheld the refusal by Harrow Council. The rental housing would be out of the financial reach of key workers. The affordable housing would be grouped at the back of the development. The car park and lift at Cockfosters station were highly valued by disabled people and carers.

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15. The response by the applicant and agent representatives for an equal maximum length of speaking time as permitted in total to the deputees.
16. The response of Matthew Sharpe, on behalf of Connected Living, including quotes from a letter of support from a local resident and business owner, Mr Curtis, previously circulated to Members, that such developments close to transportation were vital to meet the profound housing need.
17. Matthew Sharpe responded to issues raised by objectors. Whilst a limited number of planning policies may be conflicted, the proposal still complied when taken as a whole. The emerging Local Plan was supportive in respect of height of buildings in this location. The heads of terms set out in the report showed funding secured for increased health care capacity for the wider area. 27 viewpoints had been assessed. Rental housing need was very high, especially London affordable rent tenures. Details of proposed rental levels were provided in the addendum report and all were below local housing allowances. The fire strategy had been reviewed and had GLA support, and met what was required by Building Regulations.
18. The response of Ben Tate and colleagues on behalf of Transport for London (TfL), which with Grainger made up the joint venture Connected Living London, that the development would help tackle the housing crisis and generate income to put back into the transport network. This was an opportunity to transform the site to give the local community integrated play space, safer environment, employment opportunities, and benefit local businesses. It was not financially or environmentally sustainable for the site to remain solely as a car park, which encouraged car use and did not align with the Council's priorities around climate change. A Community Infrastructure Levy and S106 package had been agreed. It would become easier and safer to walk and cycle to the station, there would be links to accessible bus networks, drop off / pick up zone close to the station entrance, and Dial A Ride and taxi card availability. The Police Service had been consulted on safety implications and supported the proposals. There would be accessible public space, new lighting, cctv, and natural surveillance from the new homes.
19. The response of Callum Alexander, on behalf of Grainger, that all the homes would be available to rent and they would be the landlord, long term, and would provide a high quality service, tenure blind, with residents having equal access to the same amenities. The facilities would contribute positively to the local area. The homes would be suitable for different types of people, including key workers and families, and with affordable rents. The development had been designed by award-winning architects.
20. The response of Marko Neskovic, Agent, clarifying the design process. Agreed principles had been established with Planning officers which underpinned the process. There had been engagement with the Enfield Design Review Panel and the local community. The number of buildings and overall size had been reduced in response to consultation. The buildings were reoriented to increase light and space. The station and Trent Park were key considerations in the approach. The building heights were appropriate. Assessment had been done against 27 sensitive view points. The development would lead to less than substantial harm.
21. In conclusion the proposal would bring 351 well designed high quality homes and respond to Enfield's housing needs , with 40% affordable

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housing. There would be creation of publicly accessible public space and play space. There would be £4.5m in financial contributions to enhance the local area. Local biodiversity would be increased. The homes would be energy efficient. An integrated community would be created where people wanted to live.

22. The meeting re-commenced following a brief break.
23. Members' debate and questions responded to by officers, detailed below.
24. The comments of Councillor Rye highlighting concerns relating to the scale, bulk and massing, and impact on the station setting, Trent Park and the cemetery, and that it would dominate the skyline. He requested further explanation of affordability. Loss of the safe car park would cause a loss of amenity to many residents and impact people's independence, and would lead to parking issues in Cockfosters, and he questioned how parking would be managed. The loss of sunlight / daylight to Cockfosters Parade properties would be unacceptable. He questioned whether there would be long term improvements in respect of heritage enhancement. He asked for more information on the flexible retail offer, and on local sport enhancements. Also building tower blocks with only one stairwell was questioned. He also asked about assessment of the cumulative impact of Blackhorse Tower development and population numbers, and whether there would be connection to the local heat network. He could not support the conclusions for this being acceptable for departure from policies.
25. Officers clarified the precedence given to most recent policies; that the application had been assessed in detail and a view taken in accordance with the aims of policy, and case law. Officers had concluded that the benefits outweighed the harms. Publicly accessible space on site would be increased. The scheme was tenure blind, of the same quality, with same access to facilities, and affordable units were grouped together to keep down service charges and therefore rents. Blocks at the rear were surrounded by landscaping and had nice views. The affordability table in the addendum report set out details of proposed rents and affordable levels. Cockfosters Ward had a low percentage of private rental and smaller units that were affordable, and this development would meet that need. Sunlight and daylight issues were clarified: as the site had been largely unbuilt on, Cockfosters Parade had very good levels of light and whilst it would be reduced good levels would be retained afterwards. In respect of the flexible retail units, any further use outside bar use would require planning permission. There was no policy requirement that sporting provision be provided; there were local facilities, an uplift in public open space and Trent Park nearby that would fulfil the needs. Fire safety was covered in para 8.183 of the report; the development was designed to fully meet building regulations, had been reviewed by the GLA, and had appropriate condition. Cumulative impact of housing developments had been considered, including traffic generation. There was an expected reduction in traffic levels from previous uses. Distances in respect of boundaries and windows were confirmed as acceptable. It was confirmed there had been discussions between the applicants and Energetik who supported connection for larger developments to the heat network.
26. The Head of Traffic & Transportation highlighted para 9 of the report in respect of Equality Duty and Human Rights. 12 blue badge spaces were

being retained and a further 35 parking spaces for public use partly in response to concerns raised. A condition was proposed for a car park management plan regarding use and enforcement. There would be a condition for a construction and logistics management plan during building. In respect of overspill parking on residential streets, introduction of additional on street parking controls was suggested, after engagement with residents. The S106 obligation would allow that to happen.

27. Officers' response to further queries from Councillor Susan Erbil in respect of impact on local health services and education, accessibility to open space, and ventilation in the blocks in summer. It was confirmed in para 6.23 of the report that NHS London had no objection, but a s106 contribution would be needed to improve health infrastructure to mitigate the impact and had been agreed by the applicant. Para 8.420 of the report covered education and childcare facilities and the conclusion it was not proportionate, reasonable or necessary to request an education contribution. Para 10 on the Community Infrastructure Levy was the accepted way to support the development of appropriate infrastructure. The open space would be accessible for all the residents and neighbouring residents, with connection to the LOOP from the northern boundary, and to areas of woodland. The scheme had properly considered ventilation and windows so there would not be issues.
28. Councillor Yusuf's comments on the positive aspects of the proposal, including affordable housing. He requested further guidance on comparison with the application at Arnos Grove; segregation; access to the station; and the acceptability of the design/impact on heritage. The Director of Law and Governance confirmed that the Committee may refuse planning permission but would be required this evening to give its reasons for doing so, with officers able to assist in their appropriate form. Nicholas Page, Conservation & Heritage Adviser, clarified the work done in respect of visualisations from identified viewpoints, the balance of achieving the quantum of development for housing provision, and the arrangement of the blocks to mitigate harm. There had been significant evolution of design. Officers considered the proposal well designed. This type of brownfield site next to stations should be where development was proposed. Conditions included a car park management plan and disabled parking.
29. MEETING TIME EXTENSION
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 item to continue to be considered.
30. Councillor Anolue's further queries in respect of segregation and inclusivity; affordability of the housing; and CPZ charges for neighbouring residents. Officers confirmed the affordability, below the Enfield housing allowance, catering for less well-off residents, and meeting the Mayor's affordability requirements. It was not considered there was segregation in the scheme as all residents had equal access to all facilities and communal spaces. The development should be considered as a single site with no barriers or separate access. In respect of a CPZ it was confirmed that permit prices were based on car engine size: for a typical car the cost was generally 15p to 30p per day for a permit. Any CPZ introduction would be done through a consultation process.

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31. Councillor Alexandrou's comments that the tower blocks would be ugly, too high, unsuitable for the area, and encourage in people from other parts of London. She queried the lawfulness under Equalities legislation. Loss of the station car park would have safety implications. She had concerns about the harm to the conservation area and heritage assets. Local schools were oversubscribed. Concerns remained regarding housing mix and block segregation, and affordability. Officers confirmed the proposal was not unlawful.
32. MEETING TIME EXTENSION
AGREED that the rules of procedure within the Council's Constitution relating to the time meetings should end be suspended for a further period of 15 minutes to enable the item to continue to be considered.
33. Councillor Taylor's requests for clarification in respect of the public amenity space; further contact with Historic England; the management agent across the site; play space calculation; comparisons with a similar application at Stanmore; effects of a CPZ; the late receipt of the Irwin Mitchell letter and officers' views on its content; and how significant the harm was to the station and other heritage assets. Nicholas Page confirmed further contact with Historic England. The impact on the station interior was shown. The instances of moderate harm were clarified. The case officer clarified the amenity spaces within the development. The remainder around the buildings would be open to the residents and public. The new London Plan took a design led approach to density and this proposal was substantially less than what was considered high density. Connected Living London was established as the registered provider. The GLA raised no objections as part of their stage 1 response. London Plan requirements were used to calculate the play space. Reference had been made to Stanmore, but this scheme must be considered on its own merits and was in a highly accessible location. It was confirmed that DMD10 had been applied consistently to Blackhorse Tower and this scheme. Legal Services representatives advised it would be inappropriate to comment on the specifics of a letter received today, and it should not influence a decision on planning grounds. There was compliance with Equalities legislation, reflected in a mitigation plan.
34. MEETING TIME EXTENSION
AGREED that the rules of procedure within the Council's Constitution relating to the time meetings should end be suspended for a further period of 10 minutes to enable the item to continue to be considered.
35. Councillor Levy's comments that the station and car park served a wide area and supported public transport use. He questioned whether this housing would encourage people to move into the borough and exacerbate Enfield's housing crisis, and its affordability for Enfield residents. He had concerns about the tilted balance. The Head of Development Management clarified the presumption in favour, the position in Enfield, and that decisions must be based on policy; and that the London Plan set out what were affordable units.
36. Councillor Taylor registered that he remained unhappy in respect of DMD 10 concerns and potential contravention of the London Plan. The Head of Development Management provided assurances and the Head of Planning

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- confirmed that separate legal advice had been taken and this was a fully justifiable and robust recommendation by officers.
37. In response to the Chair's queries, the Director of Law and Governance confirmed that any decision taken by the Committee, approval or refusal, must be on sound planning grounds, taking into account material planning considerations only.
38. MEETING TIME EXTENSION
AGREED that the rules of procedure within the Council's Constitution relating to the time meetings should end be suspended for a further period of 10 minutes to enable the item to continue to be considered.
39. Councillor Rye wished to propose that planning permission be refused for reasons relating to the enhancements did not outweigh the harms to heritage assets, and that buildings of this height and mass on this site would represent a discordant form of development. For clear wording of potential reasons for refusal, the Director of Law and Governance suggested an adjournment for Planning officers, Legal officers and external legal advisers to shape the reasons outlined for agreement by Councillor Rye and a seconder.
40. MEETING TIME EXTENSION
AGREED that the rules of procedure within the Council's Constitution relating to the time meetings should end be suspended for a further period of 30 minutes for the adjournment as suggested and to enable the item to continue to be considered.
41. MEETING TIME EXTENSION
On resumption after the adjournment, **AGREED** that the rules of procedure within the Council's Constitution relating to the time meetings should end be suspended until consideration of the item was completed.
42. The proposal by Councillor Rye, seconded by Councillor Alexandrou, that planning permission be refused for the following reasons:

Ground 1 – Heritage

“The proposal, by reason of its bulk, mass, height and design, would represent a form of development that, having regard to housing need and presumption in favour of approving sustainable development and the tilted balance, would fail to preserve or enhance the character and appearance of the Trent Park Conservation Area and would have a detrimental impact on the setting of the designated heritage assets in the immediate vicinity of the site, namely the Cockfosters Underground Station and the Trent Park Registered Park. This would result in harm albeit less than substantial harm, to the Conservation Area as well as the designated assets which taking account of need to consider Chapter 16 of the NPPF, the requirement for ‘great weight’ to be given to this harm; and, the requirement for ‘clear and convincing justification’ for any level of harm, would not be outweighed by the public benefits of delivering new residential accommodation including affordable residential accommodation. The proposal is therefore contrary to the objectives of Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990; Chapter 16 of the National Planning Policy Framework 2021; Policies HC1 and D4 of the London Plan 2021; Policies CP30 and CP31 of the Core Strategy 2010; Policies DMD37 and DMD44 of the Development

Management Document 2014; and, Objective 10 of the Enfield Heritage Strategy 2019 “Transport Connectivity and Safeguarding and be contrary to the development plan.

Ground 2 – Character

The proposal, by reason of its siting, mass, height, bulk and design, is of insufficient design quality and as a result would represent an incongruous and overly dominant form of development that, having regard to the presumption in favour of approving sustainable development and the tilted balance, fails to enhance its context, respond to the existing character of place and satisfactorily integrate with its surroundings. The proposal therefore represents a discordant form of development, out of keeping with and detrimental to the character and appearance of the surrounding area which would not be outweighed by the public benefits of delivering new residential accommodation including affordable residential accommodation. The proposal is therefore contrary to the design objectives as set out in the National Planning Policy Framework 2021 (in particular Section 12); Policies D3, D4 and D9 of the London Plan 2021; Policy CP30 of the Core Strategy 2010; Policy DMD37 and DMD43 of the Development Management Document 2014 and be contrary to the development plan.

The proposal was not supported by a majority of the Committee: 5 votes for, 6 votes against and 1 abstention.

43. Councillor Taylor considered that issues remained unanswered. The Head of Development Management confirmed that officers considered given the level of integration on the single site that all residents could move around there was not segregation; and that the relationship to neighbouring properties was acceptable.
44. The proposal by Councillor Taylor, seconded by Councillor Levy, that a decision on the application be deferred to allow further consideration of issues relating to requirements of the London Plan and to segregation between blocks, was not supported by a majority of the Committee: 6 votes for and 7 votes against (including the Chair’s casting vote).
45. The proposal by Councillor Erbil, seconded by Councillor Bedekova, that the officers’ recommendation be approved was supported by a majority of the Committee: 7 votes for (including the Chair’s casting vote) and 6 votes against. The steps that the Chair may take were clarified by the Director of Law and Governance. The Chair confirmed that he was voting to approve the officers’ recommendation.

AGREED that:

1. Subject to the Stage 2 referral to the Mayor of London and no objection being raised and the completion of a S106 to secure the matters covered in the report, the Head of Planning/Head of Development Management be authorised to grant planning permission subject to conditions.
2. The Head of Planning/Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover matters in the Recommendation section of the report.

8

21/03246/OUT - GARAGES 1 - 26 ORDNANCE ROAD ENFIELD EN3 6BN

Application not considered due to time available in the meeting.

9

21/03248/OUT - CAR PARK RAYNTON ROAD ENFIELD EN3 6BP

Application not considered due to time available in the meeting.

10

FUTURE MEETING DATES

Future meetings of the Planning Committee scheduled:

- 22 February 2022
- 8 March 2022 – Provisional
- 22 March 2022
- 5 April 2022 – Provisional
- 26 April 2022

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