

25 February 2016

# former Middlesex University site and Ponders End High Street

in the London Borough of Enfield

planning application no. 15/04518/FUL

## Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

## The proposal

Comprehensive redevelopment to provide 167 new homes and 1,379 sq.m. of commercial and community floorspace (including library and community hall/nursery) in buildings of between three and seven-storeys.

## The applicant

The applicant is **Lovell Partnerships Ltd.**, and the architect is **Karakusevic Carson Architects**.

## Strategic issues

The proposed **residential-led mixed use** redevelopment is **strongly supported** in strategic planning terms.

Moreover, previous issues with respect to **social infrastructure, housing, sustainable development** and **transport** have been resolved, and the application now complies with the London Plan.

## The Council's decision

In this instance Enfield Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

## Recommendation

That Enfield Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

## Context

1 On 21 October 2015 the Mayor of London received notice from Enfield Council of a planning application of potential strategic importance to develop the above site for the above uses. The associated planning documents were received on 6 November 2015. The application was

referred to the Mayor under Category 1A.1 of the Schedule to the Order 2008: *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”*.

2 On 8 December 2015 Sir Edward Lister, Deputy Mayor for Planning, acting under delegated authority, considered planning report D&P/3610/01, and subsequently advised Enfield Council that whilst the scheme is broadly supported in strategic planning terms, the application did not fully comply with the London Plan for the reasons set out in paragraph 40 of the above-mentioned report. The Deputy Mayor nevertheless stated that the resolution of those issues could lead to the application becoming compliant with the London Plan.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 26 January 2016 Enfield Council decided that it was minded to grant planning permission subject to planning conditions and conclusion of a Section 106 legal agreement, and on 12 February 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged, direct Enfield Council under Article 6 to refuse the application, or issue a direction to Enfield Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 25 February 2016 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons, will be made available on the GLA’s website [www.london.gov.uk](http://www.london.gov.uk).

## Update

5 At consultation stage Enfield Council was advised that whilst the scheme is broadly supported in strategic planning terms, the application did not fully comply with the London Plan for the reasons set out below. The Deputy Mayor nevertheless stated that the resolution of these issues could lead to the application becoming compliant with the London Plan.

- **Social infrastructure:** The proposal would allow for existing library and nursery uses to be reprovided, and provides a good mix of uses to support sustainable communities. GLA officers nevertheless seek confirmation that the services provided by the replacement community facilities could be maintained at (or above) current levels in line with London Plan Policy 3.16.
- **Housing:** The proposed housing provision within the scheme is strongly supported in accordance with London Plan Policy 3.3. The 31% provision of affordable housing, whilst supported in principle, should be verified as the maximum reasonable amount in accordance with London Plan Policy 3.12.
- **Sustainable development:** The proposed energy strategy and climate change adaptation measures are broadly supported in accordance with London Plan policies 5.2, 5.10, 5.11 and 5.13. Notwithstanding this GLA officers seek further information with respect to cooling and district networking. The Council is also encouraged to secure the details of the energy strategy and climate change adaptation measures by way of planning condition.
- **Transport:** The proposal is broadly acceptable in strategic transport terms, the applicant should, nevertheless, address the matters raised in this report with respect to parking; assessing transport impacts; and, travel planning in line with London Plan policies 6.3, 6.9, 6.13 and 6.14.

6 Since consultation stage the applicant team has engaged in joint discussions with Enfield Council, GLA and TfL officers with a view to addressing the above matters. Moreover, as part of Enfield Council's draft decision on the case, various planning conditions and obligations are proposed to be applied to ensure that the development is acceptable in planning terms. The response to the various issues raised within the Deputy Mayor's representations on this application are considered under the corresponding sections.

## **Social Infrastructure**

7 At consultation stage GLA officers supported the proposed reprovion of community uses (library and nursery) at Ponders End High Street, and the creation of a new public space adjacent to the Jalalia Jamme Masjeed Mosque.

8 Notwithstanding a net reduction in Class D floorspace (discussed in GLA report D&P/3610/01), it is acknowledged that the buildings proposed to accommodate the relocated community uses would be well-designed and efficient. Moreover, with respect to the ability of the new space to support the services currently provided, Enfield Council has confirmed that the proposed reprovion is 'like for like'.

9 Accordingly, and having regard to the associated matters considered within the Council's committee report, GLA officers are satisfied that the application accords with London Plan Policy 3.16.

## **Housing**

10 Since consultation stage detailed locally-led discussions on financial viability have taken place, and the scheme has been independently appraised. Following the conclusion of the independent viability review, it has been confirmed that the proposed 31% provision of affordable housing represents the maximum reasonable amount in accordance with London Plan Policy 3.12. GLA officers note that this provision of affordable housing will be secured via the Section 106 legal agreement.

11 More generally the financial review demonstrates that Enfield Council has made a significant financial commitment to assemble the land for this scheme as part of its objectives for the wider regeneration of Ponders End. Officers also note that the Council has sought to prioritise the delivery of affordable housing on the site, prior to the receipt of payment for the land. This has positively influenced the viability characteristics of the scheme, and therefore, the amount of affordable housing that the development is able to deliver – which is strongly supported.

## **Sustainable development**

12 Whilst the proposed energy strategy was broadly supported at consultation stage, GLA officers sought further information with respect to cooling and district networking. Following discussions it has been verified that a range of sustainable design and construction measures are proposed to minimise any need for active cooling, and to ensure that both residential and non-residential uses are not at excess risk of overheating. This is supported. Moreover, further information has been provided on the proposed district networking strategy, including a copy of the Lee Valley Heat Network commercial supply offer, and a draft supply agreement. Having reviewed the information provided, GLA officers are satisfied that there is sufficient network capacity to serve the development; that the network phasing strategy is sound; and, that assumptions associated with the expected carbon factor of the heat supply are reasonable. Furthermore, in line with representations at consultation stage, it is noted that the energy strategy and climate change adaptation measures will be secured by way of planning condition/obligation

as appropriate. This is supported and the application accords with London Plan policies 5.2, 5.10, 5.11 and 5.13.

## **Transport**

13 At consultation stage the scheme was found to be generally acceptable in strategic transport terms. However, TfL sought assurances on car parking (including a car parking management plan and car parking accumulation survey) as well as further detail on long-stay residential cycle parking. TfL also highlighted the need for improvements to the pedestrian environment. Furthermore the Council was advised to secure a construction logistics plan, delivery and servicing plan and travel plan as part of any planning permission.

14 In response to the issues raised at consultation stage is noted that planning conditions are proposed to secure cycle parking details and a car parking management plan (for each phase of the development). A car parking accumulation survey has not been secured prior to determination. However, having discussed matters further with the Council, TfL is satisfied that the potential issue of queuing on the highway adjacent to the site could be acceptably controlled via car parking management plan measures.

15 With respect to the pedestrian environment, TfL is satisfied that jointly agreed planning conditions will ensure that necessary public realm improvements will be made around the development site. Moreover, TfL welcomes the applicant's agreement to a financial contribution of £3,620 to monitor and review a renewed travel plan. It is further noted that a construction logistics plan and delivery and servicing plan will be secured by way of planning condition.

16 Accordingly, having regard to the above, and the advice of TfL, GLA officers are satisfied that the application accords with London Plan policies 6.3, 6.9, 6.13 and 6.14.

## **Public consultation**

17 Enfield Council publicised the application by sending notifications to 774 addresses within the vicinity of the site, and issuing site and press notices. The relevant statutory bodies were also consulted. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the Mayor in their original form.

## **Responses to neighbourhood consultation**

18 In response to the neighbourhood consultation process Enfield Council received five letters of objection, one letter of support and one letter of comment. In summary, the points of objection relate to: lack of clarity over addresses within the red line application boundary; reduction in site area/development density relative to extant permission; proposed development is not comprehensive enough; extinguishment and/or displacement of existing businesses; overdevelopment/excessive density; excessive scale of development; insufficient built frontage on to High Street; crime risk associated with increased site permeability; excessive width of proposed civic space; impact on social infrastructure; inadequate vehicular access; increased traffic; impact on transport infrastructure; and, pollution impacts.

19 The representation of support simply expressed support for the application without giving specific reasons. The representation of comment stated that the Jalalia Jamme Masjeed Mosque, and nos 232 to 244 High Street, should be incorporated within the scheme as part of a more comprehensive redevelopment.

20 The representations received in response to the neighbourhood consultation process are considered within Enfield Council's committee report of 26 January 2016.

## **Responses from statutory bodies and other organisations**

### Thames Water

21 Thames Water raised no objection to the application in principle, but sought the inclusion of planning conditions to secure a piling method statement and drainage strategy. Various detailed advice was provided also. GLA officers note that Enfield Council has had regard to these representations, and has proposed planning conditions as appropriate.

### National Grid

22 National Grid raised no object to the application, but stated that (due to the presence of its infrastructure on-site and in the vicinity) the contractor will need to engage with National Grid prior to commencing works.

### Environment Agency

23 Environment Agency made no comments on the application.

### Metropolitan Police

24 The Metropolitan Police raised no objection to the proposal, but recommended that Secured by Design principles, and various physical security standards, are adopted by the development. GLA officers note that Enfield Council has had regard to these representations, and has proposed planning conditions as appropriate.

### London Fire and Emergency Planning Authority

25 The London Fire and Emergency Planning Authority stated that it was satisfied with the proposals.

### Tara Kindergartens (198 High Street)

26 Tara Kindergartens is a nursery occupying 198 High Street, which is subject to the proposed redevelopment. Tara Kindergartens sought a firm commitment to the relocation of its business within the new development. The nursery further raised an objection to the proposed location of the nursery use within Block B1, stating that positioning off the main high street frontage would harm the nursery's visibility, accessibility and viability. More generally the nursery also stated that the number of parking spaces proposed for non-residential uses is too low.

27 Tara Kindergartens sought to emphasise that the nursery use should be located on High Street, and that the replacement facilities should match the existing i.e. amount of internal and external space; and, existing car parking spaces within the immediate vicinity of the nursery.

28 Tara Kindergartens also expressed concern that there would be an overlap in the timing of the construction of the replacement nursery and the demolition and redevelopment of Tara Kindergartens existing premises – necessitating a cessation in their operation for a period. Tara Kindergartens expressed an objection to this, and sought a temporary relocation solution to avoid disruption to its business and clientele.

29 GLA officers note that Enfield Council has had regard to these representations, and has considered the issues associated with re-provision of the nursery use within its committee report of 26 January 2016. Furthermore, following related GLA discussions with the Council, it is understood that Tara Kindergartens will be given the right of first refusal over the proposed nursery space within the new development. The Council's draft decision does not include a temporary relocation solution for Tara Kindergartens, however, it is understood that as part of Compulsory Purchase Order proceedings the Council will use best endeavours to secure continuity of nursery provision during the phased build out. The Council is committed to maintaining an on-going dialogue with Tara Kindergartens as part of the site assembly process, and will continue to act reasonably and in good faith.

30 Pursuant to the above, and the consideration of strategic issues associated with social infrastructure within this report and report D&P/3610/01, GLA officers are satisfied that the scheme would make an acceptable re-provision of social infrastructure.

## **Response to public consultation – conclusion**

31 The statutory and non-statutory responses to Enfield Council's consultation process do not raise any material planning issues of strategic importance that have not already been considered at consultation stage, and/or in this report.

## **Article 7: Direction that the Mayor is to be the local planning authority**

32 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at consultation stage, therefore there is no sound planning reason for the Mayor to take over this application.

## **Legal considerations**

33 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## **Financial considerations**

34 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

35 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

36 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

## **Conclusion**

37 The proposed residential-led mixed use redevelopment is strongly supported in strategic planning terms. Moreover, previous issues with respect to social infrastructure, housing, sustainable development and transport have been resolved, and the application now complies with the London Plan.

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for further information, contact GLA Planning Unit (Development & Projects Team):

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