

Alma Estate, Ponders End

in the London Borough of Enfield

planning application no. 15/02039/OUT

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 (outline masterplan)

Comprehensive regeneration of Alma Estate to provide up to 993 new homes; up to 786 sq.m. of retail/cafe space; and, 2,591 sq.m. of community/leisure space.

The applicant

The applicant is **Countryside Properties Ltd.** and the architect is **Pollard Thomas Edwards.**

Strategic issues

The proposed comprehensive **estate regeneration** is **supported in principle**, would significantly enhance residential quality, and would promote mixed and balanced communities.

Whilst the proposed **affordable housing net loss** does not comply with the London Plan, this is **acceptable** having regard to viability, housing quality, well mixed and balanced tenures and the wider regeneration benefits of the scheme.

Other issues with respect to **sustainable development** and **transport** have also been resolved, and the application is now acceptable in strategic planning terms.

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 20 May 2015 the Mayor of London received documents from Enfield Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:

- 1A 1. “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”;
- 1B 1.(c) “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings... outside Central London and with a total floorspace of more than 15,000 square metres”;
- 1C 1.(c) “Development which comprises or includes the erection of a building of... more than 30 metres high and is outside the City of London”; and,
- 3A 1.(a) “Development which is likely to result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats)”.

2 On 3 July 2015 the Mayor considered planning report D&P/3481/01, and subsequently advised Enfield Council that whilst the scheme is broadly supported in principle, the application does not comply with the London Plan for the reasons set out in paragraph 63 of the above-mentioned report. The Mayor nevertheless stated that the resolution of those issues could lead to the application becoming acceptable in strategic planning terms.

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 1 September 2015 Enfield Council decided that it was minded to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement. Following locally-led negotiations on the draft Section 106 agreement the Council advised the Mayor of this decision on 29 February 2016. 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. The Mayor has until 13 March 2016 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as amended, has been taken into account in the consideration of this case.

5 The decision on this case, and the reasons, will be made available on the GLA’s website www.london.gov.uk.

Update

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

- **Housing:** The proposed estate regeneration would deliver a step change in housing quality; support mixed and balanced communities; and, appropriately provide family sized housing as part of a well-considered illustrative residential schedule. However, the net loss of affordable housing does not comply with London Plan Policy 3.14. Accordingly, it should be demonstrated that the regeneration scheme would deliver the maximum reasonable amount of affordable housing in accordance with London Plan Policy 3.12.

- **Sustainable development:** The proposed energy strategy is supported in accordance with London Plan Policy 5.2. GLA officers would nevertheless welcome further discussion with respect to prioritising a future connection to the proposed Lee Valley Heat Network. Other measures with respect to climate change adaptation and noise mitigation are broadly supported and should be secured by way of planning condition to ensure accordance with London Plan policies 5.10, 5.11, 5.13 and 7.15.
- **Transport:** Whilst the proposal is broadly acceptable in strategic transport terms, the applicant should address the matters raised in this report with respect to parking; walking and cycling; bus priority and infrastructure; and, travel and freight planning to ensure accordance with London Plan policies 6.2, 6.9, 6.10, 6.13 and 6.14.

7 Since consultation stage the applicant team has engaged in constructive 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 Mayor's representations on this application are considered under the corresponding sections below.

Housing

8 At consultation stage it was reported that, contrary to London Plan Policy 3.14, the scheme would result in a net loss of 119 affordable housing units and 2,786 sq.m. of affordable housing floorspace. However, GLA officers noted that, whilst the loss of affordable housing units appears high, the loss in terms of affordable housing floorspace is less significant (broadly equivalent to 40 units). This underlines the fact that the affordable homes being provided would be of more generous spatial proportions than the existing stock at the estate. Furthermore, as discussed in GLA report D&P/3481/01, the overall mix of housing proposed is supported, and represents a genuine step change in housing quality over the existing situation.

9 In his representations at consultation stage, the Mayor recognised that the scale, ambition and complexity of the proposed regeneration scheme could lead to difficulty in achieving a like for like replacement of affordable housing. Accordingly, having regard to the matters discussed above, and the quality of the replacement housing provision, the Mayor expressed the view that the loss of affordable housing could be outweighed by the wider regenerative benefits of the scheme - subject to demonstration that the scheme would deliver the maximum reasonable amount of affordable housing.

10 Since these representations were issued an independent review of the applicant's financial viability assessment has been undertaken on behalf of Enfield Council. The findings of the review verify that the proposed provision of affordable housing is the maximum that the scheme can reasonably afford in current market conditions. However, noting the long-term nature of the redevelopment, the Council proposes to secure a phase by phase viability review – to allow for the opportunity to increase the number of affordable housing units and/or to adjust the affordable housing mix, in response to changing need. This approach is strongly supported.

11 Accordingly, whilst the proposed net loss of affordable housing does not comply with London Plan Policy 3.14, GLA officers are of the view that the scheme is acceptable, on balance, having regard to: scheme viability; the quality of replacement housing; the response to objectives to create mixed and balanced communities; and, the wider regenerative benefits to the local community.

Sustainable development

12 The proposed energy strategy was broadly supported at consultation stage, however, GLA officers sought further discussion with respect to prioritising a future connection to the proposed Lee Valley Heat Network.

13 In this regard the applicant has confirmed that it has entered into a developer agreement with Enfield Council, which includes a commitment to connect the Lee Valley Heat Network (LVHN). It is understood that the Alma Estate energy centre will be owned and operated by the LVHN. The Alma Estate scheme has been selected to provide intermediate network connection points for the LVHN, and accordingly the energy centre at the estate has been designed to include space for additional plant to allow potential for network expansion to neighbouring areas (such as the Heron Hall Academy). This is strongly supported.

14 The applicant has stated that the Energy centre will be delivered in Phase 2A, which is currently anticipated to be mid-2019. The applicant has provided an energy centre plan and heat network layout drawings, which have been developed as part of joint discussions with the LVHN. This is supported and in line with representations at consultation stage, the energy strategy and climate change adaptation measures will be appropriately secured by way of planning condition / obligation as appropriate. Accordingly, the application accords with London Plan policies 5.10, 5.11, 5.13 and 7.15.

Transport

15 At consultation stage TfL raised concern that, following planned improvements to local rail services, this area may become a more attractive location for commuter parking. TfL therefore supports the inclusion of a £75,000 Section 106 contribution towards the consultation and implementation of a controlled parking zone, if deemed necessary.

16 Whilst the proposed provision of 590 car parking spaces is broadly consistent with London Plan policy, TfL encouraged monitoring of the uptake of parking in early phases (with a view to avoiding potential over provision). It is therefore welcomed that such monitoring will be included within the car parking management plan to be secured by condition. TfL expects the provision of car parking spaces in later phases to be informed by the demand characteristics of earlier phases.

17 It is noted that proposed local pedestrian and cycling improvements will be secured via the Section 106 agreement. This is supported, however, given that TfL operates bus services on the local highway, it expects to be consulted on the scope of Section 278 works - to ensure that bus service performance and reliability would be maintained.

18 Cycle parking provision is to be secured by way of planning condition. This is supported, however, it is requested that TfL be consulted prior to discharge to ensure that the provision meets London Plan standards, and is in suitable locations. TfL does not support incremental implementation (as a perceived lack of cycle parking can be considered a barrier to cycling).

19 It is noted that the Council has identified opportunities for bus standing facilities on Woodall Road, located just to the south of Ponders End station. This area is remote from residential properties and TfL would welcome further discussions with the Council regarding the delivery of future bus stands in this locality.

20 All other transport matters raised at consultation stage have been addressed through the Section 106 heads of terms and/or proposed planning conditions (including a construction

logistics plan, delivery and servicing plan and travel plans). Therefore, having regard to the above, and the advice of TfL, GLA officers are satisfied that the application accords with London Plan policies 6.2, 6.9, 6.10, 6.13 and 6.14.

Public consultation

21 Enfield Council publicised the application by sending notifications to 1,814 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

22 Following the neighbourhood consultation process Enfield Council received three responses (two objections and one comment/query). The letter of comment queried arrangements for moving out from the estate. This correspondence does not raise material planning issues, and has been referred to the Council's Housing department.

23 The objections were raised by Metropolitan Housing Trust (who own 63 Alma Road, within the application red line) and Longwood Properties London Ltd. (who own 1 to 9 Alma Road, within the application red line). In both cases the respondents objected to the inclusion of their sites within the outline application area.

24 As discussed in GLA report D&P/3481/01, the Mayor supports the principle of a comprehensive approach to redevelopment in this case. Moreover, it should be noted that before the abovementioned sites could actually be redeveloped as part of this scheme, they would need to be acquired. In this regard the applicant is committed to further engagement with the relevant landowners with a view to reaching agreement on a land transaction. Should such agreement not be forthcoming, Enfield Council may decide to use its Compulsory Purchase Order powers to secure the sites for the benefit of delivering the regeneration scheme as a whole.

Responses from statutory bodies and other organisations

Environment Agency

25 Environment Agency raised no objection to the application subject to planning conditions to control and remediate contamination, address surface water drainage and the method of piling. GLA officers note that Enfield Council has had regard to these representations, and has proposed planning conditions as appropriate.

Historic England (archaeology)

26 Following the submission of an addendum to Chapter 12 of the Environmental Statement, Historic England raised no objection subject to a planning condition to secure a programme of archaeological work and evaluation. GLA officers note that Enfield Council has had regard to these representations, and has proposed planning conditions as appropriate.

Network Rail

27 Network Rail raised no objection, but provided various detailed comments with respect to the safe operation of the railway and the protection of Network Rail's adjoining land.

Metropolitan Police

28 The Metropolitan Police raised no objection to the proposal, and expressed broad support for the proposed layout and build design.

London Fire Brigade

29 London Fire Brigade raised no objection to the proposal, stating that the application is satisfactory in respect of fire brigade access.

Thames Water

30 Thames Water raised no objection to the application, but sought a planning condition to control impact piling (including measures to prevent potential damage to subsurface infrastructure). Thames Water also sought to ensure that the details of the surface water management strategy are adhered to. GLA officers note that Enfield Council has had regard to these representations, and has proposed planning conditions as appropriate.

Natural England

31 Natural England raised no objection, and confirmed that the proposal would not affect the Chingford Reservoirs Site of Special Scientific Interest. Natural England also welcomed the provision of accessible green and open spaces within the scheme, and encouraged the Council to maximise opportunities to deliver new green infrastructure and biodiversity improvements.

Lee Valley Regional Park Authority

32 The Lee Valley Regional Park Authority (LVRPA) raised no objection to the application, but sought to ensure that access and legibility improvements would be secured on the route between the estate and the Regional Park. The LVRPA also sought a re-design of existing bridge infrastructure between the proposed station square and the Regional Park. GLA officers note that, having considered the LVRPA's representations, Enfield Council has secured Section 106 heads of terms for pedestrian and cyclist improvements along Meridian Way and at station square. Local wayfinding signage has been similarly secured. Having considered the existing condition of the bridge infrastructure, the Council has not sought a contribution towards a replacement design. GLA officers are satisfied that the planning obligations proposed by the Council are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Sport England

33 Whilst the site does not include playing fields, Sport England raised an objection to the application on the basis that no new sports facilities had been proposed to support the proposed population uplift. GLA officers note that, having considered Sport England's representations, Enfield Council has included a sports contribution as part of the Section 106 heads of terms. The final sum of the contribution will be determined by the viability review of later phases of the scheme, but will in any event be capped at £278,000. GLA officers are satisfied that the planning obligations proposed by the Council are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Oasis Hub Hadley

34 Oasis Hub Hadley raised no objection to the application, but provided a number of comments related to its suggestion to reprovide community space in a way which creates multi-use facilities. The Oasis Hub Hadley stated that such multi-use space could perform a range of functions (including youth centre, community kitchen and educational space), and the colocation of such functions would help to increase participation and community building. GLA officers note that the outline application includes sufficient floorspace to make an appropriate reprovision of community space. As noted by Enfield Council, the detailed design of community space will be considered at reserved matters stage, having regard to the parameters of the outline masterplan.

Response to public consultation – conclusion

35 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

36 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 Enfield 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

37 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

38 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.

39 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.

40 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

41 The proposed comprehensive estate regeneration is supported in principle, would significantly enhance residential quality, and would promote mixed and balanced communities. Whilst the proposed affordable housing net loss does not comply with the London Plan, this is acceptable having regard to viability, housing quality, well mixed and balanced tenures and the wider regeneration benefits of the scheme. Other issues with respect to sustainable development and transport have also been resolved, and the application is now acceptable in strategic planning terms.

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