

Kestrel House, Alma Estate, Ponders End

in the London Borough of Enfield

planning application no. 15/02040/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 (detailed regeneration phase)

Phase one of the proposed comprehensive regeneration of Alma Estate to provide 228 new homes, 150 sq.m. restaurant/cafe space, and a 439 sq.m. gym in two blocks of between 5 and 16-storeys.

The applicant

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

Strategic issues

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

Since consultation stage issues with respect to **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 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”; and,
- 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”.

2 On 3 July 2015 the Mayor considered planning report D&P/3481a/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 53 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 phase is broadly supported in line with London Plan Policy 3.14 and would deliver an uplift in affordable housing units; a step change in housing quality; and, support mixed and balanced communities. However, GLA officers seek further discussion with respect to the decant requirements of this phase, and the maximum reasonable amount of affordable housing across the wider masterplan as a whole.
- **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 the carbon dioxide savings within this phase, and the intention to prioritise a future connection to the proposed Lea 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; transport 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, in line with London Plan Policy 3.14, this application would result in a net gain of four affordable housing units. This is supported, however, GLA officers noted that this modest uplift sits within the context of a proposed overall net loss of affordable housing across the wider masterplan as a whole (refer to GLA report D&P/3481/01).

9 Accordingly, GLA officers sought an independent viability review of the scheme to verify that, overall, the estate regeneration would provide the maximum reasonable amount of affordable housing. As discussed within GLA report D&P/3481/02, the findings of the review (which assesses both the outline masterplan and this detailed phase) verifies that the proposed provision of affordable housing across the regeneration scheme is the maximum that the development can reasonably afford in current market conditions. However, given the long-term nature of the redevelopment, a phase by phase viability review of the masterplan has been secured – to allow for the opportunity to increase the number of affordable housing units and/or to adjust the affordable housing mix, where viability improves in future. As discussed within GLA report D&P/3481/02, the proposed net loss of affordable housing across the wider masterplan is acceptable in strategic planning terms. Accordingly (and noting the proposed response to decant requirements discussed below), GLA officers strongly support the proposed affordable housing provision within this first phase (58% by unit).

10 In the absence of a confirmed existing residential mix at consultation stage, GLA officers sought further discussion on how this phase would address decant requirements. In response to this the applicant has engaged in further joint discussion with the GLA, and the existing accommodation schedule for this part of the estate has now been established. This confirms that the existing 128 social rent units comprise: 60 one-bedroom units; 61 two-bedroom units; 6 three-bedroom units; and, 1 four-bedroom unit. It is now evident that the proposed housing mix for this phase is partly responding to the heavy weighting of the existing housing provision towards one and two-bedroom units. Albeit, the proposed mix also provides an increased proportion of affordable family housing (15% of social rent units would be family sized). Whilst there would appear to be a proposed 33% shortfall in terms of a like for like replacement at the smaller unit sizes, it is noted that less than half of the existing residents at the estate have indicated a desire to return to the estate following redevelopment (further detailed commentary on the resident consultation and decant strategy is set out within paragraph 25 of GLA report D&P/3481/01). Accordingly, having also considered the associated discussion within the Enfield Council committee report of 1 September 2015, GLA officers support the proposed residential mix for this phase, and are satisfied that it reasonably responds to decant requirements.

Sustainable development

11 The proposed energy strategy was broadly supported at consultation stage, however, GLA officers sought further discussion with respect to carbon dioxide savings within this phase and prioritisation of a future connection to the proposed Lee Valley Heat Network (LVHN).

12 The applicant has provided a breakdown of carbon dioxide saves for this phase. This demonstrates that under the interim scenario (i.e. before the Alma Estate energy network is delivered), the temporary gas boiler and renewables arrangement would achieve a 7% carbon dioxide saving. The scheme will nevertheless achieve a 36% saving overall, once the site-wide energy network comes online. This is supported, and accords with London Plan Policy 5.2.

13 With respect to energy networking generally, 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 sought an increase in cycle parking provision within this phase. In response the applicant has confirmed that, where feasible, it will increase the proposed provision to 364 spaces - in line with London Plan standards. This is proposed to be secured by way of planning condition, which Enfield Council will discharge in consultation with TfL.

16 The applicant proposes that 33 of the proposed 138 parking spaces will be implemented later to support a future phase of development. In the interests of promoting a restrained approach to car parking, and in the spirit of the parking measures secured for the outline masterplan application, TfL suggests that the uptake of spaces with this phase is monitored through the car parking management plan, and that the full allocation is only delivered if deemed necessary.

17 TfL supports the fact that improvements to local pedestrian and cycling facilities have been secured within the Section 106 heads of terms for the outline application (refer to GLA report D&P/3481/02). However, given that TfL operates bus services on the local highway in this area, TfL requests that it is consulted on the scope of related Section 278 works - to ensure that any improvements take account of bus performance and reliability.

18 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

19 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

20 Following the neighbourhood consultation process Enfield Council received one response of comment, which indicated support for the proposal, but queried transitional arrangements including the arrangements for car parking during construction. Responses of objection were received from the Metropolitan Housing Trust (who own 63 Alma Road) and Longwood Properties London Ltd. (who own 1 to 9 Alma Road). In both cases the respondents objected to the inclusion of their sites within the proposed regeneration. These sites nevertheless fall within the outline application area (rather than within the redline boundary for this detailed application). Therefore, these objections are considered within GLA report D&P/3481/02.

Responses from statutory bodies and other organisations

Environment Agency

21 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)

22 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

23 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

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

London Fire Brigade

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

Thames Water

26 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

27 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

28 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 included public realm and wayfinding contributions as part of the Section 106 heads of terms for the outline masterplan (refer to GLA report D&P/3481/02).

Sport England

29 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 for the outline masterplan (refer to GLA report D&P/3481/02).

Oasis Hub Hadley

30 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 no community space (Class D1 floorspace) is proposed within this phase. These representations are therefore considered in GLA report D&P/3481/02, which relates to the wider masterplan.

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 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

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 comprehensive estate regeneration phase is supported in principle; would significantly enhance residential quality; and, would promote mixed and balanced communities. Since consultation stage, issues with respect to sustainable development and transport have been resolved, and the application now complies with the London Plan.

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

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