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THE CABINET

**Wednesday, 24th April, 2013 at 8.15 pm in the Conference Room,
Civic Centre, Silver Street, Enfield, EN1 3XA**

AGENDA – PART 1 TO FOLLOW PAPERS – 2ND DESPATCH

Please find attached the following reports which were marked as “to follow” on the agenda previously circulated.

12. PONDERS END: DELIVERY ARRANGEMENTS (Pages 1 - 10)

A report from the Director of Regeneration, Leisure and Culture is attached.
(Report No.219, agenda part two also refers) **(Key decision – reference number 3682)**

(Report No.217)
(8.50 – 8.55pm)

13. PONDERS END: PROPOSED PLANNING COMPULSORY PURCHASE ORDER (Pages 11 - 60)

A report from the Director of Regeneration, Leisure and Culture and Director of Finance, Resources and Customer Services is attached. Please note that there is no part 2 report for this item. **(Key decision – reference number 3682)**

(Report No.218)
(8.55 – 9.00pm)

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MUNICIPAL YEAR 2012/2013 REPORT NO. 217

MEETING TITLE AND DATE:Cabinet 24th April 2013**REPORT OF:**Director – Regeneration,
Leisure and Culture

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Agenda – Part: 1

Item: 12

Subject: Ponders End: Delivery Arrangements**Wards: Ponders End****Key Decision No: 3682****Cabinet Member consulted: Councillor Goddard****1. EXECUTIVE SUMMARY**

- 1.1. Ponders End is identified in the Core Strategy as a priority regeneration area in North East Enfield, as a strategic location in the Upper Lee Valley Opportunity Area.
- 1.2. This report takes forward the Ponders End High Street Regeneration Scheme, now known as the Electric Quarter, as set out in previous Cabinet Reports of April and July 2012; and
- 1.3. Details the proposed delivery arrangements for the Electric Quarter and seeks authority to enter into an Agreement for Lease and following satisfaction of Conditions the granting of a Lease to a Delivery Partner following the completion of a robust procurement exercise.
- 1.4. A Part 2 Report sets out the results of the procurement for a Delivery Partner and the reasons for the recommendation of Firm C as the preferred bidder.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 The progress in delivering the comprehensive approach to the redevelopment of Ponders End High Street (the Electric Quarter), be noted.

3. BACKGROUND

- 3.1 In April 2012 Cabinet endorsed a comprehensive approach to the redevelopment of Ponders End High Street and approved a delivery strategy to progress the scheme. This report updates Cabinet on the progress that has been made in relation to this project.
- 3.2 Progress is now outlined under the three main headings of Land Assembly, Planning and Delivery Arrangements.

3.3 Land Assembly

- 3.3.1 Persona Associates Limited undertook a land referencing exercise for the Council to identify all the property interests affected by the Ponders End High Street Regeneration scheme. This work was successfully completed in December 2012.
- 3.3.2 Urban Vision Partnership Limited has been retained by the Council to provide valuation advice and negotiate the acquisition of property interests by private treaty. A number of offers have been made and negotiations continue. Jones Lang LaSalle has been retained to provide valuation advice and to help negotiate the acquisition of the former Middlesex University Campus.
- 3.3.3 Work has advanced to begin to prepare the site for development and demolition of the former Police Station has commenced following a competitive tender process drawing on the Exor Accredited List of Contractors. The Police Station site should be cleared by autumn 2013.

3.4 Planning

- 3.4.1 The Council submitted an Outline Planning Application on 31st October 2012 for Ponders End High Street Regeneration scheme (the Electric Quarter).
- 3.4.2 The Electric Quarter is a financially viable scheme and will provide up to 408 new homes, with over 50% being family sized accommodation (3 or more bedrooms). The Ponders End Library will be re-provided with a High Street frontage and new employment, retail, community and commercial space will be provided as part of the development. The proposal also provides for the sensitive restoration and use of the Grade II Listed Broadbent Buildings, which are nationally important local architectural assets.
- 3.4.3 The Outline Planning Application P12-02677PLA was considered by the January Planning Committee which was unanimously minded to grant Outline Planning Permission,

subject to referral to the Greater London Authority and Planning Conditions.

3.4.4 The Mayor of London considered the Greater London Authority Stage 2 Planning Report on 27th February 2013 and was content for L B Enfield to determine the application.

3.4.5 The Planning Decision Notice was issued on 5th March 2013.

3.5 Delivery Arrangements

3.5.1 Procurement of a Delivery Partner

3.5.2 **Key Decision 3350** authorised preparation of documentation to support delivery arrangements, to include any necessary procurement process and delegated the decision in relation to the most appropriate route to the Director of Regeneration, Leisure and Culture, and the Lead Member for Business and Regeneration, in consultation with the Director of Finance, Resources & Customer Services.

3.5.3 Following an options analysis it was decided that the most appropriate procurement route was the use of the Homes and Communities Agency's (HCA's) Delivery Partner Panel Framework Agreement. The procurement business case was presented to the Strategic Procurement Board which noted that the procurement of a delivery partner was well advanced. The Board requested that apprenticeship opportunities, and how many are secured, should be tracked, and this was agreed.

3.5.4 As Cabinet may be aware, the HCA Delivery Partner Panel was procured through an OJEU tender process. The framework agreement established different Lots divided by geographical regions. Under the lot for the Southern Cluster, 17 organisation/consortiums were appointed onto the framework, having demonstrated their ability to deliver complex regeneration projects in London and the South of England, with appropriate insurances and financial standing.

3.5.5 The Council is able to procure a delivery partner using the HCA Delivery Partner Panel by following a 3 stage process:

- Stage 1 – Expressions of Interest;
- Stage 2 – Sifting (to create a short-list);
- Stage 3 – Mini Competition.

3.5.6 All 17 members of the HCA Delivery Partner Panel were sent the Expressions of Interest Brief in November 2012. 4 Panel Members expressed an interest.

3.5.7 The HCA confirmed that Stage 2 – Sifting is only required to create a shortlist of between 3 and 6 firms. As this had already been achieved there was no need to undertake Stage 2. In lieu of Stage 2 a briefing session for interested parties was arranged, to further explain the scheme and provide those interested Panel Members with further information.

3.5.8 On 5th February 2013, the Stage 3 – Mini Competition – Invitation to Tender was issued. Following advice from the Council's external legal advisors, Bevan Brittan, it was agreed that the most appropriate contract documentation would be the use of the HCA's Agreement for Lease and Lease in compliance with the conditions of use of the HCA framework. The advantage is that these documents already exist and have been robustly tested on a number of regeneration schemes. In addition the Delivery Panel Members themselves are familiar with the documents reducing the amount of time taken for negotiation and the legal input required to reach agreement, thus contributing to the achievement of Best Value.

3.5.9 Three tenders were received by the set deadline of Noon, 15th March 2013 and were evaluated using the following criteria:

3.5.10 Evaluation Criteria

3.5.11 The tenders were evaluated on pre-published criteria to derive an overall score based on 50% for Price and 50% for Quality.

3.5.12 Price

Price is based on a score of 35% for the Net Present Value (NPV) and a further 15% is available for the Overage percentage returned to the Council. The NPV of the phased land receipts to the Council is based on a consistent financial model prepared by Jones Lang LaSalle on behalf of the Council, which is populated with financial indices provided from Bidders as part of their tender returns, to derive the NPV of each bid. This NPV calculation is only to inform the bidder evaluation exercise. As Cabinet will know NPV is the difference between the present value of cash inflows and the present value of cash outflows. So it accounts for the time value of money and is an invaluable tool in helping to assess investment proposals. All of the bidders produced positive NPVs.

3.5.13 Quality

The criteria for evaluating the Quality elements of the submissions are detailed below. All questions in relation to quality were marked out of 10. A score of 7/10 meets the required standard in all material aspects:

- Capacity (project team and subcontractors) 7.5%;
- Delivery approach 20%;
- Programme and phasing 7.5%;
- Partnership working 5%;
- Meanwhile use strategy 5%;
- Employment and Skills 5%.

3.5.14 Tender Results

	FIRM A	FIRM B	FIRM C	FIRM D
Price	43	WITHDREW	50	20
Quality	28		36	21
Total	71		86	41

Detailed evaluation information is contained in Part 2 of this report.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Consideration was given to following a full OJEU tender process, but this option was discounted, because an OJEU process could not be successfully concluded within the tight timescales of the project timetable. The potential flexibility of attracting different interested providers and to negotiate a totally bespoke development agreement, were not believed to outweigh the benefits of the HCA Delivery Partner Panel, where a pre-approved panel existed and template legal documentation was available, thereby reducing timescales and the cost of legal input.
- 4.2 Some consideration was given to using the SCAPE Framework Agreement, which can be a sensible approach for some schemes, and would have enabled a contract to be entered into quickly. But this approach was not felt to be the most appropriate in this particular case because it would have necessitated the Council funding the scheme itself. Under the HCA Delivery Partner Panel method, the Council's development partner would provide the funding, and this would avoid any unnecessary call on the Council's resources.

5. REASONS FOR THE RECOMMENDATIONS

5.1 **Key Decision 3350** authorised any necessary procurement process to support delivery arrangements of the Ponders End High Street Regeneration Scheme. As such the HCA Delivery Partner Panel Framework Contract was drawn upon. Following a competitive Mini-Tender and detailed evaluation, Firm C received the highest overall score as result of the evaluation process as set out in Part 2 of this report. It is recommended that the Council appoints Firm C as preferred bidder with a view of entering into an Agreement for Lease and a Lease.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

6.1.1 Please refer to Part 2 of this report.

6.2 Legal Implications

6.2.1 The general power of competence in Section 1 of the Localism Act 2011 provides the Council with the power to undertake anything that individuals generally may do. Section 2 of the Localism Act sets out the boundaries of the general power, requiring local authorities to act in accordance with statutory limitations or restrictions

6.2.2 The HCA Delivery Partner Panel was procured through an OJEU tender process that Local Authorities can use for the procurement of the delivery partner. The use of an Agreement for Lease and Lease was considered to be an appropriate mechanism to deliver the development within the required timeframe. The form of any Agreement for Lease and Lease with the development partner is to be in a form approved by the Assistant Director for Legal Services.

6.2.3 The redevelopment of the Site will be subject to the grant of a planning permission for reserved matters and various other pre-commencement conditions which must be satisfied before commencement of work.

6.2.4 The appointment of the development partner is in accordance with the Council's Constitution, in particular Contract Procedure Rules ("CPRs"). The Council must ensure that any further procurement of goods/works/services is in accordance with the CPRs.

6.3 Property Implications

- 6.3.1 The redevelopment of Ponders End High Street is a key regeneration priority for the Council, as identified within its Core Strategy policies, the emerging North East Area Action Plan and the Ponders End Central Supplementary Planning Document. The project will deliver a high quality and sustainable mixed-use neighbourhood that will be integrated into the local area and will provide significant regeneration benefits.
- 6.3.2 The panel member to be appointed will become the Council's Development Partner for this scheme and will be required to fund and drive the project forward through detailed design, planning, development and sales. The principal documents that the Development Partner will be required to enter into are an Agreement for Lease and Lease (together with the documentation supplemental to the Agreement for Lease and Lease such as the forms of transfer). These agreements are based on the HCA's standard documentation, which have been deemed suitable and appropriate for this project and for the Council's use by its external legal and financial/property consultants, namely Bevan Brittan and Jones Lang LaSalle.
- 6.3.3 A robust procurement process was undertaken by Council officers, which has resulted in the recommendation to award the contract to Firm C.
- 6.3.4 The agreement for Lease is conditional on several conditions including the Council acquiring the site and providing vacant possession and the developer satisfying the planning conditions that were reserved, amongst other conditions. Agreeing the land price for phase 1 is also to be agreed prior to completing the Lease and the methodology to do so has been set and will be on an open book residual appraisal utilising the financial indices set during competition. Additionally, the agreement allows for overage provisions. These details will need to be reviewed in due course, albeit such review is limited to input data rather than methodology which has already been set and agreed.
- 6.3.5 The Delivery Partner will also be providing the shell and core of a new library facility that will have a bearing on the Council's asset management protocols.

6.3.6 This report seeks to delegate authority to enter into Agreement for Lease with the preferred bidder. As such, cognisance must be given to the Council's Property Procedure Rules before entering into contract.

7. KEY RISKS

7.1 **Do Nothing** – the Council will be unable to deliver the Electric Quarter.

7.2 **Lack of Market Interest** – Expressions of Interest have already been received. Briefing sessions were held with the interested parties prior to issuing the Mini Competition to further gauge interest and address issues. Commercial advisers have been retained to assemble the tender documentation and advise on the evaluation criteria, so that the information requested is appropriate, giving confidence to the market and minimising unnecessary effort.

7.3 **Legal Challenge** – Given that the HCA framework was established with an OJEU process and that the Council is able to utilise the HCA framework, the use of the framework represents a low procurement risk to the Council provided that the terms and conditions of the framework are complied with. External legal advice has been sought to ensure compliance throughout the tender and evaluation process.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The Regeneration of Ponders End High Street will promote fairness for all members of the local community through consulting the community on the proposals and by the planned provision of new commercial, community and residential development that is appropriately accessible to the local community. The Community Benefits Toolkit has already informed the Tender Documentation, and accordance to its requirements was an evaluation criteria.

8.2 Growth and Sustainability

Growth and sustainability are central to the proposals for Ponders End High Street. The proposed development (see Planning Application Reference: P12-02677PLA) will provide growth in terms of increasing the supply of quality housing in the area; improving the quality and quantity of commercial space; and by including one or more community uses that will facilitate appropriate community activities.

8.3 Strong Communities

The proposals for Ponders End High Street (see Planning Application: P12-02677PLA) aim to increase home ownership levels in the area which will create a more mixed community and support greater footfall along the High Street. The proposed redevelopment will also provide a range of unit sizes to accommodate a diversity of community and commercial uses, and improving the public realm will facilitate the free flow of people between the High Street, Park, and the former Middlesex University site. The scheme will also provide sufficient space to accommodate the expansion of the local Mosque, which is very popular and at capacity.

9. EQUALITIES IMPACT IMPLICATIONS

- 9.1** In accordance with the Contract Procedure Rules Version 6, the Regeneration of Ponders End High Street has been subject to a Predictive Equality Impact Assessment in March 2012 and an Equalities Impact Assessment in October 2012 as part of the outline planning application.
- 9.2** Overall the Equalities Impact Assessment finds the proposed development will respond positively to securing a development that promotes equality.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The Regeneration of Ponders End High Street contributes towards the achievement of:

- Core Policy 41 of the Core Strategy
- Shaping Enfield's Future
- North East Enfield Preferred Options Report
- Ponders End Central Planning Brief (approved for adoption)
- 5a of the Sustainable Community Strategy 2007-2017
- Key Aim 4 of Creative Enfield 2009-13
- 2.10 "Improve the Quality of life for residents through the regeneration of the priority regeneration areas" of the Enfield Council Business Plan.

11. PUBLIC HEALTH IMPLICATIONS

- 11.1** The Outline Planning Application (see Planning Application: P12-02677PLA) included a Health Impact Assessment. It concluded that the development will have an overall beneficial effect on several determinants for health, in particular on employment and education (in terms of job training), which have been identified as priorities in the local area.

11.2 Furthermore, the development has the potential to benefit several vulnerable groups which have been identified in the area. These groups include the unemployed, young people and children in poverty, mainly through the education and training opportunities, but also through the re-provision of a more modern and attractive library.

Background Papers

None.

MUNICIPAL YEAR 2012/2013 REPORT NO. **218**

MEETING TITLE AND DATE:
Cabinet 24th April 2013

REPORT OF:
Director – Regeneration,
Leisure and Culture

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Agenda – Part: 1

Item: 13

**Subject: Ponders End: Proposed Planning
Compulsory Purchase Order**

Wards: Ponders End

Key Decision No: 3682

**Cabinet Member consulted: Councillor
Goddard and Councillor Stafford**

See Annex A (attached)

See Annex B (attached)

1. EXECUTIVE SUMMARY

- 1.1. Ponders End is identified in the Core Strategy as a priority regeneration area in North East Enfield, as a strategic location in the Upper Lee Valley Opportunity Area.
- 1.2. This report takes forward the Ponders End High Street Regeneration Scheme, now known as the Electric Quarter, as set out in previous Cabinet Reports of April and July 2012.
- 1.3. Further to **Key Decision 3350** acquisition of land and property interests has been progressed, where possible by agreement. The redevelopment proposals have now received the grant of Outline Planning Consent. In order to be able to progress the development it will be necessary to ensure that title and possession of all the land and property required for delivery of the scheme can be obtained and it is now considered appropriate to further support the regeneration of Ponders End High Street by the making of a Planning Compulsory Purchase Order. Negotiations to acquire by agreement will continue in parallel with the compulsory purchase process.
- 1.4. The purpose of this report is to recommend that Cabinet resolve to make the London Borough of Enfield (Ponders End 'Electric Quarter') Planning Compulsory Purchase Order 2013, to assemble the necessary land for the delivery of the Ponders End High Street regeneration scheme (see Planning Application: P12-02677PLA) and its associated benefits.

2. RECOMMENDATIONS

That Cabinet:

2.1 Approves the making of a Compulsory Purchase Order under section 226(1)(a) of the Town and Country Planning Act 1990 (“the 1990 Act”) (as amended by the Planning and Compulsory Purchase Act 2004) and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land and new rights within the area described in the report and shown edged red on the plan attached at Annex A of this report. The Council being of the view that the proposed acquisition of the Order Land will:

- (a) Facilitate the carrying out of the development/redevelopment or improvement on or in relation to the Order Land; and
- (b) Will contribute to the promotion or improvement of the economic, social and environmental well-being of the Borough.

2.2 Delegates authority to the Director for Regeneration Leisure and Culture, acting in consultation with the Director of Finance Resources and Customer Services, on the basis that there is a compelling case in the public interest to make the Order to:

- (a) Take all necessary steps to secure the making, confirmation and implementation of the Planning Compulsory Purchase Order (PCPO) (including the conduct of a Public Inquiry if necessary) to obtain confirmation of the PCPO by the Secretary of State.
- (b) Acquire all necessary interests in land within the area subject to the PCPO either by agreement or compulsorily, (supported by Urban Vision Partnership Limited and Jones Lang LaSalle Limited, as necessary and appropriate).
- (c) Complete agreements with landowners and others having an interest in the area to be the subject of the PCPO including where appropriate seeking agreements affecting the delivery of any part of the development and making arrangements for the relocation of occupiers.
- (d) Following confirmation of the PCPO to pay compensation and statutory interest entitlement to former landowners.
- (e) Institute and defend any proceedings (as appropriate) which may be necessary as a consequence of the Council’s exercise of its PCPO powers.

2.3 Agrees that the Order be named:

‘London Borough of Enfield (Ponders End Electric Quarter) Compulsory Purchase Order 2013’.

3. BACKGROUND

- 3.1 In April 2012 Cabinet endorsed a comprehensive approach to the redevelopment of Ponders End High Street and approved a delivery strategy to progress the scheme. This included authorisation to progress a land assembly and a relocation strategy, including background work for a Planning Compulsory Purchase Order (PCPO).
- 3.2 Persona Associates Limited was subsequently appointed to undertake a land referencing exercise for the Council to identify all the property interests affected by the Ponders End High Street Regeneration scheme. This work was completed in December 2012.
- 3.3 Urban Vision Partnership Limited has been retained by the Council to provide valuation advice and negotiate the acquisition of property interests by private treaty. A number of offers have been made and negotiations continue. Jones Lang LaSalle has also been retained to provide valuation advice and help to negotiate the acquisition of the former Middlesex University Site.
- 3.4 The grant of outline planning consent was obtained on 5th March 2013 for a scheme that would enable comprehensive regeneration to take place in this important part of Ponders End.
- 3.5 This report recommends that the Council exercises its Planning Compulsory Purchase Powers to progress the regeneration of Ponders End High Street.

3.6 The Order Land

- 3.6.1 The land to be subject to the proposed Planning Compulsory Purchase Order is referred to in this report as the Order Land.
- 3.6.2 The Order Land comprises an area of land of approximately 5.21 hectares. The eastern boundary is formed by Ponders End High Street (A1010). Part of the northern boundary comprises a series of two/three storey buildings that house a variety of small-scale office and warehouse functions associated with Queensway. The western boundary comprises Kingsway, which is lined by traditional terraced houses with gardens backing onto the Order Land. Derby Road and Loraine Close, to the south of the Order Land support a mix of detached, semi-detached and flatted properties.
- 3.6.3 The Council already owns some of the Order Land and negotiations with the remaining owners will continue with a view to achieving the voluntary acquisition of all the interests in the Order Land which are needed to facilitate the development.

3.7 Planning Policy Framework

National Planning Policy – National Planning Policy Framework (“NPPF”)

- 3.7.1 The National Planning Policy Framework (NPPF) (March 2012) sets out the Government’s policies on planning and how these are expected to be applied. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to sustainable development: economic, social and environmental. With regard to the proposed Order Scheme, the approach taken by the Council to promoting the regeneration of this area already embodies the thinking regarding sustainable development in the NPPF in terms of the emphasis on urban regeneration and the efficient re-use of previously developed land in order to create sustainable development in line with economic, social and environmental objectives to improve people’s quality of life. The emphasis on community involvement; creating a sustainable community in a high quality, safe and healthy local environment where people want to live; contributing to the promotion of urban renaissance and improvement of quality of life and access to jobs; building a socially inclusive community with a mix of housing; and improving the link between land use and transport are all in line with these proposals.

Regional Planning Policy and Guidance – The London Plan

- 3.7.2 The Mayor’s revised London Plan was formally adopted in July 2011 and provides a strategic spatial strategy within Greater London. The Plan sets out a number of objectives to optimise the potential of development sites; make the most sustainable and efficient use of land, particularly in areas of good public transport; improve the quality of life; deliver high quality new homes; mitigate and adapt to climate change and secure a more attractive, well designed green city.
- 3.7.3 Policy 2.3 of the London Plan refers to “opportunity areas” that have been identified on the basis that they are capable of accommodating substantial numbers of new homes and employment and seeks to ensure the area’s potential is optimised.
- 3.7.4 The Upper Lee Valley is identified in London Plan Policy 2.13 supported by London Plan Annex One, as an opportunity area. The consultation draft of the Upper Lee Valley Opportunity Area Planning Framework (November 2011) identifies Ponders End as a “growth area” and an opportunity for new job creation and new homes. The framework identifies the Ponders End area as

contributing up to 1100 new homes and 700 new jobs by 2031. The Queensway Campus is seen as providing the catalyst to providing a “continuous vibrant high street”.

Local Policy – Core Strategy

3.7.5 The Core Strategy sets out the spatial planning framework for the long term development of the borough for the next 15-20 years. Paragraph 9.35 states that Ponders End is seen as an area with considerable potential, “...given its location so close to the Lea Valley Regional Park, strong transport routes including Southbury and Ponders End railway stations and Picket Lock to the south”.

3.7.6 Ponders End is identified as a regeneration ‘priority area’. Its regeneration and transformation is seen as a key element of the Core Strategy spatial vision and it is acknowledged that considerable investment and improvement will be needed to ensure that the area fulfils its potential as a “desirable and settled community”.

3.7.7 Core Strategy Policy 41 (page 163) deals specifically with the regeneration of Ponders End and identifies three areas of future development opportunity: Ponders End Central, Ponders End South Street campus and Ponders End waterfront. In particular the policy identifies a series of development objectives for Ponders End Central which include:

- The creation of up to 1000 homes by 2026 with a range of sizes and tenures, including affordable homes. The Middlesex University site is specifically identified as a site that could accommodate housing as part of a mixed use development.
- The provision of an attractive public realm, designed to promote community safety.
- High quality new development that complements the heritage assets and historic environment of Ponders End, such as the listed Middlesex University building.
- A holistic development at Ponders End Central incorporating the former Middlesex University Campus, Queensway employment area, better use of land around Tesco and a vibrant, good quality local shopping centre and community hub, with vacant sites along Ponders End high street redeveloped to complement the local offer.

North East Enfield Area Action Plan (Interim Direction Document August 2012)

3.7.8 This document sets out the Council's approach towards regeneration in North East Enfield. The spatial strategy contained within the document is underpinned by a number of key objectives, including to plan for growth and change; to create sustainable neighbourhoods; to increase the capacity of existing employment land and improve access; to protect, enhance and improve the natural environment; to ensure everyone has access to high quality health, leisure and community facilities and to improve overall accessibility and connectivity.

3.7.9 Ponders End is identified as a large local centre and land that includes the Order Land is identified as a key focus for regeneration. A number of key priorities are identified for the area, as follows:

- The Council's intention to take a comprehensive area based approach to enable the transformation of the former Middlesex University and the clusters of sites on the high street as a focus of social life and activity, with new and improved shopping, civic and employment uses as well as providing a choice of new homes;
- The creation of a vibrant High Street, with high quality public realm, active frontages and enhanced public realm in order to create a safe, harmonious and attractive centre, which can be enjoyed by all;
- The development of the former Middlesex University site for a mix of uses, including new homes and community uses;
- A holistic approach to the redevelopment of the University site, addressing opportunities for improvements to the high street and its facilities;
- The retention and enhancement of the listed Broadbent building as part of any redevelopment;
- The creation of a more coherent active frontage onto Hertford Road, the High Street and Queensway in order to overcome historic voids in the built form which detract from the overall streetscape of the local centre; and
- The creation of new linkages from the heart of the University site to both Hertford Road and Queensway and the integration of any new development into the surrounding community.

Ponders End Central Planning Brief SPD

3.7.10 The SPD brings together all the ideas for Ponders End Central, raised by many residents, community groups and businesses. It identifies how the former Queensway Campus might look in the future, how it might be integrated into the town centre and how regeneration and change might be delivered in line with the Core Strategy's objectives.

3.7.11 The vision that underpins the SPD brief is to deliver a "more prosperous, inclusive, clean, green and stable place with a mix of architecturally excellent homes of different tenures and sizes, supported by local services and community facilities for all ages and mobilities" (page 46 of the SPD).

3.7.12 The vision statement also promotes a transformation of land and buildings that include the Order Land to provide "a low carbon, walkable neighbourhood comprising a balanced range of affordable sustainable new homes, jobs and amenities that are well connected into the wider neighbourhood".

3.7.13 Site specific proposals within the Brief include:

- The provision of a total of 490-560 units of predominantly family housing 'taking into account viability';
- 60% market and 40% affordable housing, and within that 40%, a 70% social rented and 30% intermediate housing split, subject to viability and wider place shaping aspirations;
- Public pedestrian, cycle and vehicular connections into the high street, Queensway and Derby Road towards Southbury station;
- Sustainable design from the outset, including an approach to integrated water management, quality materials, waste treatment, recycled materials, biodiversity and community growing space;
- An aim to produce Sustainable Code Level 4 or BREEAM Excellent;
- Predominantly dual aspect homes with generous internal space standards and 50% amenity space for houses and 50% amenity space for flats, with between 50-75% car parking;
- 10% wheelchair accessible units, Lifetime Home standards and Secured by Design principles;

- Employment uses to the north of Queensway Campus site and/or workshops located to the south of the listing building;
- The retention and enhancement of the listed building;
- Accessible public amenity space and communal play space.

3.8 Scheme Benefits

3.8.1 The regeneration of the Order Land as envisaged by the proposed Order Scheme would provide a major opportunity for delivering transformational change in this deprived part of the Borough of Enfield. The proposed Order Scheme as outlined in the scheme that achieved the granting of planning permission (see Planning Application: P12-02677PLA) comprises the following key elements:

- The retention, refurbishment and conversion of the Tara Kindergarten building (198 Ponders End High Street) to provide up to 491 sq m (GIA) of replacement library accommodation to replace the College Court library (Class D1) lost as part of the development;
- The retention and refurbishment of the listed Broadbent Building, caretaker's cottage and gym within the Queensway Campus to provide 4,503 sq m (GIA) of residential floor space and up to 31 dwellings, 2,141 sq m (GIA) of commercial/live work space (Class B1) and 427 sq m (GIA) of community use (Class D1);
- The retention and refurbishment of the existing multi-storey car park on Queensway to provide parking for up to 119 cars (89 residential and 30 replacement spaces for employees of Enterprise Enfield) and an energy centre;
- The construction of up to 39,927 sq m (GIA) of new residential floor space (Broadbent Building: 1,088 sq m (GIA) and the remainder of the site: 38,839 sq m (GIA)) to provide up to 377 new, mixed tenure dwellings (Broadbent Building: 12 dwellings; remainder of the site: 365 dwellings);
- The construction of up to 567 sq m (GIA) of new commercial (Class B1) floor space;
- The construction of up to 736 sq m (GIA) of new mixed retail (Class A1-A4);
- The construction of up to 156 sq m (GIA) of new community (Class D1) floor space;

- Surface car parking on street within College Court car park and in structure parking within Plot A1 for up to 252 cars (212 residential, 167 on street and 45 in Block A1), 10 commercial, 27 retail (College Court replacement and 3 community);
- The introduction of new high quality public open space and public realm and private amenity space.

3.8.2 In summary the socio-economic benefits of the proposed redevelopment of the Order Land (as set out in Planning Application: P12-02677PLA) will include the:

- Provision of 267 new full-time jobs;
- Provision of up to 950 temporary construction jobs ranging from one to five years;
- Ready access to the new High Street retail and community space for 13,700 people within a 20 minute walk;
- The new High Street offer will benefit the 500,000 visitors to Southbury and Ponders End stations;
- New housing units will provide decanting for residents affected by the Alma Estate redevelopment, which aims to provide 1000 new homes for local people;
- Space for the popular and overcrowded Mosque to expand in order to meet the needs of its congregation; and
- A valuable contribution to building the 11,000 homes required in Enfield by 2026 (as set out in Enfield's extant Core Strategy).

3.9 Land Assembly and the need for Compulsory Purchase

3.9.1 A large proportion of the Ponders End High Street Regeneration area is in third party ownership and/or control. Although various strategic acquisitions have been completed or are in the process of being completed it is now clear that the acquisition by agreement of all the land required to facilitate the redevelopment proposals will not be possible within a realistic timeframe or even possibly at all.

3.9.2 The grant of Outline Planning Permission has been achieved for the redevelopment proposals and this will be an essential part of the case for Compulsory Purchase.

3.9.3 As part of the compulsory purchase process it will be necessary for the Council to be able to justify its proposals for the compulsory acquisition of the land and to be able to defend such proposals at a public inquiry. In the first instance this justification will be contained within the 'Statement of Reasons', a draft copy of which is attached Annex B.

3.10 Compulsory Purchase Powers

3.10.1 The most appropriate power to facilitate the land assembly process is contained within Section 226 of the Town and Country Planning Act 1990.

3.10.2 By virtue of Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by Section 99 and Schedule 9 of the Planning and Compulsory Purchase Act 2004), the Council, as the Acquiring Authority, on being authorised to do so, is able to acquire land by compulsory purchase means if it thinks that it will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.

3.10.3 The Council cannot exercise its power Under section 226(1)(a) unless and in accordance with section 226(1)(a) it thinks that the development, redevelopment or improvements will achieve any one or more of the following objects:

- The promotion or improvement of the economic well-being of the area; and/or
- The promotion or improvement of the social well-being of the area; and/or
- The promotion or improvement of the environmental well-being of the area.

3.11 Delivery and Funding

3.11.1 The proposed redevelopment of the Order Land will be secured through an appropriate development agreement with a delivery partner. The development agreement will be based on the Homes and Communities Agency's (HCA) Delivery Partner Panel documentation. The Council has recently completed a procurement process for a delivery partner, the appointment of which is subject to a separate report. Under the terms of the development agreement the Council is required to deliver vacant possession of the site to the Developer and the Developer is required to satisfy a number of conditions, including obtaining reserved matters consent pursuant to the Outline Permission within a prescribed timetable. Once the conditions have been satisfied a lease will be granted to the Developer to enable the

Developer to construct the development (that comprises the Order Scheme) on a phased basis.

3.11.2 The Developer will be responsible for procuring the funding to construct the Order Scheme and the agreement requires the Developer to provide sufficient information to the Council every two months to demonstrate that it has in place sufficient funding to meet all of its obligations under the development agreement and lease.

3.11.3 The Council considers that the potential funding and delivery of the proposed Order Scheme will have been secured once a Delivery Partner has been appointed on the above terms (a separate report addresses this).

3.12 Human Rights and the Case for Compulsory Acquisition

3.12.1 The Human Rights Act 1998 places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in the public interest and that the use of such powers is proportionate to the ends being pursued.

3.12.2 The Council must be sure that the purpose for which it is making the Order sufficiently justifies interfering with the human rights of those with an interest in the land affected. It is acknowledged that the compulsory acquisition of the Order Land will amount to an interference with the human rights of those with an interest in the Order Land. These include rights under Article 1 of the First Protocol of the European Convention on Human Rights (“ECHR”) (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the ECHR (which provides that everyone has the right to respect for his private and family life, his home and his correspondence).

3.12.3 There must be a balancing of the public interest and the individual’s rights and any interference with these rights must be necessary and proportionate. “Proportionate” in this context means that the interference must be no more than is necessary to achieve the identified legitimate aim. In this instance officers are of the view that there is a compelling case in the public interest for the compulsory acquisition of the Order Land which outweighs the interference with the rights of those affected. Further, it is the officers’ view that it will not be possible to acquire the land and interests needed to deliver the development by agreement within a reasonable timeframe, or possibly at all.

3.12.4 As has been stated above and set out in the draft Statement of Reasons (see Annex B), the proposed Order Scheme delivers key objectives of Government Policy and complies with planning policy. The clear benefits to the Council's area that will result from the realisation of the Order Scheme are referred to in this report and the draft Statement of Reasons. Without the use of the Council's powers of compulsory purchase, the much needed regeneration and redevelopment of Ponders End High Street will not be achievable, as there is no realistic possibility that all of the land necessary to deliver the development will be acquired by agreement.

3.13 Cost of Compulsory Purchase Action

3.13.1 The Council has set aside the funds as agreed by Cabinet on 18th July 2012 (Key Decision: 3525) necessary to acquire all interests in the Order Land and will as appropriate be drawing down funding from the following sources:

- Growth Area Funds;
- Mayor's Outer London Fund (Round 2);
- Neighbourhood Regeneration Capital Programme; and
- Prudential borrowing.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 Various discussions have taken place between the Council and the current owners of the former Middlesex University Site (Queensway Campus) with a view to bringing forward a redevelopment scheme that was in accordance with, and responded to, extant national, regional and local planning policy and guidance. Unfortunately these discussions did not bear fruit and the owners subsequently submitted a planning application (see Planning Application: P12-00732PLA) on 16th May 2012, which was considered by Enfield's Planning Committee at its meeting of 18th December 2012, where it was refused on the following grounds:

- It proposed a large proportion of starter and one-bed units with little family housing and no provision made for affordable housing;
- The size, sitting and design of some of the blocks would fundamentally compromise the comprehensive redevelopment of the High Street frontage as identified in the SPD;
- The proposed development would result in a poor quality and illegible environment that would not satisfactorily integrate with its surroundings;

- The proposals would result in undue harm to the fabric of the listed Broadbent Building and included the demolition of the Caretaker's cottage;
- Insufficient information was provided regarding the impact of the proposals on protected species;
- The proposals failed to demonstrate how opportunities would be taken to protect or enhance the natural environment and improve biodiversity; and
- Insufficient evidence was submitted to demonstrate compliance with the energy hierarchy.

This was confirmed by the Decision Notice issued on 14th February 2013.

- 4.2 Negotiations to acquire land and property interests have been pursued and will continue to be pursued in tandem with any compulsory purchase process. However progress is slow and there is real concern that not all parties will be willing to agree terms, as such a Compulsory Purchase Order is deemed the most appropriate way forward.

5. REASONS FOR THE RECOMMENDATIONS

- 5.1 The use of Compulsory Purchase powers is a vital tool in delivering large, mixed use regeneration schemes. The making of a Compulsory Purchase Order to assemble the proposed development site was envisaged when Cabinet recommended undertaking the background work for a Compulsory Purchase Order in April 2012.
- 5.2 As Outline Planning Permission has now been approved for the proposed redevelopment and as it is considered that full site assembly is unlikely to be achieved by agreement, it is considered that it is appropriate to progress the making of a Compulsory Purchase Order to support the delivery process.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

- 6.1.1 The Council has identified funds to enable the PCPO to be completed. The funding sources are set out in paragraph 3.13.1, above.
- 6.1.2. The key risks to this project are set out in section 7, below. As the project develops there will be further

progress reports and financial appraisal of the risks, where appropriate.

6.2 Legal Implications

- 6.2.1 Under section 226 (1) (a) of the Town and Country Planning Act 1990 a local authority has a general power to make a compulsory purchase order for the acquisition of any land in their area in order to facilitate the carrying out of development, redevelopment or improvement in relation to the land.
- 6.2.2 In order to exercise the s.226 powers the local authority must demonstrate that the proposed development/improvement is likely to contribute towards any of the following objects, namely the promotion or improvement of the economic or social or environmental well-being of their area.
- 6.2.3 Notice of the PCPO must be given to everybody with an interest in the land affected by it. The PCPO must also be advertised in a local newspaper which covers the area where the land is situated and persons affected have the opportunity to object to the PCPO. If objections are raised they must be referred to the Department for Communities and Local Government who may decide to hold a public inquiry. The Council and all those with valid subsisting objections will be able to present their case to an Inspector at such an Inquiry.
- 6.2.4 In respect of Human Rights, the Convention rights applicable to making of the Order are Article 1: Protection of Property, Article 6: Right to a Fair Trial and Article 8: Right to Respect Private Life and Family. As indicated above, officers are of the view that there is a compelling case in the public interest for the compulsory acquisition of the Order Land which outweighs the interference with the convention rights of those affected.

6.3 Property Implications

- 6.3.1 The proposed Scheme accords with the Council's property and planning objectives and processes. Property Services support the seeking of compulsory powers as being necessary to deliver the scheme as reliance on purchase by agreement with all the owners cannot be guaranteed.
- 6.3.2 Any acquisition of property by the Council or any transfer of Council property to the Delivery Partner must be in

accordance with the Council's Property Procedure Rules and transfers must be at "best consideration" to include any additional compensation payments made by the Council on property already acquired for the Scheme.

6.3.4 If there is any transfer of Housing Revenue Account land it should be appropriated to planning purposes. This should include reimbursement of capital value unless this is offset by any transfer of property in the Scheme back to the Council for housing purposes.

7. KEY RISKS

7.1 **Do Nothing** – the Council will be unable to deliver the Electric Quarter (as set out in Planning Application: P12-02677PLA).

7.2 **Unsuccessful Compulsory Purchase** – there are no guarantees that any CPO will be successful. The Council has however been working on the Regeneration of Ponders End High Street for several years which culminated with the grant of Outline Planning Permission on 5th March 2013. Subject to a separate report on your agenda a delivery partner should have been procured. The Statement of Reasons for the PCPO is annexed to this report and has been subject to expert legal and planning input. If Cabinet resolve to make the PCPO then further work will be undertaken to finalise the Statement of Case and prepare Proofs of Evidence as required by procedure, with a view to achieving the Confirmation of the Order.

7.3 **Legal Challenge** – there is always the potential for legal challenge, but this risk has been mitigated by ensuring that the appropriate procedures have been adhered to by seeking appropriate expert advice and guidance throughout the process.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The Regeneration of Ponders End High Street will promote fairness for all members of the local community through consulting the community on the proposals and by the planned provision of new commercial, community and residential development that is appropriately accessible to the local community. The Community Benefits Toolkit has already informed Tender Documentation, and accordance with its requirements was an evaluation criterion.

8.2 Growth and Sustainability

Growth and sustainability are central to the proposals for Ponders End High Street. The proposed development (see Planning Application: P12-02677PLA) will provide growth in terms of increasing the supply of quality housing in the area; improving the quality and quantity of commercial space; and by including one or more community uses that will facilitate appropriate community activities.

8.3 Strong Communities

The proposals for Ponders End High Street (see Planning Application: P12-02677PLA) aim to increase home ownership levels in the area which will create a more mixed community and support greater footfall along the High Street. The proposed redevelopment will also provide a range of unit sizes to accommodate a diversity of community and commercial uses, and improving the public realm will facilitate the free flow of people between the High Street, Park, and the former Middlesex University site. The scheme will also provide sufficient space to accommodate the expansion of the local Mosque, which is very popular and at capacity.

9. EQUALITIES IMPACT IMPLICATIONS

9.1 In accordance with the Contract Procedure Rules Version 6, the Regeneration of Ponders End High Street has been subject to a Predictive Equality Impact Assessment in March 2012 and an Equalities Impact Assessment in October 2012 as part of the outline planning application.

9.2 Overall the Equalities Impact Assessment finds the proposed development will respond positively to securing a development that promotes equality.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The Regeneration of Ponders End High Street contributes towards the achievement of:

- Core Policy 41 of the Core Strategy
- Shaping Enfield's Future
- North East Enfield Preferred Options Report
- Ponders End Central Planning Brief (approved for adoption)
- 5a of the Sustainable Community Strategy 2007-2017
- Key Aim 4 of Creative Enfield 2009-13
- 2.10 "Improve the Quality of life for residents through the regeneration of the priority regeneration areas" of the Enfield Council Business Plan.

11. PUBLIC HEALTH IMPLICATIONS

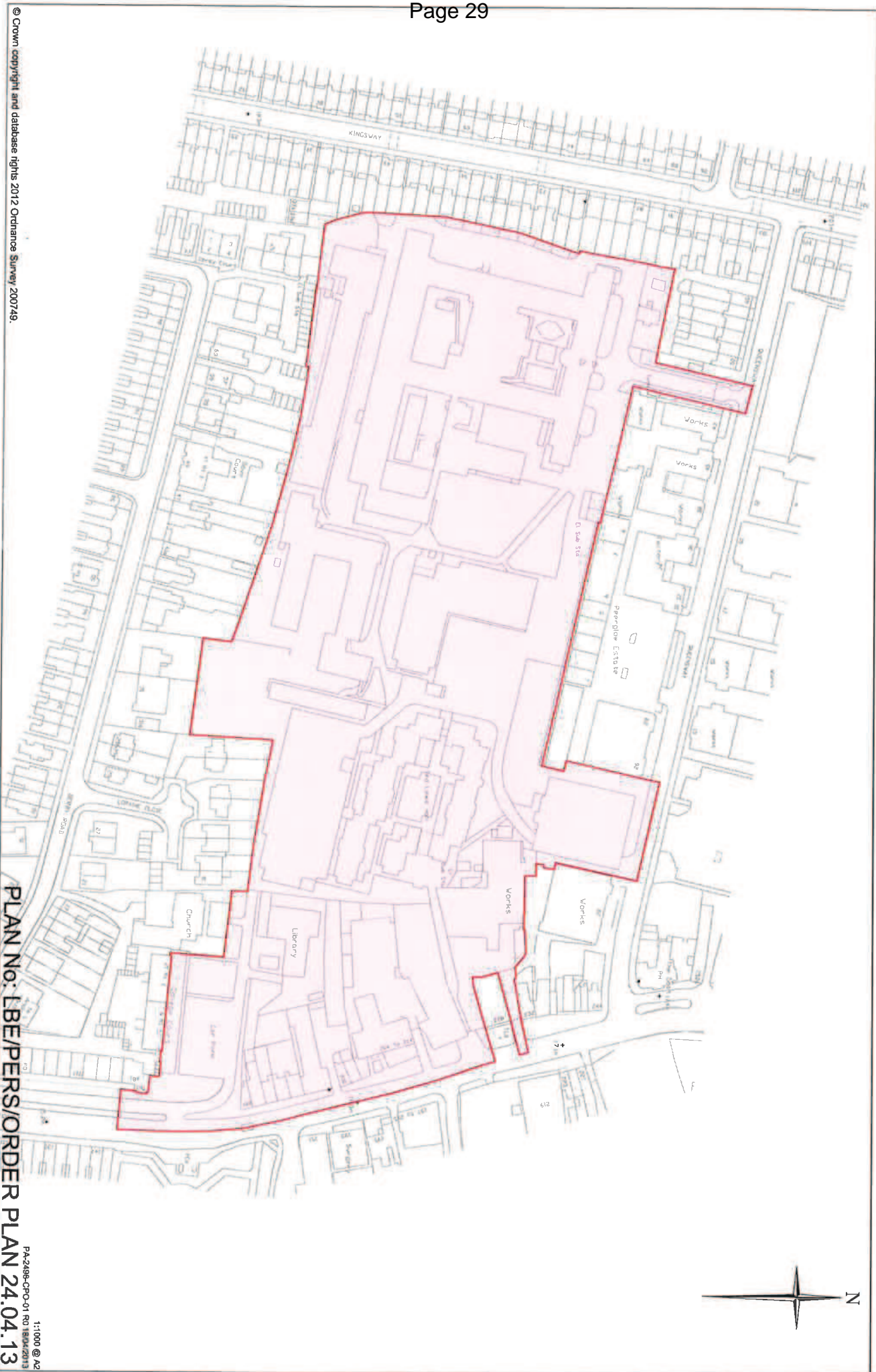
- 11.1 The Outline Planning Application (see Planning Application: P12-02677PLA) included a Health Impact Assessment. It concluded that the development will have an overall beneficial effect on several determinants for health, in particular on employment and education (in terms of job training), which have been identified as priorities in the local area.
- 11.2 Furthermore, the development has the potential to benefit several vulnerable groups which have been identified in the area. These groups include the unemployed, young people and children in poverty, mainly through the education and training opportunities, but also through the re-provision of a more modern and attractive library.

Background Papers

None.

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MAP REFERRED TO IN THE PROPOSED COMPULSORY PURCHASE ORDER FOR PONDERS END ELECTRIC QUARTER



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**LONDON BOROUGH OF ENFIELD
(PONDER'S END ELECTRIC QUARTER)
COMPULSORY PURCHASE ORDER 2013**

STATEMENT OF REASONS

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**LONDON BOROUGH OF ENFIELD (PONDERS END ELECTRIC QUARTER)
COMPULSORY PURCHASE ORDER 2013**

STATEMENT OF REASONS

1. INTRODUCTION

- 1.1 This is the Statement of Reasons of the London Borough of Enfield (“**the Council**”) for making the London Borough of Enfield (Ponders End Electric Quarter) Compulsory Purchase Order 2013 (“**the Order**”). This is a non-statutory statement provided in compliance with paragraph 35 of Circular 06/04 Compulsory Purchase and the Crichel Down Rules (“**the Circular**”).
- 1.2 This section of the Statement of Reasons sets out a brief overview of the purposes of the Order and the content of this Statement. In preparing this Statement the Council has endeavoured to provide sufficient information in relation to each of the topics identified in Appendix R of the Circular, so that its reasons for making the Order can be properly understood.
- 1.3 The land proposed to be compulsory acquired and/or used under the Order (“**the Order Land**”) comprises an area of land of approximately 5.21 hectares that includes a number of properties that front the west side of Ponders End High Street and the former Middlesex University Queensway campus located to the west of Ponders End High Street (“**the Queensway Campus**”).
- 1.4 The Order Scheme is compliant with national, regional and local planning policy and this is discussed in more detail in Section 5. In particular, the Order Land forms the majority of the land identified for redevelopment in the Ponders End Central Planning Brief (Supplementary Planning Document) (May 2011) (“**SPD**”) that is referred to as ‘**Ponders End Central**’ (also known as the Electric Quarter). The redevelopment proposals for Ponders End Central outlined in the SPD have largely been incorporated in the Order Scheme proposals.
- 1.5 The extent of the land proposed to be compulsory acquired is set out in greater detail in Section 3 below and is shown on the Order Map. The Order and Order

Map have been deposited at the Council's Offices at the Civic Centre, Silver Street, Enfield, EN1 3XA and can be viewed there at all reasonable hours.

1.6 The Order has been made to deliver the following:

- (i) The creation of a vibrant high street in Ponders End, with high quality public realm, active frontages and enhanced realm in order to create a safe, harmonious and attractive centre with new and improved shopping, civic and employment uses as well as providing a choice of new homes;
- (ii) The redevelopment of the Queensway Campus for a mix of uses, including new homes and community uses;
- (iii) The creation of new linkages from the heart of the Queensway Campus to the High Street, Hertford Road and Queensway;
- (iv) The promotion and improvement of the economic, social and environmental well-being of the area ("**the Order Scheme**").

1.7 This Statement will cover the following matters:

- 1.1.1 identify the powers under which the Order is made (section 2);
- 1.1.2 describe the Order Land (section 3);
- 1.1.3 describe the purpose of the Order and the Order Scheme (section 4);
- 1.1.4 describe the current planning position for the Order Scheme and explain the planning policy relevant to the development of the Order Land and the evolution of the Order Scheme(section 5);
- 1.1.5 summarise the funding and delivery arrangements for the Order Scheme (section 6);
- 1.1.6 deal with arrangements with any statutory undertakers and any special considerations (sections 7 and 8);

- 1.1.7 deal with the effect on existing businesses and residents (section 9); and
- 1.1.8 explain the relationship between the Order and the Human Rights Act 1998 (section 10).

2 The powers under which the Order is made

- 2.1 The Order has been made under Section 226(1)(a) of the Town and Country Planning Act 1990 (“the 1990 Act”) as amended, the Council being of the view that the proposed acquisition of the Order Land will:
 - (a) Facilitate the carrying out of development/redevelopment or improvement on or in relation to the land; and
 - (b) Will contribute to the promotion or improvement of the economic, social and environmental well-being of the London Borough of Enfield.
- 2.2 The Council’s Cabinet approved the use of compulsory purchase powers to secure the Order Land on [] (“**Cabinet Resolution**”) pursuant to s226(1)(a) of the Town and Country Planning Act 1990. The Council believes that the acquisition of the Order Land will assist it in achieving the regeneration of Ponders End Central. The resulting redevelopment will result in an improvement to the environmental, social and economic well being of the immediate vicinity of Ponders End Central and the Council’s wider administrative area.
- 2.3 The Circular provides guidance to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this guidance in making the Order. The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest (paragraph 17 of the Circular) which justifies the overriding of private rights in the land sought to be acquired. It is considered a compelling case exists here.
- 2.4 The Council has given careful consideration to the reasons as to why it is necessary to make the Order in pursuance of its statutory powers. The freehold owners, lessees and occupiers affected by the Order have been invited to enter into discussions with the Council with a view to agreeing appropriate terms for payment

of compensation. A number of meetings have taken place over a lengthy period between the parties and valuations are being prepared for further discussion. The Council considers that it is necessary to utilise its powers under s226(1)(a) and make the Order for the following reasons:

- a large proportion of the Order Land is in third party ownership and/or control and it is unlikely that any party, other than the Council through the use of its compulsory purchase powers, could assemble the Order Land so as to deliver a comprehensive regeneration scheme;
- to enable the Order Land to be redeveloped in a comprehensive manner,
- to give certainty to timescales for redevelopment of the Order Land,
- to deliver the wider public benefits that the redevelopment of the Order Land will secure (see Section 4 below); and
- to provide a degree of certainty that the redevelopment of the Order Land will be carried out.

2.5 The Council already owns the following strategic sites that will assist in the delivery of the Order Scheme:

2.5.1 Former Police Station Site of at 204-214 High Street acquired in October 2011 that provides a link between the Queensway Campus and the High Street as it occupies a frontage site on the High Street (**'Police Station Site'**);

2.5.2 The library building at College Court and car parking area; and

2.5.3 The car park and outdoor space at the Tara Kindergarten building at 198 High Street.

2.6 Compulsory purchase powers are considered to be not only necessary but justified and there is a compelling case for their use in the public interest. In accordance with guidance in the Circular discussion with the landowners to acquire the Order Land by private treaty will continue in parallel with this compulsory purchase process.

3 Description Of The Order Land, Location And New Rights

3.1 The Order Land comprises an area of land of approximately 5.21 hectares. The eastern boundary is formed by Ponders End High Street (A1010). Part of the

northern boundary comprises a series of two/three storey buildings that house a variety of small-scale office and warehouse functions associated with the Queensway Industrial Area. The western boundary comprises Kingsway, which is lined by traditional terraced houses with gardens backing onto the Order Land. Derby Road and Loraine Close, to the south of the Order Land support a mix of detached, semi-detached and flatted properties.

3.2 Full details of the Order Land appear in the Schedule to the Order but in summary it comprises :-

- The Queensway Campus which is a 3.9 hectare site that comprises a range of faculty buildings, a hall of residence for 350 students, a multi-storey car park and the listed (Grade 2) Broadbent Building and gymnasium;
- an area of car park to the rear of the Enterprise Centre;
- the single storey retail units at Nos.188-196 High Street;
- the Tara Kindergarten at No.198 High Street;
- a pair of 2 storey retail units at Nos. 200/202 High Street;
- the cleared site of the former Beef and Barrel Public House at 216 High Street;
- the industrial unit at No.230 High Street, that sits back from the High Street frontage, behind the Mosque; and
- Ponders End Library, off College Court and its car parking area.

3.3 Details of the interest(s) and rights to be acquired are listed in the Schedule to the Order. This Schedule has been prepared based upon information gathered through inspection of the Land Registry title documents, site inspections and enquiries, and the responses to notices issued requesting title information under the Acquisition of Land Act 1981 Section 5(A). Whilst it represents a schedule of known interests it is acknowledged that other currently unknown interests may emerge as the compulsory purchase process proceeds. Save where expressly excluded, the Council intends to acquire all interests in the Order Land.

3.4 The Order Map identifies the land proposed to be acquired (coloured pink) and the individual plot boundaries and numbers correspond with the plot numbers in the Schedule to the Order.

3.5 The extent of the Order Land is illustrated on the plan appended to this Statement. Other important areas of land in the vicinity of the Order Land that are also identified include:

- Queensway, which is a successful employment area that provides a busy and thriving business community with generally small scale office and warehouse space, is located to the north of the Order Land (“**Queensway Industrial Area**”);
- Ponders End Park to the east of the Order Land, which is currently being transformed from a functional recreational ground into a valuable sustainable community space; and
- Tesco Extra store located to the north of the Order Land on the High Street; and
- Southbury Station which represents the closest rail link to the Order Land with direct links to London Liverpool Street station.

4 Purpose of the Order and the Order Scheme

Background

4.1 Ponders End is currently an area of high deprivation. According to the Indices of Deprivation 2010, Ponders End has been calculated to be the fourth most deprived of 21 wards in Enfield and within the most deprived 20% wards in England. The 2011 Census revealed that the ward has the fourth lowest average household income of the 21 wards in Enfield, as estimated in 2009, and the proportion of households having an income of less than £15,000 was put at 28.8% compared to a borough average of 23.2%. The number of people claiming key out of work benefits in Ponders End in 2011 was 22.5% of the estimated working age population, compared to a Borough average of 16.4%. The overall poverty rate is one of the highest within the Borough. According to Metropolitan Police crime figures for antisocial behaviour and burglary are high compared to other wards.

4.2 Ponders End is an area that is in need of significant inward investment and the provision of new employment space, retail units, the improvement of the public realm and the delivery of a range of housing sizes and tenures. A Housing Needs Assessment was commissioned to support the planning application for the Order Scheme and this revealed that there is a need to improve the supply of family housing and smaller units, both affordable and private market housing, within the area.

- 4.3 The need for the regeneration of Ponders End was first discussed by the Council in 2007 when the Council gathered together a wide range of stakeholders to develop a vision for Ponders End. The strategy has evolved into regional and local planning policy and the aspirations of these policies, particularly the SPD, are reflected in the Order Scheme proposals. The redevelopment of the Order Land is a key element in the Council's overall vision for the improvement of Ponders End. The Order Scheme is compliant with all relevant national, regional and local planning policies, save for adjustments that have been necessitated by various technical, financial and market conditions, and the planning policy background to the Order Scheme is discussed more fully in Section 5.

Ponders End High Street

- 4.4 The High Street is at the heart of Ponders End and includes a diversity of local shops and businesses that provide a unique offering to local residents. From dry cleaners, to baklava bakeries and from fast food outlets to insurance brokers Ponders End High Street has a wide retail offering and a large Tesco Extra store is located at the end of the High Street. There has been a significant decrease in footfall resulting from the closure of the Queensway Campus, however, which has been compounded by the economic downturn. Key developments on the High Street have stalled, which have discouraged investment and contributed to the ongoing decline of the area. The businesses within the section of the High Street included within the Order Land currently comprise:

- a large vacant pub site;
- the Former Police Station site which is currently disused;
- a couple of cafes;
- an insurance broker;
- an estate agent;
- a hair salon;
- a discount shop; and
- the Tara Kindergarten site.

- 4.5 The building line of the High Street is generally weak, with a varied building line fronting the street. There are buildings of architectural merit but also new developments that do not positively impact on the street scene. Community uses

are important in creating a central hub of activity along with the commercial uses of the street but the library, which is an important community facility, is located in an understated single storey building away from the High Street.

- 4.6 The High Street is defined as a Local Hub in the Core Strategy and its residential catchment is defined as residents working and living within 25-30 minutes walking distance of the High Street, but the presence of the Tesco store brings in consumers from a far wider catchment. This offers a largely untapped visitor catchment and there is potential for the High Street to provide a wider retail offer than that which is usually expected from a Local Hub. Footfall can be drawn onto the High Street from Tesco if there is a complementary retail offer which encourages shoppers to walk across to the High Street and utilise its services. The Order Scheme includes a mix of units in terms of size that will suit different types of retail operator and attractive areas of public realm and improved linkages to the wider area. The Order Scheme will include the relocation of the library to a prominent location on the High Street within the Tara Kindergarten building and this will assist in drawing people onto the High Street. Getting the foundation of the High Street right will in turn attract shoppers and other investors into the area for its long term sustainability.

Access and Linkages

- 4.7 The Council believes that the key to the regeneration of Ponders End Central is the comprehensive redevelopment of the Order Land. Currently, however, the Queensway Campus is segregated from the High Street by a line of property which forces vehicles to use Queensway as the only entrance to the site, whilst pedestrians can use a narrow pedestrian link to the High Street. The former Police Station site is located at a gateway to the Queensway Campus and the Council's acquisition of the Former Police Station site will, therefore, assist in addressing the key issue of access and linkages between the Queensway Campus and the High Street. The Order Scheme proposes the demolition of the Former Police Station and the creation of important linkages between the Queensway Campus and the High Street.
- 4.8 Overall the Order Scheme proposes the creation of a new sequence of connected public streets and spaces and proper integration of the Queensway Campus with the High Street. These necessary links will ensure that the new residential

community to be created within the Queensway Campus has safe and convenient access to the facilities along the High Street, public transport and the Park.

Queensway Campus

- 4.9 The Queensway Campus dates from 1938 when the Broadbent Building was constructed but the university buildings were introduced over many years, leading to a disparate and badly planned area. The only buildings worthy of retention are the Broadbent Building, gym and caretaker's cottage. The remaining buildings are not of any merit for conversion and require demolition.
- 4.10 The Queensway Campus has been vacant since 2008 and there is no longer a need for the site to provide a university facility and residential accommodation. In reviewing its longer term future and redevelopment potential, through the various policy documents summarised in Section 5, the Council has identified that the Queensway Campus should accommodate a residential-led mixed use development. The Queensway Campus will predominantly be demolished and residential accommodation provided that comprises a range of family 4 and 3-bed dwellings and smaller dwellings with an overall density of 280 habitable rooms per hectare. The Affordable Housing will comprise:
- 30% affordable housing, with a tenure split of 58% affordable/social rented and 42% shared ownership housing;
 - 50% of the affordable/social rented units are family sized 3 and 4 bed homes, whilst 37% of the affordable housing content overall is family housing.
- 4.11 The listed Broadbent Building will be converted into residential accommodation, and commercial live/work floorspace (Class B1). The conversion of the Broadbent Building will not only add to the richness of the area and complement industrial uses along Queensway, but is a sympathetic use of the listed building, appropriate to its historic function as a technical college. The Gymnasium will be converted into community use, including the potential for a nursery, as the current nursery in the Tara Kindergarten will be displaced.
- 4.12 The opportunity will also be taken to improve access into and through the existing Queensway Industrial Estate and hence improve the operational conditions within the existing estate in line with objectives in the SPD.

Sustainability

- 4.13 A site wide gas fired CHP system is proposed for the Order Scheme and upon completion of the development the system is expected to offset approximately 190 tonnes of carbon per year, which corresponds to a reduction in the Order Scheme's predicted total carbon emission of 13%. This reduction will be further improved by the provision of up to 700 sq m of roof mounted photovoltaic panels, which could provide a 41 tonnes CO2 saving per year and reduction in the Order Scheme's predicted total emissions of 3%. The possibility of connecting to a district heating network will continue to be explored, although there are no networks currently available that have sufficient capacity. The new build residential accommodation and the live-work commercial space will be built to Code for Sustainable Homes Level 4 and BREEAM 'very good' performance standards.
- 4.14 In terms of other sustainability measures, the Order Scheme will incorporate the use of SUDS; the incorporation of recycling and waste storage areas; the integration of a holistic biodiversity scheme, the inclusion of green and brown roofs; green link and facades, nesting opportunities, managed bio diverse areas; tree replacement and bat mitigation.

Alternative proposals for the Queensway Campus

- 4.15 The Council originally intended to work with the current owners of the Queensway Campus to bring forward a redevelopment scheme that would be integrated with the Council's proposals for the High Street and the rest of the Ponders End Area. The Council has engaged with the owners of the Queensway Campus and discussed the Council's proposals for the area, which are all grounded in regional and local planning policy, but the owners have different views to the Council regarding the redevelopment of the Queensway Campus.
- 4.16 The owners of the Queensway Campus brought forward a planning application (Planning Reference: P12-00732PLA registered on 16 May 2012) for its redevelopment that included 471 residential units and 975 sq m commercial floorspace. The owners application did not meet regional and local planning policy requirements and was refused on 14th February 2013 for the following main reasons:

- proposed a large proportion of starter and one-bed units with little family housing and no provision made for affordable housing;
- the size, siting and design of some of the blocks would fundamentally compromise the comprehensive redevelopment of the High Street frontage as identified in the SPD;
- the proposed development would result in a poor quality and illegible environment that would not satisfactorily integrate with its surroundings;
- the proposals would result in undue harm to the fabric of the listed Broadbent Building and included the demolition of the caretaker's cottage;
- insufficient information was provided regarding the impact of the proposals on protected species;
- the proposals failed to demonstrate how opportunities would be taken to protect or enhance the natural environment and improve biodiversity; and
- insufficient evidence was submitted to demonstrate compliance with the energy hierarchy.

4.17 The Listed Building Consent application associated with the owners' planning application which included the demolition of the caretaker's cottage was also refused for the following reason (Reference: P12-00733HER).

- The proposal by reason of the works proposed to the fabric of the Broadbent Building, including the proposed extension to the auditorium, together with the demolition of the Caretaker's Cottage, would result in undue harm to the significance of the heritage asset, contrary to London Plan policies 7.8 and 7.9, Core Policy 31 of the Enfield Plan Core Strategy, Planning Policy Statement 5 Practice Guide and the National Planning Policy Framework.

Summary

4.18 In light of the fundamental differences between the Council and the owners of the Queensway Campus regarding the development strategy for the Ponders End area, the Council is of the view that the only option for delivering the redevelopment of Ponders End High Street and the Queensway Campus is for the Council to acquire all of this land to promote the Order Scheme, as envisaged by the Planning Permission. This is because the Council does not believe that the Queensway Campus will be redeveloped within a reasonable timescale, or at all. The

redevelopment of the Queensway Campus is crucial to the economic success of the High Street as it will bring residential and commercial occupiers into the area, that will generate footfall to the High Street and more demand for local goods and services. The regeneration of the Order Land as envisaged by the Order Scheme would provide a major opportunity for delivering transformational change in this deprived part of the borough of Enfield. The Order Scheme as permitted by the Planning Permission comprises the following key elements:

- The demolition of approximately 150 sq m (GEA) of existing residential floor space;
- The demolition of approximately 25,549 sq m (GEA) of existing non-residential floor space;
- The retention, refurbishment and conversion of the Tara Kindergarten building (198 Ponders End High Street) to provide up to 491 sq m (GIA) of replacement library accommodation to replace the College Court library (Class D1) lost as part of the development;
- The retention and refurbishment of the listed Broadbent Building, caretaker's cottage and gym within the Queensway Campus to provide 4,503 sq m (GIA) of residential floor space and up to 31 dwellings, 2,141 sq m (GIA) of commercial/live work space (Class B1) and 427 sq m (GIA) of community use (Class D1);
- The retention and refurbishment of the existing multi-storey car park on Queensway to provide parking for up to 119 cars (89 residential and 30 replacement spaces for employees of Enterprise Enfield) and an energy centre;
- The construction of up to 39,927 sq m (GIA) of new residential floor space (Broadbent Building: 1,088 sq m (GIA) and the remainder of the site: 38,839 sq m (GIA)) to provide up to 377 new, mixed tenure dwellings (Broadbent Building: 12 dwellings; remainder of the site: 365 dwellings);
- The construction of up to 567 sq m (GIA) of new commercial (Class B1) floor space;
- The construction of up to 736 sq m (GIA) of new mixed retail (Class A1-A4);
- The construction of up to 156 sq m (GIA) of new community (Class D1) floor space;
- Surface car parking on street within College Court car park and in structure parking within Plot A1 for up to 252 cars (212 residential, 167 on street and 45 in

Block A1), 10 commercial, 27 retail (College Court replacement and 3 community);

- The introduction of new high quality public open space and public realm and private amenity space.

4.19 In summary the socio-economic benefits of the redevelopment of the Order Land will include:

- the provision of 267 full-time new jobs;
- the provision of 950 temporary construction jobs ranging from one to five years;
- 13,700 people within a 20 minute walk will have ready access to the new High Street retail and community space;
- the 500,000 visitors to Southbury and Ponders End stations will benefit from the new High Street offer;
- the new housing units will provide valuable decanting for residents affected by the Alma Estate redevelopment, which aims to provide 1000 new homes for local people;
- the Order Scheme could allow for the popular and overcrowded Mosque to expand to meet the needs of its congregation; and
- the Order Scheme will make a valuable contribution to building the 11,000 homes required in Enfield by 2026.

5 Planning Permission Status and Planning Policy Background

5.1 Outline Planning Permission (with some matters reserved) was granted for the Order Scheme on 5 March 2013 (Planning Permission reference: P12-02677PLA) ("**Outline Permission**"). The Outline Permission permits the:

'demolition of existing buildings on site (excluding the Broadbent Building, Gymnasium, Caretaker's Cottage, multi-storey car park to the Queensway frontage and 198 High Street) and the redevelopment of the Site to provide a mix of residential (Class C3), business (Class B1), retail (Classes A1-A4) and community uses (Class D1), hard and soft landscaping and open space, new connection (vehicular and pedestrian) to High Street via College Court, retention and alteration of existing accesses to Queensway, car and cycle parking (including alterations to car parking arrangements within College Court) and all necessary supporting works and facilities, including an energy centre; the retention, refurbishment and extension

of the listed Broadbent Building, retention and refurbishment of the associated caretaker's cottage and gymnasium to provide up to 43 residential units, 2,141 sq m (GIA) of commercial/live work floor space (Class B1) and 427 sq m (GIA) of community use'.

5.2 The development proposals for which the Council wishes to pursue the Order Land and the elements of the Planning Permission were formulated in the light of:-

- All relevant national planning policies;
- The statutory development plans; and
- Relevant non-statutory policies.

5.3 Listed Building Consent will be required in relation to the proposed works to the Broadbent Building and the Gymnasium and an application has been made (Reference:P12-02678HER) ("**Listed Building Consent Application**")¹. Sufficient information was submitted in relation to the application for the Outline Permission to enable the conclusion to be reached that the proposed extension to the listed buildings is acceptable in terms of its size, siting, scale and general pattern of fenestration and that subject to conditions, planning permission could be granted. However, a Listed Building Consent application requires a much greater level of detail. As the Council is the applicant for this Listed Building Consent application, the legislation presently requires that the application be determined by the Secretary of State, through the Department for Communities and Local Government. Accordingly, the Listed Building Consent application will not be decided by the Council and will be referred to the Department for determination. The proposals for the listed buildings are supported by English Heritage.

National Planning Policy - National Planning Policy framework ("NPPF")

5.4 The NPPF (March 2012) sets out the Government's policies on planning and how these are expected to be applied. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to sustainable development: economic, social and environmental. The NPPF sets out 12 core land-use principles and one of these is that planning should proactively drive and support sustainable economic

¹ This section will need to be updated as the application progresses.

development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

- 5.5 With regard to the Order Scheme, the approach taken by the Council to promoting the regeneration of this area already embodies the thinking regarding sustainable development in the NPPF in terms of the emphasis on urban regeneration and the efficient re-use of previously developed land in order to create sustainable development in line with economic, social and environmental objectives to improve people's quality of life. The emphasis on community involvement; creating a sustainable community in a high quality, safe and healthy local environment where people want to live; contributing to the promotion of urban renaissance and improvement of quality of life and access to jobs; building a socially inclusive community with a mix of housing; and improving the link between land use and transport are all in line with these proposals.

Regional Planning Policy and Guidance – the London Plan

- 5.6 The Mayor's revised London Plan was formally adopted in July 2011 and provides for strategic spatial strategy within Greater London. The Plan sets out a number of objectives to optimise the potential of development sites; make the most sustainable and efficient use of land, particularly in areas of good public transport; improve the quality of life; deliver high quality new homes; mitigate and adapt to climate change and secure a more attractive, well designed green city.
- 5.7 Policy 2.3 of the London Plan refers to "opportunity areas" that have been identified on the basis that they are capable of accommodating substantial numbers of new homes and employment and seeks to ensure the area's potential is optimised. In terms of planning decisions it is envisaged that development proposals advanced in such areas should:
- Support the strategic policy directions for the opportunity areas;
 - Seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses;

- Contribute towards meeting the minimum guidelines for housing and/or indicative employment numbers;
- Realise scope for intensification associated with existing or proposed improvements in public transport..... make best use of existing infrastructure and to promote inclusive access including cycling and walking; and
- Support wider regeneration (including in particular improvement to environmental quality) and integrate development proposals to surrounding areas especially areas of regeneration.

5.8 The Upper Lee Valley is identified in London Plan Policy 2.13 supported by London Plan Annex One, as an opportunity area. The consultation draft of the Upper Lee Valley Opportunity Area Planning Framework (November 2011) identifies Ponders End as a “growth area” and an opportunity for new job creation and new homes. The framework identifies the Ponders End area as contributing up to 1100 new homes and 700 new jobs by 2031. The Queensway Campus is seen as providing the catalyst to providing a “continuous vibrant high street”.

Local Policy – Core Strategy

- 5.9 The Core Strategy sets out the spatial planning framework for the long term development of the borough for the next 15-20 years. Paragraph 9.35 states that Ponders End is seen as an area with considerable potential, “...given its location so close to the Lea Valley Regional Park, strong transport routes including Southbury and Ponders End railway stations and Picket Lock to the south”.
- 5.10 Ponders End is identified as a “Place Shaping Priority”. Its regeneration and transformation is seen as a key element of the core strategy spatial vision and it is acknowledged in paragraph 9.36 that considerable investment and improvement will be needed to ensure that the area fulfils its potential as a “desirable and settled community”.
- 5.11 Core strategy policy 41 deals specifically with the regeneration of Ponders End and identifies three areas of future development opportunity: Ponders End Central, Ponders End South Street campus and Ponders End waterfront. In particular the policy identifies a series of development objectives for Ponders End Central which include:

- The creation of up to 1000 homes by 2026 with a range of sizes and tenures, including affordable homes. The Middlesex University site is specifically identified as a site that could accommodate housing as part of a mixed use development.
- The provision of an attractive public realm, designed to promote community safety.
- High quality new development that complements the heritage assets and historic environment of Ponders End, such as the listed Middlesex University building.
- A holistic development at Ponders End Central incorporating the former Middlesex University Campus, Queensway employment area, better use of land around Tesco and a vibrant, good quality local shopping centre and community hub, with vacant sites along Ponders End high street redeveloped to complement the local offer.

North East Enfield area action plan (Interim Direction Document August 2012)

5.12 This document sets out the Council's approach towards regeneration in North East Enfield. The spatial strategy contained within the document is underpinned by a number of key objectives, including to plan for growth and change; to create sustainable neighbourhoods; to increase the capacity of existing employment land and improve access; to protect, enhance and improve the natural environment; to ensure everyone has access to high quality health, leisure and community facilities and to improve overall accessibility and connectivity.

5.13 Ponders End is identified as a large local centre and land that includes the Order Land is identified as a key focus for regeneration. A number of key priorities are identified for the area, as follows:

- The Council's intentions to take a comprehensive area based approach to enable the transformation of the former Middlesex University and the clusters of sites on the high street as a focus of social life and activity, with new and improved shopping, civic and employment uses as well as providing a choice of new homes;

- The creation of a vibrant High Street, with high quality public realm, active frontages and enhanced public realm in order to create a safe, harmonious and attractive centre, which can be enjoyed by all;
- The development of the former Middlesex University site for a mix of uses, including new homes and community uses;
- A holistic approach to the redevelopment of the University site, addressing opportunities for improvements to the high street and its facilities;
- The retention and enhancement of the listed Broadbent building as part of any redevelopment;
- The creation of a more coherent active frontage onto Hertford Road, the High Street and Queensway in order to overcome historic voids in the built form which detract from the overall streetscape of the local centre; and
- The creation of new linkages from the heart of the University site to both Hertford Road and Queensway and the integration of any new development into the surrounding community.

Ponders End Central Planning Brief SPD

- 5.14 The SPD brings together all the ideas for Ponders End Central, raised by many residents, community groups and businesses. It identifies how the former Queensway Campus might look in the future, how it might be integrated into the town centre and how regeneration and change might be delivered in line with the Core Strategy's objectives.
- 5.15 The vision that underpins the SPD brief is to deliver a "more prosperous, inclusive, clean, green and stable place with a mix of architecturally excellent homes of different tenures and sizes, supported by local services and community facilities for all ages and mobilities" (page 46 of the SPD).
- 5.16 The vision statement also promotes a transformation of land and buildings that include the Order Land to provide "a low carbon, walkable neighbourhood comprising a balanced range of affordable sustainable new homes, jobs and amenities that are well connected into the wider neighbourhood".
- 5.17 Site specific proposals include:

- Up to 490-560 units of predominantly family housing;
- 60% market and 40% affordable housing, and within that 40%, a 70% social rented and 30% intermediate housing split, subject to viability and wider place shaping aspirations.
- Public pedestrian, cycle and vehicular connections into the high street, Queensway and Derby Road towards Southbury station.
- Sustainable design from the outset, including an approach to integrated water management, quality materials, waste treatment, recycled materials, biodiversity and community growing space.
- An aim to reduce Sustainable Code Level 4 or BREEAM Excellent.
- Predominantly dual aspect homes with generous internal space standards and 50% amenity space for houses and 50% amenity space for flats with between 50-75% car parking.
- 10% wheelchair accessible units, Lifetime Home standards and Secured by Design principles.
- Employment uses to the north of Queensway Campus site and/or workshops located to the south of the listing building.
- The retention and enhancement of the listed building.
- Accessible public amenity space and communal play space.

Assessments against policy

- 5.18 Using these policies and principles as a starting point the planning application for the Order Scheme was evolved and it sought to balance the planning policy considerations and technical, market and financial considerations.
- 5.19 In line with planning policy the Order Scheme advances a comprehensive strategy for the majority of land and buildings that comprise the SPD. The specific elements of the Order Scheme are analysed below:

Housing - the Order Scheme includes a residential led mixed use development and in line with the objectives of the SPD it emphasises family housing and the provision of a range of private, semi-private and public spaces. The mix of housing is not entirely policy compliant but the Housing Market Assessment that was prepared to accompany the planning application for the Order Scheme concluded that a completely policy compliant mix may result in too great a supply of 4 bed units and

too few 2 bed units. In line with planning policy and the specific needs and demands of the existing population a mix of residential unit types, including a proportion of affordable housing are included within the Order Scheme. The housing will comply with best practice in terms of design, sustainability and energy conservation.

- 5.20 **Public Realm** - The layout of the Order Scheme gives priority to the pedestrian and the cyclist rather than the car and all spaces and places are overlooked and based on principles of Secure by Design. The various links and routes proposed by the Order Scheme are integrated into the wider movement network, thus improving the relationship of the Order Land to its surroundings and providing ease of pedestrian movement into and through the Order Land.
- 5.21 **Parking** - Car and cycle parking is provided in line with the standard set by the SPD and the use of an existing multi storey car park provides an opportunity to minimise the impact of the car on the public realm.
- 5.22 **Landscape issues** - Existing trees and habitats are protected as far as possible and where it is necessary to remove such existing trees/habitats the landscape strategy proposes the replacement of existing and/or the creation of new habitats in order to ensure appropriate compensation/enhancement of existing habitats.
- 5.23 **Amenity Space** – A total of approximately 3,000 sq m of children’s play space will be provided with door step play for under 5’s in shared courtyards and local playable space for 0-11 years in the communal open green space and home zones, which is compliant with Policy 3.6 of the London Plan. Ponders End Park is also in close proximity to the Order Scheme and will provide a wide range of recreational and community activities.
- 5.24 **Retail Offer** - The existing retail provision on the High Street will be replaced and enhanced. The new replacement units range in size and provide opportunities to accommodate a variety of occupiers. The potential also exists to support emerging retail businesses through the identification of a proportion of the overall floor space at subsidised rents.
- 5.25 **Employment** - The redevelopment will result in existing employment floor space being lost from the site but it is proposed that any existing businesses that are lost

as a result of the development will be assisted by the Council to find alternative accommodation within Enfield. The proposals also include the provision of new, flexible replacement floor space that will provide opportunities to accommodate a range of small/medium enterprises and to expand and to diversify the range of commercial floor space in the area. In addition, an existing library and a nursery will be improved and relocated within the Order Scheme.

- 5.26 **Listed Buildings** – in line with planning policy the proposals provide for the retention of the listed Broadbent Building and Gymnasium and their sensitive refurbishment for a mix of residential and commercial and community uses.
- 5.27 The Order Scheme proposals were subject to extensive discussions with Council officers and the GLA and as a result the principles adopted were broadly supported and are considered to satisfy the aspirations of the area set out in the various adopted and emerging policy documents.
- 5.28 Based on the above, the proposals are considered to provide the opportunity to bring an under used town centre site back into use and to secure the delivery of a mixed neighbourhood that will contribute significantly to the economic, environmental and social sustainability and well-being of the wider Ponders End town centre.

6 **The Delivery of the Order Scheme**

- 6.1 The Council has been formulating its proposals for the Order Scheme over a period of six years and the community has been discussing the need for change within Ponders End since 2001. The SPD, adopted in 2011, was a culmination of the Council's and the community's wish to see the regeneration of Ponders End High Street and the Queensway Campus become a reality. The first phase of the redevelopment of the Order Land was first presented to the Council's Cabinet in June 2011. The Council's original plan was to acquire the Former Police Station and the High Street site and to work with the owners of the Queensway Campus as discussed in Section 4.12. The first objective was achieved when the Former Police Station was acquired in October 2011.
- 6.2 The Council's key objective now is to deliver the comprehensive redevelopment of the Order Land and this will only be possible if it assembles the land interests in the

whole of the Order Land (as discussed in Section 4.12). The Council has set aside the funds necessary to acquire all interests in the Order Land and will be drawing down funding from the following sources:

- Growth Area Funds;
- Mayor's Outer London Fund (Round 2);
- Neighbourhood Regeneration Capital Programme; and
- Prudential borrowing.

6.3 The redevelopment of the Order Land will be secured through a development agreement with a development partner and the development agreement is based on the HCA Delivery Partner Panel documentation. The Council has recently completed a procurement process for a development partner and is about to appoint the preferred bidder. The Developer is likely to be signed up to the development agreement by []². Under the terms of the development agreement the Council is required to deliver vacant possession of the site to the Developer and the Developer is required to satisfy a number of conditions, including obtaining reserved matters consent pursuant to the Outline Permission within a prescribed timetable. Once the conditions have been satisfied a lease will be granted to the Developer to enable the Developer to construct the development (that comprises the Order Scheme) on a phased basis.

6.4 The Developer will be responsible for procuring the funding to construct the Order Scheme and the development agreement requires the Developer to provide sufficient information to the Council every two months, to demonstrate that it has in place sufficient funding to meet all of its obligations under the development agreement and lease.

6.5 Overall the Council considers that the funding and delivery of the Order Scheme has been secured. The Council commissioned Jones Lang La Salle to produce a viability statement for inclusion in the planning application and its conclusion is: *'We believe that this scheme would be deliverable by an average housebuilder at the cost and revenue levels indicated'*.

6.6 Work is expected to start on site with the demolition of the Former Police Station in 2013 and large scale construction is intended to commence in Spring 2014.

² To be updated

7 Statutory Undertakers

- 7.1 The Order Scheme takes account of the apparatus of Statutory Undertakers and, where affected by the Order Scheme, discussions will be held with the relevant Statutory Undertakers and alternative arrangements will be made³.
- 7.2 The Order Scheme may affect two electricity substations and discussions will be held with UK Power Networks to ensure that suitable safeguards are put in place to maintain electricity supplies to the local area.

8 Special Considerations

- 8.1 The Queensway Campus comprises the Listed (Grade 2) Broadbent Building and Gymnasium and a former caretaker's cottage, which whilst not forming part of the formal listing is highlighted as being of historical significance in relation to the Listed Buildings by the Twentieth Century Society. The listed buildings will be retained and refurbished and are the subject of the separate Listed Building Consent Application. The Broadbent Building and Gymnasium were constructed in 1938-1941 and listed in 2000.
- 8.2 Later additions to the Broadbent Building within the two courtyards and to the south of gymnasium will be removed and a single new element will be added to the new Broadbent Building. This replaces single storey workshops and will be of the same height as the main east and west ranges between which it spans. The original shape and appearance of the Broadbent Building will be restored, and a proposed scheme for the listed building, apart from the new element in the position of the workshop building, is essentially internal, accompanied by the refurbishment of the external fabric. The priority of the refurbishment of the fabric will be to preserve as much historic fabric as possible, and to reinstate where possible the original appearance of the building.
- 8.3 In terms of setting, the proposed development to the south and east of the Broadbent Building will respect the geometry and location of the listed building.

³ To be updated

There will be a respectful generous distance between the Broadbent Building and the adjacent new development.

- 8.4 The architectural and historic importance of the Broadbent Building will be retained and the impact of the proposals will be positive, in that the proposals will provide the listed building with a future, and in accordance with the statutory duty of the 1990 Listed Buildings Act, its setting and its features of special architectural or historic interest will be preserved.

9 Relocation of Residents/Businesses

- 9.1 Part of the Queensway Industrial Area is included within the Order Scheme and Core Strategy Policy 15 identifies this area as a Locally Significant Industrial Site that should be safeguarded. The implementation of the Order Scheme would result in the loss of one existing industrial building within the Queensway Industrial Area as part of the redevelopment. This building comprises 950 sq m which are currently in use as a plastics factory. The Order Scheme envisages the replacement of this building with a mixed use building comprising 144 sq m of residential and 156 sq m of community floor space.

- 9.2 It is considered that the existing industrial use is not compatible with the creation of a high quality new residential neighbourhood and furthermore the existing building occupies an important gateway into the site. The building's retention and use has the potential to compromise the regeneration objectives for the Order Scheme.

- 9.3 The demolition of this building will allow the creation of important residential and commercial space, a new pedestrian link and will also allow open views of the retained Broadbent Building. These proposals form a key part of improving connectivity to the Queensway Campus and the opening up of the site, which would be undermined if the existing plastics factory were to be retained.

- 9.4 The Core Strategy policy position is, however, acknowledged in that the target is to safeguard such uses located in locally significant industrial sites. The indicative master plan within the SPD, however, appears also to envisage the removal of the building in order to achieve the link. The SPD, however, proposes the creation of additional employment uses along Queensway.

- 9.5 In view of the policy position and the overarching regeneration objectives, it will be the Council's intention to work with the occupier of the plastics factory to identify an alternative location where they can continue to trade with the minimum of disruption. The Council would look to meet any reasonable eligible costs for the relocation of the business, but if a suitable alternative site cannot be found the business may have to be extinguished and compensation paid accordingly.
- 9.6 The same situation exists in relation to the existing retail uses on the High Street. The Council would employ the same strategy with all the existing retailers affected by the development. It is hoped that they will choose to remain in the borough and that suitable alternative premises can be found. The Council will look to assist with the relocations by helping to identify suitable alternative premises and meeting eligible relocation costs and in so doing will attempt to minimise disruption to trade. However, this will not always be possible and if suitable alternative accommodation cannot be located, then the businesses will be extinguished and the owners appropriately compensated.
- 9.7 If the businesses are able to sustain a double move and relocate back to the new retail units once the initial move has taken place, this strategy will be supported. The Council could only consider such moves, however, if they are financially viable and beneficial to the overall Order Scheme.
- 9.8 The development proposals will result in the creation of 2,708 sq m (GIA) of flexible new employment floor space and 776 sq m (GIA) of new retail floor space. This floor space will be provided in the form of small, flexible units, a percentage of which could potentially be offered at reduced, subsidised rates and available on flexible terms. It is envisaged that in terms of employment generation, the existing plastics factory has approximately 20 full time employees and the existing retail units provide approximately 16 full time jobs. The proposed employment floor space has the potential to provide a total of 226 full time new jobs and a proposed retail provision of 41 new full time jobs.
- 9.9 The opportunity will also be taken to improve access into and through the existing Queensway Industrial Estate and hence improve the operational conditions within the existing estate in line with the SPD objectives.

10 Human Rights Considerations

- 10.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various convention rights may be engaged in the process of making and considering the order, including those under Articles 6, 8 and Article 1 of the First Protocol.
- 10.2 Article 6 provides that everyone is entitled to a fair and public hearing in the determination of his civil rights and obligations. It is considered that the statutory procedures which give the right to object and provide for judicial review are sufficient to satisfy the requirements of this article.
- 10.3 Article 1 of the first Protocol provides for the peaceful enjoyment of possessions (including property) and that no one shall be deprived of possessions except in the Public interest and as provided by law. Those with interests in the Order Land will be deprived of their property if the Order is confirmed but this will be done in accordance with the law and in the public interest.
- 10.4 Article 8 provides that everyone has the right to respect for his private and family life and that there shall be no interference by a public authority with the exercise of this right except in accordance with the Law, where there is a legitimate aim and where it is for and proportionate in the public interest. It is considered that any interference caused by the Order will fall within these exceptions having regard to the public benefit which will accrue from the Scheme. The European Court of Human Rights has recognised in the context of Article 8 of the First Protocol that *“regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”* i.e. compulsory purchase must be proportionate in that in pursuing the public interest the objective to be achieved in making the Order must outweigh the interference with any private rights. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local planning authority.
- 10.5 Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. proportionate. The Council is of the view that in pursuing this Order, it has carefully considered the balance to be struck between individual rights and the wider public interest. Interference with Convention Rights, to the extent that there is

any, is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the Order Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the relevant statutory provisions.

10.6 In addition, having regard to the provisions of the Town and Country Planning Act 1990 (as amended) and the Guidance set out in Circular 06/2004, the Council considers that the Order Scheme is essential, suitable for and will facilitate the carrying out of development, redevelopment and improvement and will make a positive contribution to the promotion or achievement of the economic, social and environmental wellbeing of its area for the reasons explained in this Statement.

11 Views of Government Departments⁴

No comments have been received from any government departments regarding the Order Scheme, although the Mayor of London approved the Outline Permission which underpins the Order Scheme.

12 Associated Orders⁵

No other orders will be sought in relation to the Order Scheme.

13 Conclusion⁶

13.1 The Order Scheme will fulfil the need to comprehensively regenerate Ponders End Central and deliver the Order Scheme, making effective use of this partly disused and declining site, and generate significant economic benefits for the Borough. Given the fact that agreement has not been reached by the Council to purchase the Order Land by private treaty, the delivery of the Order Scheme can only sensibly be achieved within a reasonable timescale by compulsory acquisition.

13.2 Having considered relevant National Planning Policy Guidance and Development Plan Policies the Council is satisfied that there is a compelling need in the public interest for compulsory powers to be sought in order to secure the development/redevelopment or improvement of the Order Land by way of the

⁴ To be finalised

⁵ To be finalised

⁶ To be finalised

delivery of the Order Scheme for the economic, social and environmental improvement of this part of the Borough. The Council has therefore made the Order and would ask the Secretary of State to confirm the Order.

14 Documents, Maps Or Plans

14.1 A list of documents that may be presented at any subsequent public inquiry will be provided in due course and arrangements will be made for them to be available for public inspection.

14.2 The Council reserves the right to modify, or enlarge the statement in the event of an inquiry being held and in discharge of its obligations under the Inquiry Procedure Rules.

15 Other Information Of Interest To Persons Affected By The Order

The Council's point of contact for any queries relating to the order is Paul Walker MRTPI, Assistant Director, Regeneration, Planning and Economic Development Tel No. 0208 379 3805 or Marc Clark, Ponders End Regeneration Project Manager Tel No. 0208 379 5537.

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List of Documents

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