

**LADDERSWOOD ESTATE RENEWAL PROJECT:**  
**COMPULSORY PURCHASE ORDER**  
**STATEMENT OF REASONS**

**1. INTRODUCTION AND SUMMARY**

- 1.1 The London Borough of Enfield (the Council) seeks an order under the Town and Country Planning Act 1990 (the Act) to use compulsory purchase powers to acquire the properties pursuant to a decision by Cabinet on the 5<sup>th</sup> December 2012 referred to in section 2 below (the Order Properties) for the purposes of the Ladderswood Estate Renewal project in Ladderswood, New Southgate.
- 1.2 The proposed order gives the Council the power to acquire as freehold owner (Title Numbers as shown in Appendix 7) the Order Properties (the proposed order properties as defined on the plan attached edged red (collectively the "Order Land")) pursuant to its Place Shaping Strategy in relation to New Southgate and its powers under section 1 of the Localism Act 2011.
- 1.3 The Ladderswood Way estate is held for Housing purposes. The New Southgate Industrial estate is held for General Fund purposes. Cabinet authorised the Borough's Property Services department to commence leasehold buybacks by negotiation with the owners to secure vacant possession of the site.
- 1.4 The decant of residents to alternative properties, both leaseholders, secure and commercial tenants is well underway and progress is set out in the attached schedules.
- 1.5 If it is not possible to acquire the Order Properties by negotiation, they will be appropriated for planning purposes after outline planning consent has been granted by the local planning authority.
- 1.6 The Ladderswood Way estate and the New Southgate Industrial estate are located in New Southgate in the south west of the Borough. New Southgate is one of the Council's Regeneration Priority Areas. A Masterplan for New Southgate has been produced by the Council and

was adopted as a Supplementary Planning Document by the Council on the 15<sup>th</sup> December 2010.

- 1.7 Ladderswood Estate Renewal project is located in a Regeneration Priority Area project of key strategic importance to the Council, as established by the Enfield Core Strategy, adopted in November 2010. The regeneration of the estate will see new homes, new streets, new commercial space, new employment and training opportunities, new community facilities and new open spaces provided. The vision is to create a truly attractive, enjoyable and sustainable place for people to live and work.
- 1.8 Following extensive public consultation and an options appraisal the Council is of the view that the greatest regeneration benefits can be derived from demolishing the existing buildings and replacing them with a high quality mixed use development. The new development will be built to high environmental standards and contain a range of housing types as well as 1,400 sqm of commercial space and a hotel.
- 1.9 The Schedule to the proposed Order lists owners, lessees, occupiers and tenants of the Order Properties. In addition it also lists other parties with a qualifying interest in the Order Properties where known. Where beneficiaries of these interests have been identified they will be served with notice of the making the Proposed Order. It is intended that, unless properties and/or land can be acquired by private negotiations, the Council shall acquire them under the Order if confirmed.
- 1.10 Following confirmation of the proposed order, the Council will execute a General Vesting Order Declaration, the result of which will be to vest the Order Properties in the Council

1.11 The Secretary of State recognises in Circular 06/04 (paragraph 24) that there are situations where it is appropriate to make a compulsory purchase order at the same time as seeking to purchase land by agreement.

*“Given the amount of time which needs to be allowed to complete the compulsory purchase process, it may often be sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations. This will also help to make the seriousness of the authority’s intention clear at the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.”*

1.12 The Council has, and is continuing to make reasonable attempts to acquire outstanding interests by private treaty and is pursuing the proposed order to ensure that the proposed development can proceed. Discussions will however continue with the owners of the relevant interests to seek to acquire the Order Properties by agreement with a view to limiting the number of interests which need to be compulsorily acquired.

1.13 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 circular 06/04) which justifies the overriding of private rights in the land sought to be acquired. It is considered that a clear and compelling case exists in this case.

## **2. Enabling Powers**

2.1. The Order is made under Section 226(1)(a) of the Town and Country Planning Act 1990 (the Act), which confers power on the local authority to acquire land for planning purposes.

2.2. The Council thinks that the acquisition of the Order Land will facilitate the carrying out of the re-development of the Ladderswood Estate and New Southgate Industrial Estate as well as bring significant improvement on the Order Land.

- 2.3. The Council thinks that the proposed re-development is likely to contribute to achieving the improvement of the economic, social and environmental well-being of the area for which it has administrative responsibility.

### **3. DESCRIPTION OF THE SCHEME AND NEW RIGHTS**

- 3.1 The Ladderswood Estate Renewal site is located in the Southgate Green ward of the London Borough of Enfield. The site includes the entire Ladderswood Way estate and the New Southgate Industrial estate. There are five low-rise blocks on Ladderswood; 1 – 16 Betspath House, 1 – 16 Mason House and 1 – 16 Danford House, each block made up of 2 bed flats only. 4 – 42 (evens) Lorne House and 1 – 15 Roberts House contain a total of 35 1 bed flats. The 13 storey tower block, 1 – 78 Curtis House, contains a mixture of 1 and 2 beds. The New Southgate Industrial estate consists of Units 1 – 30 Lower Park Road.
- 3.2 In November 2009 Cabinet approved the Ladderswood Way Estate Place Shaping Report (Key decision reference: 2952) that endorsed the indicative Development Strategy for the Ladderswood Estate Renewal project. The strategy proposed the decant and demolition of Curtis House, Danford House, Betspath House and Mason House as well as the New Southgate Industrial Estate. Lorne House and Roberts House were to be retained and refurbished as part of the Decent Homes programme.
- 3.3 The decision to refurbish Lorne House and Roberts House has been revisited by the Council due to the proposed cuts in the Decent Homes budget and due to the cost of bringing the homes up to a decent standard. The Council has now decided to include the two blocks in the redevelopment.

3.4 Following publication of the contract notice on 15 January 2010 (Reference 2010/S 10-011797), the Council conducted a pre-qualification process to select potential Bidders ('Bidders') for the role of Developer / Registered Provider ('RP'). Subsequently the Council entered into competitive dialogue with the short listed Bidders. An evaluation of the three Bidders' Detailed Solutions has been carried out and the three Bidders short listed to two by the Council. The two Bidders submitted tenders in final stage of the procurement and a report was outlined in a report to Cabinet in April 2011 recommending a preferred development partner. Following adoption of the recommendation a Development Agreement has been entered into between the Council and the preferred development partner.

#### **4. THE PURPOSE OF THE PROPOSED ORDER AND THE NEED FOR CPO**

4.1 Government guidance on the use of Compulsory Purchase Orders is provided in the Circular 06/04, which states that a CPO should only be made where there is a compelling case in the public interest.

4.2 The Council acts in an enabling role to ensure that housing development meets housing need in the Borough across all developments, but has a particular role in Estate Renewal projects for Ladderswood and the Highmead project, which are both existing Council freehold owned sites (Core Strategy Core Policy 4)

4.3 This CPO will enable the site to be brought forward as a higher density, new residential mixed tenure scheme with a hotel and approximately 1,400 m<sup>2</sup> commercial spaces, which will address the current need for quality affordable housing, as well as creating a more sustainable mix of tenures including intermediate and market housing.

4.4 The Council's regeneration aspirations for the site are as follows:-

High quality of design

Addressing deprivation

Designing out crime

Environmentally sustainable

Element of affordable housing

A large percentage of family accommodation

New business opportunities

Stabilising the transient community

A majority of properties for owner occupiers

Reimbursement of future project costs and greatest benefit to the Council

**To Meet Housing Need**

Housing Strategy

**Timescale for Delivery**

Cabinet approve preferred Development Partner	April 2011
Council sign Development Agreement	December 2011
Planning application submitted	September 2012
Planning permission Granted	January 2013
Start on site	Summer 2013
First units completed	Summer 2014
Entire scheme completed	December 2017

**5. NEGOTIATIONS RECORD**

Please refer to sections 3.14, 3.15, 3.16, 3.17, 3.18, 3.19 and 3.20 of the Ladderswood Place Shaping Programme: Compulsory Purchase Order and Shared Equity Option Cabinet Report, 9<sup>th</sup> March 2011 as well as the Appendices 5 and 6 of the Part 2 report setting out the schedules of commercial tenants and residential leaseholders.

## **6. RELEVANT POLICY CONSIDERATIONS**

### **National Planning Policy Framework (NPPF)**

- 6.1 The overarching planning principle set out in the NPPF is “a presumption in favour of sustainable development”. and reflects the provisions in the London Plan.
- 6.2 The Council believes that the New Southgate Development fulfils the requirements of the NPPF and in particular, its core planning principles, by, inter alia, promoting mixed use developments; proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places.

The Council is seeking “to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

### **Transport for London's Public Transport Accessibility Level**

- 6.3 The Ladderswood Estate Renewal project is within an urban setting – The Public Transport Accessibility Level (PTAL) of the site ranges from 5 in the north, 4 to the west of the site and 2 to the south (a PTAL of 1 indicates extremely poor access to the location by public transport, and a PTAL of 6 indicates excellent access by public transport). Given that the majority of the site is located within a PTAL zone of 5 and 4, and the very short walking distance from moving from a 5 to a 2 PTAL, a mid-range PTAL of between 4 and 5 is appropriate for the entire site for the purpose of calculating residential density.

Based on the GLA Housing SPG density matrix, the appropriate density range for a site with a PTAL of 4 to 6 in an urban setting is between 200 and 700 habitable rooms per hectare. As the PTAL for the site is between 4 and 5, the lower density of 200 habitable rooms per hectare is not appropriate. The higher part of this density range is also not appropriate as this is intended for sites with a PTAL of 6. An appropriate density range for the site is therefore between 350 and 450 habitable rooms per hectare.

## **7. LONDON BOROUGH OF ENFIELD ADOPTED CORE STRATEGY**

7.1 Core Policy 4 sets out the policy for New Housing and Housing Renewal in Enfield.

7.2 Core Policy 45 – New Southgate

In the New Southgate Regeneration Priority Area, the objectives will be to create: A holistic integrated approach to development considering the Western Gateway site\*, the Ladderswood Estate and the New Southgate Industrial Estate together and in relation to their surroundings;

Urban design solutions for the area based on more traditional street layouts, integrated with the wider area by a network of green spaces and better links for pedestrians and cyclists

An improved Ladderswood Estate, led by the existing residents of the area and their choices for the future of their estate. This could include remodelling the area, the introduction of new housing and community facilities.

Partial redevelopment of the New Southgate Industrial Estate to link with redevelopment at Ladderswood Estate and facilitating improvements to the quality of the remainder of the estate

### New Housing

The new development for Ladderswood will include approximately 517 mixed tenure (70% private / 30% affordable (62% affordable rent and 38% intermediate)) residential properties, a hotel, 1, 400 sq m commercial space and a 300 sq m community space.

The Ladderswood Estate Renewal Project is committed to excellence in design quality and sustainability in line with the new Core Strategy. As a new housing development it takes account of the design and construction policies and sustainable design and construction guidance set out in the London Plan. The new homes will be built to Lifetime Homes standards and achieve Sustainable Code Level 4.

### Housing Renewal

The Ladderswood Estate Renewal Project is in keeping with the emerging Estate Renewal Strategy being undertaken to inform the future management and priorities for investment across the Council's own housing stock. It identifies Ladderswood as one of the Council's priority projects.

Core Policy 4 specifically states Ladderswood within the context of housing renewal.

## Planning Policy

The Ladderswood Estate Renewal project sits within several Enfield policy documents. The Core Strategy sets out the overall vision and strategy for all new development in Enfield.

The emerging North Circular Area Action Plan, which is currently being prepared for submission stage by the Council, sets out new planning policies for the North Circular Area (including the North Circular Road properties and the New Southgate Masterplan area).

The New Southgate Masterplan provides additional detailed information and guidance on policies in the Core Strategy and North Circular Area Action Plan. Page 62 of the New Southgate Masterplan sets out the proposals for the Ladderswood site.

## 8. **OTHER POLICIES**

### **Community Strategy**

#### 8.1

The Council's purpose in making the Order is to achieve the key community priorities as set out in the Council's Community Strategy:

#### 8.2

The Council's vision for the borough is for a healthy, prosperous and cohesive society that is safe, clean and green.

#### 8.3

The Council is committed to improving the quality of life through: Employment and Enterprise; Environment; Housing; Leisure and Culture

- The development will be promoted to produce the highest quality architectural and urban environment.
- *Improving health, housing and social care* - This will be achieved by the new development supplying higher quality social housing stock in line with the Decent Homes Standard, as defined by the Department for Communities and Local

Government. The redevelopment will also produce a diversity of tenure which will improve the type and choice of housing in New Southgate.

- *Safer and stronger Communities*
  - To implement a place-shaping approach to underpin the creation of a more prosperous borough
  - To enhance the health and vitality of town centres to meet the needs of the communities they serve
  - To increase the number of new businesses setting up and coming to the area and sustaining their development
  - To deliver the housing element of place shaping and achieve sustainable housing growth
  - To improve housing conditions and prevent homelessness
  - To ensure that residents have the opportunity to live in a decent home they can afford
  - To protect and improve the quality of built and open environment
  - To promote sustainable development and support residents and businesses to preserve natural resources, become energy efficient, conserve water, reduce pollution and address the causes of global warming
  - To increase biodiversity in order to provide a local distinctive natural identity
  - To make Enfield a place which residents can identify with and feel proud of, and where people from different backgrounds feel valued and can develop positive relationships with their local community
  - To promote social inclusion so that all sections of the community are able to access opportunities, services and improve their quality of life overview

## 9. **HUMAN RIGHTS**

- 9.1 The Council, as a public body, is under a duty to consider whether the exercise of its powers interacts with rights protected by the European Convention of Human Rights (the **Convention**). Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way, which is incompatible with those rights. Various Convention rights may be engaged in the process of making and considering the CPO, in particular those under Article 8 of the Convention and Article 1 of the First Protocol to the Convention.
- 9.2 Article 8(1) protects an individual's right to private and family life, home and correspondence. Interference with these interests can only be justified if it is done in accordance with the law and if it is necessary in the interests of national security, public safety or the economic well being of the country.
- 9.3 Article 1 of the First Protocol provides that every natural or legal person is entitled to the peaceful enjoyment of his possessions, and that no one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law.
- 9.4 The European Court of Human Rights has recognised in the context of Article 1 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*". Similarly, any interference with Article 8 rights must be "*necessary in a democratic society*". In each case the interference with Convention rights must be proportionate. In pursuing a compulsory purchase order, the Council has to consider carefully the balance to be struck between individual rights and the wider public interest, having regard to the availability of compensation for compulsory purchase.
- 9.5 The Council has been conscious of the need to strike a balance between the rights of the individual (including the owners of properties falling within the Order Lands) and the interests of the public. In the light of the significant public benefit that would arise from the redevelopment of the Order Lands, the Council has concluded that it would be appropriate to make the Order, and that the Order will not

result in any unlawful interference with Convention rights. At all times, the Council has been aware that the Order Lands include homes, balancing this with the need to secure the regeneration of this area and the provision of new houses.

- 9.6 The opportunity has been given to landowners to make representations regarding the Council's policies that underpin the proposed Order. Objections can also be made to the Order, which will then have to be considered by the Secretary of State before she decides whether or not to confirm the Order. Those directly affected by the Order will also be entitled to compensation proportionate to any losses that they may incur as a result of the acquisition.

## **10. REGENERATION STRATEGY**

The strategy for Ladderswood will deliver the following aims:

- A scheme that has strong resident involvement
- A scheme that produces a sense of place and community
- Improved access and movement through the site
- A high level of security and improved safety for residents
- High quality urban design building aesthetics and character
- Enhanced residential types and dwelling types
- Practical layout
- Realistic implementation and delivery strategy

The delivery vehicle for the scheme is a Development Agreement between the Council and a Developer. The Council has chosen this option as the most cost effective and efficient way of minimising risk, both financial and commercial and also to ensure a speedy delivery of the development, with the Council retaining control over quality.

## **12. CONCLUSION**

The Council is of the view that the part of New Southgate, comprised in the Order Land (Properties?), should be improved to the general benefit of all who live, work or visit Ladderswood Estate and New Southgate Industrial Estate . In order to achieve this, action is required, necessitating the assembly of the Order Properties to facilitate the proposed scheme subject to the grant of planning permission.

The Council believes that the scheme it is promoting with the proposed developer once it is appointed represents a positive step towards the following objects:-

- (a) the promotion or improvement of the economic well-being of their area;
- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area.

The Scheme will not only deliver a higher density, high quality housing development it will deliver commercial and community facilities. This will act as a catalyst for further improvement within the New Southgate area.

Having considered the relevant national policy guidance and Core Strategy Policies the Council is satisfied that there is a compelling public interest for compulsory powers to be sought in order to secure the proposed new development for the economic, social and environmental improvement of the area .The Council is therefore pursuing the compulsory purchase order and requests that the Secretary of State confirms the Order.

### **13. LIST OF DOCUMENTS TO WHICH THE COUNCIL MAY REFER**

Part 1 - Ladderswood Place Shaping Programme: Compulsory Purchase Order and Shared Equity Option Report – 9<sup>th</sup> March 2011

Part 1: Appendix 1 – Ladderswood CPO red-line

Part 1: Appendix 2 – CPO Process flow-chart

Part 1: Appendix 3 – Ladderswood CPO timeline

Part 2 - Ladderswood Place Shaping Programme: Compulsory Purchase Order and Shared Equity Option Report

New Southgate Masterplan Document

Appendix 4 – Statement of Reasons

Appendix 5 - Schedule for residential leaseholders

Appendix 6 - Schedule for the commercial leases

Appendix 7 – List of Freehold Titles