

**LONDON BOROUGH OF ENFIELD
PONDERS END ELECTRIC QUARTER)
COMPULSORY PURCHASE ORDER 2016**

STATEMENT OF REASONS

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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 2016 ("**the Order**"). This is a non-statutory statement provided in compliance with paragraph 21 of the DCLG Guidance on Compulsory purchase process and the Crichton Down Rules ("**the Guidance**")
- 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 paragraph 154 of the Guidance, 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 2.14 hectares (21,402 square metres) that includes a number of properties that front the west side of Ponders End High Street at one end and the former Middlesex University Queensway campus located further to the west of Ponders End High Street ("**the Queensway Campus**") at the other end.*
- 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 part 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), combined with the former Queensway Campus land. Some of the redevelopment proposals for Ponders End Central outlined in the SPD have been incorporated in the Order Scheme proposals.
- 1.5 The extent of the land proposed to be compulsorily 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 at Ponders End Library, College Court, High Street, Enfield EN3 4EY and can be viewed at these locations 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, housing and employment uses;
- (ii) The creation of a strong network of pedestrian friendly streets and wide avenues with many access points in the site with links from the Heron Hall Academy to the High Street;
- (iii) The provision of a wide variety of types of new homes which are in high demand in this locality; and
- (iv) The promotion and improvement of the economic, social and environmental well-being of the area (“**the Order Scheme**”).

These objectives are hereinafter described collectively as “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 as amended (“the 1990 Act”), 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 17 June 2015 (“**Cabinet Resolution**”) pursuant to Section 226(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 Guidance provides advice to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of the 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 2 of the Guidance) 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 the purchase of their various interests in the Order Land. A number of meetings have taken place over a lengthy period between the parties and valuations have been prepared for further discussion. The Council has acquired a number of interests within the Order Land but considers that no further interests are likely to be acquired within a reasonable timescale within the Order Land. The Council considers that it is necessary, therefore, to utilise its powers under s226(1)(a) and make the Order for the following reasons:

- a 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 at 204-214 High Street acquired in October 2011 that provides a link between Heron Hall Academy 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;
- 2.5.3 The freehold of no.198 High Street including the car park and outdoor space at the Tara Kindergarten;
- 2.5.4 The freehold of no. 188 High Street; and
- 2.5.5 The freehold of a parcel of land at the former Middlesex University Campus (acquired in June 2015).

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 the Guidance 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 2.14 hectares (21,402 square metres). The eastern boundary is formed by Ponders End High Street. 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, known as "**the Works**". The western boundary is formed by the playing fields of the Heron Hall Academy. 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 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 ("the Plastics Factory"); 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.

3.4 Save where expressly excluded, the Council intends to acquire all interests in the Order Land.

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

3.6 Other important areas of land in the vicinity of the Order Land 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 has been 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% of 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 the 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 retail units, the improvement of the public realm and the delivery of a range of housing sizes and tenures. A Housing Needs Assessment was prepared 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 the following minor areas:

- Affordable Housing Split – discussed at Section 5.20
- Privacy and Overlooking – discussed at Section 5.20
- Loss of employment uses – discussed at Section 8

These minor deviations from planning policy are fully justified and are discussed more fully in the Sections of this Statement referred to above.

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 fast food outlets, 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 were delayed and paused, which 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 (now demolished);
- a cafe;
- two internet cafes;
- 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.

4.7 The Order Scheme will include the relocation of the library to a prominent location on the High Street opposite the existing Mosque 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

4.8 The Council believes that the key to the regeneration of Ponders End Central is the comprehensive redevelopment of the Order Land. Currently, however, the Heron Hall Academy is segregated from the High Street by a line of property which forces school and other vehicles to use Queensway as the only entrance to the Academy site, whilst pedestrians can use a narrow pedestrian link to and from the High Street. The former Police Station site is located at a gateway to the Heron Hall Academy 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 Heron Hall Academy and the High Street. The Order Scheme proposes the creation of important linkages between Heron Hall Academy and the High Street.

- 4.9 Overall the Order Scheme proposes the creation of a new sequence of connected public streets and spaces and proper integration of the Heron Hall Academy with the High Street. These necessary links will ensure that the new residential community to be created within the centre of the Order Land, and the Heron Hall Academy school children, have safe and convenient access to the facilities along the High Street, public transport and the Park.
- 4.10 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

- 4.11 The new build residential accommodation will seek to achieve Code for Sustainable Homes Level 4 and the commercial space will be designed to achieve a BREEAM 'very good' performance standards. The Order Scheme will incorporate the use of a centralised low energy cooling and heating system via an Air Source Heat Pump and energy efficient light fittings and fixtures and these measures will reduce carbon emissions across the development. Passive measures such as the improvement of the thermal performance of the building through high levels of insulation and high performance double glazing and doors will further improve energy efficiency throughout the Order Scheme. The possibility of connecting the buildings within the Order Scheme to a district heating network will continue to be explored.
- 4.12 In terms of other sustainability measures, the Order Scheme will incorporate sanitary fittings with low water consumption; recycling and waste storage areas; the inclusion of biodiverse roofs and the ability to install rooftop solar PV arrays; tree planting and replacement; and bat mitigation measures.

Socio-economic Benefits

- 4.13 In summary the socio-economic benefits of the redevelopment of the Order Land will include:
- the provision of 38 full-time new jobs;
 - the provision of 474 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 will provide the opportunity 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) for a previous scheme ("**Original Scheme**") was granted on 5 March 2013 (Planning Permission reference: P12-02677PLA) ("**Former Outline Permission**"). The Original Scheme included the provision of 408 homes, modern retail and employment space and a new library with high street frontage. The Original Scheme could not be delivered as the Secretary of State for Communities and Local Government acquired a freehold interest in the former Middlesex University Site, which comprised a significant part of the site that had the benefit of the Former Outline Permission, and was intended to be developed within the Original Scheme. This site has been used to deliver a free school delivering secondary education, the Heron Hall Academy, so the Original Scheme had to be set aside and a new scheme formulated with a reduced land area.

5.2 A new Planning Application ("**the Planning Application**") was submitted in October 2015 (Planning Reference: 15/04518/FUL) to deliver the Order Scheme and this comprises:

'Redevelopment of site to provide 167 residential units and 1379 sqm of commercial and community floorspace, involving a 4-storey block of 21 self contained flats (9 x 1-bed, 6 x 2-bed and 6 x 3-bed) with communal rooftop play area, a 3-storey block of 18 terraced houses (2 x 3-bed and 16 x 4-bed) and 22 x 3-storey terraced houses in 4 blocks (17 x 3-bed and 5 x 4-bed) (PHASE 1), a 4-storey block of 19 self contained flats (9 x 1-bed, 6 x 2-bed and 4 x 3-bed) with community hall/nursery on ground floor and communal rooftop play area, a 7-storey block of 25 x 1-bed self contained flats with Library at ground and first floor, a part 4, part 6-storey block of 40 self contained flats (21 x 1-bed and 19 x 2-bed) with 5 commercial units at ground floor and 22 x 3-storey terraced houses in 4 blocks (17 x 3-bed and 5 x 4-bed) (PHASE 2) with cycle and bin stores to ground floor of each block, new access and access roads, parking and associated landscaping involving demolition of 14,212sqm sqm of existing floorspace (residential, education, shops, community, commercial and car park).'

5.3 The Council resolved on 26th January that subject to referral of the Planning Application to the Greater London Authority and the completion of a Section 106 Agreement, the Head of

Development Management/Planning Decisions Manager be authorised to grant planning permission for the Order Scheme subject to conditions.

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

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

National Planning Policy - National Planning Policy framework (“NPPF”)

5.5 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 development to deliver the homes, businesses, infrastructure and thriving local places that the country needs.

5.6 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

5.7 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.

5.8 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.

5.9 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

The Enfield Plan Core Strategy 2010-2025 ("Core Strategy")

5.10 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”.

5.11 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”.

5.12 Core 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 (April 2014)

5.13 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.

5.14 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 ("SPD")

- 5.15 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.
- 5.16 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).
- 5.17 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".
- 5.18 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 listed building.
- The retention and enhancement of the listed building.
- Accessible public amenity space and communal play space.

Assessments against policy

5.19 Using these policies and principles as a starting point the planning application for the Order Scheme has evolved and it seeks to balance planning policy considerations and technical, market and financial considerations. As stated at Section 5.1 above the extent of Council's proposals for the Ponders End area had to be downsized following the acquisition of the Middlesex University Site by the Secretary of State which was intended to be included within the Order Scheme.

5.20 In line with planning policy the Order Scheme still advances a comprehensive strategy for a sizeable part of the 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 a range of private, semi-private and public spaces. A significant proportion of the housing (43%) will be family sized housing of 3 bed plus units in line with the objectives of Core Policy 5 of the Core Strategy and the SPD. In compliance 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.

There is a slight deviation from planning policy in relation to two areas:

- (i) Policy 3.11 of the London Plan requires a 60%:40% split between social rented to intermediate housing and Core Policy 3 of the Core Strategy requires a 70%:30% split between social rented to intermediate housing. The Order Scheme will in fact deliver a 48%:52% split between social rented and intermediate housing and the reason for this slight deviation from planning policy is that there is a need for a larger number of small intermediate housing units in the area; and
- (ii) Policy DMD 10 of the Development Management Document (2014) specifies that a distance of 30 metres should be maintained between rear facing windows of three storey houses and the Order Scheme achieves a back to back distance of 19

metres. The objective of the policy requirement is to achieve adequate sunlight/daylight to properties and to prevent overlooking. The Order Scheme achieves this objective in any event as the sunlight/daylight study submitted with the planning application demonstrates that BRE guidance is met and the internal layout of the housing has been designed so as to ensure that habitable rooms are offset and do not face one another. In addition tree planting will provide boundary screening.

The housing will comply with best practice in terms of design, sustainability and energy conservation and in summary will comprise:

- Up to 167 units of predominantly family housing;
- 70% market and 30% affordable housing, and within that 30%, a 48% social rented and 52% intermediate housing split;
- Social Rented Housing – 60% 1-2 beds and 40% 3-beds;
- Intermediate Housing – 100% 1-2 beds (This is based on market advice that shared ownership units should comprise smaller units to ensure that they are capable of being purchased);
- Market Housing – 46% 1-2 beds and 54% 3-4 bed houses;
- An aim to achieve Sustainable Code Level 4;
- Predominantly dual aspect homes with no single aspect north facing units and policy compliant internal space standards;
- All residential accommodation will be provided with private amenity space in accordance with the Mayor's Housing SPG;
- 10% of units will be capable of being adapted to wheelchair standards and will be Lifetime Homes compliant; and
- Sustainable design from the outset, including an approach to integrated water management, quality materials, waste treatment, recycled materials, biodiversity and community growing space.

5.21 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.

5.22 Parking - Car parking will be provided at a ratio of 0.6 spaces per unit which accords with the SPD standard. Cycle parking, motorcycle parking, disabled parking and electric point charging provisions will all be provided in line with the standard set by the SPD.

5.23 **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.

5.24 **Amenity Space** – A total of approximately 409 sq m of children’s play space will be provided with door step play for under 5s in the following areas:

- Within the private gardens of all townhouses;
- Rooftop play area enclosed within a timber pergola; and
- Within shared private courtyards.

Ponders End Park is within 300m of the Order Scheme and will provide a wide range of recreational and community activities for the over 5s and the rest of the residents within the Order Scheme.

5.25 **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.

5.26 **Employment** - The redevelopment will result in existing employment floor space being lost from the site and justification for this position is dealt with in Section 8. 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.

5.27 **Community Facilities** - The Order Scheme provides for the existing library to be relocated to a new building fronting the High Street which will also include a community space which will most likely function as a replacement nursery. The location of the new library will create a prominent landmark on the High Street and frames the civic space provided at the centre of the Order Scheme, with the existing Mosque located opposite.

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 eight years and the community has been discussing the need for change within Ponders End since 2001. The SPD, adopted in 2011, and the North East Enfield Area Action Plan adopted in 2014 were a culmination of the Council's and the community's wish to see the regeneration of Ponders End High Street and the former 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 is being secured through a development agreement with a development partner and the development agreement is based on the HCA Delivery Partner Panel documentation. The Council completed a procurement process for a development partner in April 2013 and the Developer, Lovell Partnerships Limited ("Lovells"), signed up to the development agreement in October 2014. 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 a detailed Planning 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 six 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 has commissioned Lovells 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 started with the demolition of the Former Police Station in 2013 and it is intended that large scale site clearance and construction work on the parcels of land already owned by the Council will commence during the Autumn and Winter of 2016. As discussed at Section 5.3 the Council has already resolved to grant planning permission for the Order Scheme in relation to the Planning Application.

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 made.
- 7.2 The Order Scheme may affect an electricity substation 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 Relocation of Residents/Businesses

- 8.1 The implementation of the Order Scheme would result in the loss of one existing industrial building comprising 950 sq m which is currently in use as a plastics factory.
- 8.2 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.
- 8.3 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. This is a Listed Building within the Heron Hall Academy site. These proposals form a key part of improving connectivity to the Academy and the opening up of the site, which would be undermined if the existing plastics factory were to be retained.
- 8.4 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.

- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 The development proposals will result in the creation of 554 sq m (GIA) of new retail floor space (Class A1 to A4) and up to 234 sq m (GIA) of new community floorspace (Class D1). This new floorspace has the potential to provide 38 full time jobs. Overall there will be a net gain in retail floorspace of 257 sq m (GIA).
- 8.7 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.

9 Human Rights Considerations

- 9.1 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.

- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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 statutory provisions.
- 9.6 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.

10 Views of Government Departments

No comments have been received from any government departments regarding the Order Scheme, although the Mayor of London raised no objections to the Former Outline Permission which predated the Order Scheme.

11 Associated Orders

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

12 Conclusion

12.1 The Order Scheme will fulfil the need to comprehensively regenerate Ponders End Central and deliver the intentions underlying 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 all of the Order Land by private treaty, the delivery of the Order Scheme can only sensibly be achieved within a reasonable timescale by compulsory acquisition.

12.2 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 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.

13 Documents, Maps Or Plans

13.1 A list of documents that may be presented at any subsequent public inquiry is included at Section 16 and arrangements will be made for them to be available for public inspection at the appropriate time.

13.2 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.

14 Other Information Of Interest To Persons Affected By The Order

The Council's point of contact for any queries relating to the order is Marc Clark, Ponders End Senior Project Manager <mailto:marc.clark@enfield.gov.uk> and Tel No. 0208 379 5537.

15 List of Documents

- 15.1 Compulsory Purchase Order made on 8th February 2016 and Order Map
- 15.2 Statement of Reasons
- 15.3 Report to the London Borough of Enfield's Cabinet (17 June 2015) seeking authority for the making of the Order
- 15.4 Committee report dated 26th January 2016 relating to planning application 15/04518/FUL
- 15.5 Decision Notice 15/04518/FUL
- 15.6 DCLG Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion (October 2015)
- 15.7 National Planning Policy Framework (March 2012)
- 15.8 London Plan (adopted July 2011)
- 15.9 Enfield Plan Core Strategy (adopted November 2010)
- 15.10 North East Enfield Area Action Plan (Interim Direction Document August 2012)
- 15.11 Ponders End Central Planning Brief SPD (adopted May 2011)
- 15.12 PPS5 Planning for the Historic Environment Practice Guide