

Meridian Water Phase 1

in the London Borough of Enfield

planning application no. 16/01197/RE3

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

An outline planning application, with all matters reserved except access to the public highway. Development of Phase 1 of Meridian Water, comprising up to 725 residential units in buildings of up to 12 storeys; new station building, platforms and associated interchange and drop-off facilities, including a pedestrian link across the railway; a maximum of 950 sq.m. retail (A1/A2/A3) floorspace; a maximum of 600 sq.m. of community (D1) floorspace; and a maximum of 750 sq.m. of leisure (D2) floorspace. Associated site infrastructure works include ground and remediation works; roads, cycle-ways and footpaths; utility works above and below ground; surface water drainage works; energy centre and associated plant; public open space and play areas; and various temporary 'meanwhile' uses without structures (landscaping and open space).

The applicant

The applicant is **the London Borough of Enfield**, the planning agent is **Arup** and the architect is **Karakusevic Carson**.

Key dates

Pre-application meeting: 16 November 2015.

Stage I Report: 25 April 2016.

Committee Meeting: 28 June 2016 and 28 March 2017.

Strategic issues summary

Affordable housing: 35% on-site, increased from 30% at Stage I, comprising 60% intermediate housing and 40% affordable rent. GLA officers have interrogated the Council commissioned viability information and conclude that this represents the maximum reasonable amount. The draft section 106 agreement secures an early review mechanism; a viability review with each reserved matters application; and a final viability assessment, in accordance with the Mayor's draft SPG. (Para's 7-13)

Urban design: The application materials, including a Design Code and parameter plans secure a high quality. (Para's 17-18)

The Council's decision

In this instance, Enfield Council has resolved grant permission, and to grant delegated authority to officers to agree the final wording of conditions and the section 106 agreement.

Recommendation

That Enfield Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 21 March 2016, the Mayor of London received documents from Enfield Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under 1A, 1B(c), 1C(c) and 2C of the Schedule to the Order 2008:

- 1A *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”*
- 1B(c) *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings (c) outside Central London and with a total floorspace of more than 15,000 square metres.”*
- 1C(c) *“Development which comprises or includes the erection (c) a building of more than 30 metres high and outside the City of London.”*
- 2C *“Development to provide (d) a railway station or a tram station.”*

2 On 25 April 2016, the previous Mayor considered planning report D&P/2734a/01 (attached), and subsequently advised Enfield Council that while the application was generally acceptable in strategic planning terms, it did not yet comply with the London Plan, for the reasons set out in paragraph 97 of the above-mentioned report; but that the possible remedies set out in that paragraph could address these deficiencies:

- **Housing:** The provision of up to 725 residential units is strongly supported. The expected choice of units is generally acceptable; however the permission will need to appropriately define parameters for the proposed mix. The density of the scheme is within the London Plan density range and is supported. The applicant should clarify child play space requirements.
- **Affordable housing:** The Council should provide their independent assessment of viability, in order to confirm that the proposal will provide the maximum reasonable amount of affordable housing, as required by London Plan Policy 3.12.
- **Urban design:** The proposals are well considered and broadly reflect the design aspirations of the OAPF, the Masterplan and the draft AAP. The parameters and Design Code appropriately secure the quality, including residential quality, of the scheme; however the applicant should commit to achieving a minimum floor to ceiling height of 2.5 metres.
- **Inclusive design:** The proposals are supported in line with London Plan Policies 7.2 and 3.8. The Council should secure M4(2) and M4(3) requirements by condition.
- **Transport:** The applicant should reconsider the modal split used to estimate trip generation; promote the restrained approach to residents through measures such as car clubs; consider a step-free/no dismount design for the pedestrian/cycle link over the rail line; reconsider the Phase 1 and longer term bus strategy; provide contributions for an additional bus service; clarify how the pedestrian network will be improved; confirm that no works will impact the A406; consider the need for measures to improve the physical environment, legibility, security and future safety of residents; and the final construction logistics plan and delivery and servicing plan should be secured by condition.
- **Climate change:** The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan, subject to further information being provided. The proposals are acceptable in terms of London Plan Policies 5:12 and 5:13; however a suitable planning condition should be applied regarding the details of the drainage proposals.

3 On 28 June 2016, Enfield Council decided that it was minded to grant permission, subject to conditions and agreement of a section 106 agreement. However the application was subsequently revised as follows:

- Amended housing mix and affordable housing, as discussed below.
- Slight change to the red line boundary to reflect the new station and platforms shift eastwards to fit with the West Anglia Main Line alignment.
- A slight reduction in the maximum retail space from 1,250 sq.m. to 950 sq.m.
- Minor wording amendments to the Design Code.
- Changes to the design of the wildlife/ecological corridor beside the railway line to allow for improved public realm, and improved maintenance and access arrangements, with associated cost reductions.
- The revisions have necessitated an updated assessment in the Environmental Statement in respect of ecology and biodiversity.

4 As a result of these changes, the application was again considered by Enfield Council on 28 March 2017. The Council decided that it was minded to grant permission, subject to conditions and agreement of a section 106 agreement, and on 11 April 2017 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged, direct Enfield Council under Article 6 to refuse the application, or issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 24 April 2017 to notify the Council of his decision and to issue any direction.

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

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

Affordable housing

7 Enfield Council has a target of 40% affordable housing, with 70% affordable rent and 30% intermediate provision. It is noted that the Council is consulting on the Proposed Submission Edmonton Leaside Area Action Plan (ELAAP), which states that all residential development proposals in Meridian Water will be expected to achieve a minimum of 35% affordable housing; with the expectation to meet the Council's 40% target across all phases of Meridian Water, as property values and viability improve.

8 At consultation stage, the applicant identified that a minimum of 25% (by unit) could be secured, which has been confirmed as 30% by habitable room. The substantial costs required to make the proposed development acceptable in planning terms, particularly with regard to remediation and infrastructure provision, were recognised in the Mayor's Stage One report. Subsequent to the Council's first resolution to grant consent with this level of affordable housing, GLA officers raised concerns with the amount of affordable housing proposed and requested that this be increased to a minimum of 35% (by habitable room). The Council's development partner has also undertaken a review of the likely demand for units, which, in discussion with the Council's Housing officers, has resulted in a change in the mix of units. Consequently, the affordable offer and unit mix has been revised as follows:

	Studio	1 bed	2 bed	3 bed +	Total
Affordable	-	20-30%	20-30%	Min 40%	Min 35% (by hab room)
Market	Max 20%	40-50%	25-35%	Min 5%	Max 65% (by hab room)

9 The uplift in the affordable housing offer across the site is strongly supported and has been subject to detailed discussions with both GLA officers and the Council’s Housing Team to ensure that it remains responsive to local need. Housing Zone/Affordable Homes Programme funding is being invested to provide affordable housing and to support the new station.

10 London Plan Policy 3.11 ‘Affordable Housing Targets’ requires that 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale, with priority given to affordable family housing. The Mayor’s draft Affordable Housing and Viability SPG sets out a preferred tenure split of at least 30% low cost rent, at least 30% intermediate, and the remaining 40% to be determined by the LPA. The Council has a target of 70% social rent and 30% intermediate provision, although it acknowledges that on sites in the east of the borough, a lower proportion of affordable rent and a higher proportion of intermediate housing may be sought. The original submission allowed the exact mix to be agreed in reserved matters applications; however the revised offer secures a split of 60% intermediate housing and 40% affordable rent. This meets draft SPG requirements, and the Council has accepted this split based on viability testing, as well as negotiations with GLA and Council Housing officers in regard to local housing needs, and the requirement to provide a large proportion of family sized affordable rent units.

11 GLA officers have interrogated the Council commissioned viability information and conclude that the offer represents the maximum reasonable amount. The draft section 106 agreement secures a viability review with each reserved matters application to demonstrate whether an increase over and above the minimum 35% provision can be achieved, up to a policy compliant level of 40%. A final viability assessment is also secured covering the whole of this outline application site within 12 months of practical completion. The Council has also agreed to an early review mechanism to secure progress within two years of permission being granted.

12 As set out in the draft SPG, the Mayor is committed to delivering a range of genuinely affordable homes. The affordable rent units are secured in the section 106 agreement at up to 60% of local market rent for the three and four-bed units, and up to 80% for one and two bed units. The shared ownership income limits will be at a minimum of 20% below market levels, and affordable for household incomes of up to £90,000, as set out in the London Plan, to be amended as per the Annual Monitoring Report.

Housing

13 London Plan Policy 3.8 ‘Housing Choice’ encourages a choice of housing based on local needs, while affordable family housing is stated as a strategic priority. At consultation stage, the applicant stated that further discussion was necessary in order to define appropriate parameters for the proposed mix, which reflect local needs and the Council’s housing requirements.

14 The applicant considers that demand for market units within the early phases of Meridian Water is likely to be for smaller units, taking account of the proposed rail improvements and relatively inexpensive housing, while the residential character of the area establishes. The majority of the market units (maximum 95%) are therefore two-bed or smaller. This is supported, and the provision of 40% of the affordable tenures as family sized is strongly

supported. It is also noted that this is the first phase of a significant site where there will be the opportunity to review and potentially rebalance the mix at later stages of the wider development having regard to viability, local need, and market demand. The unit sizes are secured in the section 106 agreement as set out above.

15 As requested at consultation stage, the applicant has clarified the child play space calculation and amended the Design Code to set out minimum playspace provision per open space and communal courtyard. In addition, a play space strategy will be submitted with each reserved matters application, which is secured by planning condition.

Urban design

16 The Design and Access Statement also includes an illustrative scheme in line with the parameters and Design Code. The wording of the Design Code has been amended to reflect changes to the application. In addition, some additional text has also been added providing further guidance on the design of the streetscape and buildings. These changes are supported.

17 Council planning officers are content with the proposals and there are no strategic design issues outstanding.

Inclusive design

18 As requested at consultation stage, the Council has secured by condition that 90% of the units meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% meet Building Regulation requirement M4(3) 'wheelchair user dwellings', as required by Policy 3.8 'Housing Choice'.

Transport

19 As identified at consultation stage, the draft section 106 agreement secures that should the proposed relocated train station be delayed, or not come forward in the way assumed in the Transport Assessment, that alternative provision will be provided, with specific proposals to be assessed.

20 The restraint based approach to car parking is supported. The emerging Edmonton Leaside Area Action Plan sets out the wider transport strategy for the site, which proposes enhancements to local bus services, pedestrian and cycle links. The Phase 1 application takes account of the emerging strategy for the site and is supported.

21 Concerns raised at consultation stage about the Transport Assessment and other supporting documents have been resolved, including ensuring that the Meridian Water station works do not impede the delivery of the 'STAR' upgrade programme and the proposed Crossail 2 scheme, or impact on the Glover Road bus interchange. The proposals enhance access to the bus interchange by providing a pedestrian/cycle link through the new station.

Climate change

22 The applicant has provided the additional information requested at consultation stage relating to overheating; the site heat network and energy centre; and photovoltaic installation. The requested conditions have been applied. Based on the energy assessment submitted, an overall saving of 50% of CO₂ per year is expected, compared to a 2013 Building Regulations compliant development. The carbon dioxide savings meet the target set within Policy 5.2 of the London Plan.

23 As requested at consultation stage, a planning condition has been applied requiring details of a sustainable drainage regime to be submitted and approved by the local planning authority, in consultation with the Borough's Lead Local Flood Authority.

Response to consultation

24 Enfield Council initially publicised the application by sending notifications to 656 neighbouring properties, as well as issuing site and press notices. A re-consultation was undertaken on the amendments to the proposals in January 2017. No objections were received.

25 The following statutory consultees provided comments:

- **Network Rail** made no objection and expressed support the proposal.
- **Natural England** made no objection and does not consider that this application poses any likely or significant risk to protected sites.
- **Environment Agency** made no objection subject to conditions, which have been applied.
- **Thames Water** made no objection subject to conditions, which have been applied.
- **Historic England** made no objection, subject to a condition, which has been applied.
- **National Grid** made no objection, subject to an informative, which has been applied.

26 Issues raised by consultees have been considered in this report, the Mayor's Stage One report, and the Council's Committee Report of 28 March 2017.

Draft section 106 agreement

27 The draft section 106 agreement includes the following provisions:

- A minimum 35% affordable housing (by habitable room), with review mechanisms and affordability secured as set out above.
- £2,535 per unit (approximately £1.8M) contribution towards primary and secondary education.
- £1.5M contribution towards off-site open space enhancement contribution.
- £70,000 contribution towards a Controlled Parking Zone.
- £50,000 highways contribution.
- Sustainable transport - travel plan and monitoring fee; car club and membership, monitoring, and physical measures.

Article 7: Direction that the Mayor is to be the local planning authority

28 Under Article 7 of the Order, the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance, the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at consultation stage, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

29 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power under Article 6 to direct the local planning authority

to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

30 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

31 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

32 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

33 The application, with the suggested conditions and section 106 obligations, is compliant with the London Plan. Issues regarding housing; affordable housing; urban design; inclusive design; transport; and climate change, have been appropriately addressed.

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