



**Report for:**  
**ACTION**

**Item Number:**

**12**

<b>Contains Confidential or Exempt Information</b>	
<b>Title</b>	Housing Regeneration Update
<b>Responsible Officer(s)</b>	Pat Hayes, Executive Director of Regeneration and Housing ext 9120
<b>Author(s)</b>	David Baptiste, Head of Housing Development ext 6858
<b>Portfolio(s)</b>	Cllr Taylor, Housing
<b>For Consideration By</b>	Cabinet
<b>Date to be Considered</b>	17 <sup>th</sup> June 2014
<b>Implementation Date if Not Called In</b>	30 <sup>th</sup> June 2014
<b>Affected Wards</b>	Walpole, Elthorne, Dormers Wells, Norwood Green, Cleveland, Greenford Broadway, North Greenford, South Acton
<b>Keywords/Index</b>	Housing, Regeneration, Rectory Park, Copley Close, Allen Court, Havelock Estate, Golf Links Estate, Dean Gardens, South Acton, Green Man Lane, Council New Build

**Purpose of Report:**

This report provides an update to members on the progress made to date on each regeneration estate identified as a high intervention estate and makes recommendations to enable land in Phase 2B be appropriated for planning purposes and for the last two Phases (3 & 4) of the Green Man Lane project to progress to completion and to give the developer at Rectory Park greater financial certainty as each phase completes.

The report also updates members on the Council's new build programme and seeks authority to appropriate the Education land containing the ex-caretaker's house at Stanhope School, Greenford for planning purposes.

**1. Recommendations**

That Cabinet agrees to:

- 1.1 Note the progress of all regeneration estates across the borough as detailed in this report.

**For Green Man Lane Estate:**

- 1.2 Note and agree that decant status is to be awarded to tenants at the affected blocks in the third phase of regeneration, in line with the Council's Allocations Policy regarding the decanting of tenants prior to demolition.
- 1.3 Authorise the Executive Director for Regeneration and Housing to stop lettings on the Estate of secure tenancies for properties within the third phase of development and to adopt a local lettings plan to ring fence void properties in other phases on the estate for re-letting to existing Green Man Lane residents affected by decanting in the first

instances, and then for overcrowded families on the estate, before being allocated to general lettings.

- 1.4 Authorise the Executive Director for Regeneration and Housing to initiate a consultation process on the redevelopment scheme as required under Ground 10 A and Part V of Schedule 2 of the Housing Act 1985 with tenants in the affected blocks (on a phased basis as appropriate) and, subject to consideration of any representations received, to commence a voluntary decanting programme in advance of the Ground 10A consent being sought.
- 1.5 Authorise the Executive Director for Regeneration and Housing to consider any representations received and, subject to that, to apply for Ground 10A consent pursuant to Ground 10A and Part V of the Act in respect of each phase of the proposed development once Consultation has taken place.
- 1.6 Authorise the Executive Director for Regeneration and Housing to award decant status to blocks and tenants in later phases to enable early decanting where necessary to allow later development phases to move forward in the programme.
- 1.7 The making of Compulsory Purchase Order/s in principle in respect of Phases 3 and 4 of the Green Man Lane Estate Project (as shown on the plan in Appendix 1) generally under the Acquisition of Land Act 1981 and specifically under Section 226(1) (a) of the Town and Country Planning Act 1990.
- 1.8 The compulsory acquisition of all rights over the land by the creation of new rights pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (as required).
- 1.9 Authorise the Executive Director for Regeneration and Housing to take any steps, procedures and measures necessary to discharge all rights, easements, liberties, privileges, advantages and incidents to which the land may be subject.
- 1.10 Authorise the Executive Director for Regeneration and Housing to make the final decision to authorise the making of the necessary Compulsory Purchase Order/s when required and as appropriate
- 1.11 Authorise the Executive Director for Regeneration and Housing, both in advance of and after the making and confirmation of any compulsory purchase order, to negotiate with the owners of interests and rights in the CPO land with a view to acquiring those interests and rights by agreement, to conclude such acquisitions by agreement, and to pay such compensation for the acquisition of the interests and rights as may be proper and reasonable.
- 1.12
  - a. The appropriation of Housing land in principle pursuant to Section 19 of the Housing Act 1985 for planning purposes prior to the transfer of land outlined at Appendix 1 in Phases 3 & 4 and the remainder of 2B, subject to the consent of the Secretary of State if required and .
  - b. Authorises the Executive Director of Regeneration and Housing to finalise the appropriation process when appropriate.
- 1.13 Authorise the Executive Director for Regeneration and Housing to dispose of land to the developer partner under Section 233 of the Planning Act 1990 as required.
- 1.14 Authorise the Executive Director for Regeneration and Housing to amend phasing and /or the boundary of the land to be acquired by CPO or agreement or appropriated as necessary following consultation with the Portfolio Holder.

- 1.15 Authorise the Director of Finance to make the required adjustments to the Council's accounts to reflect the appropriation of the Land hereby authorised when the process is finalised.
- 1.16 Authorise the Executive Director of Housing and Regeneration to take all steps, procedures and measures including seeking statutory consents and enter into any arrangements necessary for the implementation of the scheme as outlined in this report.
- 1.17 Authorise the Director of Legal and Democratic Services to seek all necessary statutory consents in order to facilitate the redevelopment scheme and authorise the Executive Director for Regeneration and Housing to undertake consultations necessary prior to seeking such consents.
- 1.18 The taking of all steps, procedures and measures necessary to discharge all rights, easements, liberties, privileges, advantages and incidents to which the land may be subject

**For Rectory Park Estate:**

- 1.19 Authorise the Executive Director of Regeneration and Housing to agree a variation to the Principal Development Agreement with Network Housing to transfer the freehold of the land on a phase by phase basis.

**For the Council New Build Scheme**

- 1.20
  - a. The appropriation in principle of the land currently held for education purposes as shown edged in red in appendix 2 for planning purposes subject to the consent of the Secretary of State if required and
  - b. Authorise the Executive Director of Regeneration and Housing to finalise the appropriation process.
- 1.21 Authorise the Director of Finance to make the required adjustments to the Council's accounts to reflect the appropriation of Land hereby authorised when the process is finalised.

## **2. Reason for Decision and Options Considered**

### **2.1 Regeneration Update**

- 2.2 A regeneration strategy was agreed by Cabinet in February 2008 and subsequently supported to address the key issues highlighted in the Estates Review of July 2007. Green Man Lane and phase 2.1 and , 2.2 of South Acton were excluded from the estates review at that time because these projects were already underway and already formed part of the Council's regeneration strategy. The recommendations agreed by cabinet included those to:

- Undertake detailed Options Appraisals on the High Intervention estates (listed below) where a detailed master plan exercise has not already been carried out, and to undertake a limited exercise to review the retention, demolition and delivery proposals on the South Acton estate, the results of which will be brought back to a future Cabinet meeting.
- High intervention estates are: Allen Court, Copley Close, Dean Gardens, Golflinks, Havelock, Rectory Park

- 2.3 Options appraisals were undertaken on all high intervention estates and detailed consultation carried out with estate residents. After completing resident consultation on each estate a report was presented to cabinet recommending for each estate whether a comprehensive redevelopment option should be progressed and a process undertaken to secure a developer partner for the estate regeneration
- 2.4 The report below gives an overview of how each estate has progressed to either secure a developer partner for estate renewal or agreed an alternative solution for regeneration and also reviews the current position, issues going forward and the future programme.

### **3 Key Implications**

#### **3.1 South Acton**

##### **3.1.1 Background**

- 3.1.2 The current redevelopment process started at South Acton in 2007. At this time there were 1860 homes of which 1,500 were tenanted and 360 sold leasehold under the right to buy.
- 3.1.3 Since the completion of the stand-alone scheme to replace the 21-storey Barrie House in 2005, eight old blocks have been decanted and demolished, four blocks are empty and awaiting imminent demolition and four further blocks are scheduled to be decanted by the end of June 2014. Approximately 420 old homes have been demolished and 527 new homes have either been completed or are under construction

In February 2010, Cabinet approved Acton Gardens (a partnership between L&Q and Countryside Homes) as preferred developer partners. The Principal Development Agreement was signed in March 2011.

- 3.1.4 Following extensive stakeholder consultation a revised masterplan for the whole of the new estate was given planning approval in September 2012 subject to completion of a s106 agreement, together with detailed consent for Phase 2 (the site of former Blackmore Tower) of the development. This masterplan envisages demolishing all remaining blocks on the estate and replacing these with 2,350 new homes in eleven phases over the next 15 years. There will be an additional 820 homes provided at the site when the masterplan is fully built out, compared to the number of homes in 2005.
- 3.1.5 In total roughly 80% of tenants from phases 4 & 5 chose to stay living at South Acton and move to one of the new homes being constructed. This compares with a similar number of tenants who chose to move away from South Acton in the previous phase of decanting, demonstrating the shift in perception of people living in the area that has taken place since construction of new homes has begun.

##### **3.1.6 Current Position**

South Acton is an extremely large estate regeneration programme that will continue for a number of years to come. It is important that the rolling programme of decanting continues to ensure that sites earmarked for development can be cleared and vacant possession of the site passed to the developer.

##### **3.1.7 Issues Going Forward**

- 3.1.8 The scheme as a whole will provide an uplift in open space of approximately 20% across the estate. A primary concern is to ensure that loss of open space between phases is

mitigated in the interim. This is particularly important given that the temporary campus for Berrymeade Infant School is to be located on the open space known as Bollo Field between April 2014 until completion of the new school building at the beginning of the autumn term 2015. To this end, Acton Gardens will be providing a temporary open space on the site of the nearby Caine House, which has already been decanted and is not due for redevelopment until a later phase in some years' time. As soon as the temporary school campus has been removed Acton Gardens will be carrying-out improvement works to Bollo Field, including a new Multiuse Games Area (MUGA) as required as part of the planning conditions for phase 3 of the development.

- 3.1.9 Resident consultation has been placed at the centre of the South Acton regeneration programme, with the resident Developer Selection Group and previous governance body for the estate (the Joint Working Group) being consolidated into the South Acton Community Board. The Board meets bi-monthly.
- 3.1.10 An important element of the development of the new South Acton will be the proposed community hub in phase 6. Although redevelopment of the existing community centre is some way into the future (the phase is not scheduled to commence until late 2017) ahead of this time work is underway to assess the needs of future users.
- 3.1.11 Future programme
- 3.1.12 Phase 2 of the regeneration programme commenced in September 2013, on the site of former Blackmore Tower. This is scheduled for phased completion from autumn 2014 and will provide a further 106 new homes (fifty percent of which will be affordable) with the 38 social rented units being prioritised for tenants decanting from the next area to be demolished (Phase 6 - Charles Hocking House and Hardy Court).
- 3.1.13 Phase 3 of the programme was granted detailed planning consent in March 2014 and includes two sites: an area to the furthest southern reach of the Estate where Woolf & Wodehouse Courts previously stood and the site of the current South Park and Bollo Brook Youth Club. Badged as 'phases 3.1 and 3.2', the two sites combined will yield a further 240 homes and is planned for completion on a phased basis between March 2016 and February 2017. Again, secure tenants from phase 6 will be earmarked new homes in this phase being offered at social rent.
- 3.1.14 Phase 4 will be constructed on the site of Grahame Tower and Chesterton Court. Both blocks have now been decanted and are being secured prior to decommissioning and pre-demolition works taking place. Acton Gardens are currently undertaking stakeholder consultation prior to the submission of a detailed planning application this summer. Subject to planning, this phase will comprise approximately 103 new homes, fifty percent of which will be affordable.
- 3.1.15 The timing of the completion of remaining phases will follow the phasing plan detailed in the outline planning submission.

## **3.2 Green Man Lane**

### **3.2.1 Background**

- 3.2.2 Green Man Lane is an estate in West Ealing which, at the start of the regeneration process, contained 472 homes, 71% of which were 1 bed room flats. 72 homes had been sold on the Estate.
- 3.2.3 In April 2009 the Council approved A2dominion and Rydon as the preferred developer and, after a series of Estate consultation meetings and working with Council officers, an outline planning application for the new estate of 706 homes and a detailed application

for Phase 1 was granted planning approval in September 2010..

- 3.2.4 The new Estate is a mixture of 1, 2, 3 and 4 bedroomed homes available for social rent, shared ownership and private sale.
- 3.2.5 After taking occupation of Phase 1 land the developer demolished a 47 home tower block and a multi storey car park in the summer of 2010. To provide the developer with vacant possession of Phase 1, the Council rehoused all tenants in the tower block in alternative accommodation and all leaseholders were bought out.
- 3.2.6 Current Position
- 3.2.7 Phase 1 new build completed in April 2014 and contains 162 new homes (92 for social rent, 49 for shared ownership, 8 for private rent and 13 for private sale). All social rent homes have been tenanted by ex-council tenants. As residents move into new homes on the Estate they will become tenants of A2dominion
- 3.2.8 Phase 2A, a small phase containing 10 flats and 4 houses, was completed in July 2012. These 14 social rent homes were tenanted by ex-council tenants.
- 3.2.9 Phase 2B decant area containing 157 properties in 3 blocks of flats and a terrace of houses is empty save for 9 owners. 7 have agreed to sell back to the Council but 2 non-resident owners have been unwilling to sell or move out. A General Vesting Declaration will therefore be served on the remaining owners to ensure the Council can secure possession of these properties. This process has delayed works to demolish the blocks in this phase.
- 3.2.10 In November 2013 the detailed plans for Phase 2B of the scheme were approved by the Planning Committee.
- 3.2.11 Resident consultation continues on a regular basis via a Residents Steering Group (RSG) which monitors all aspects of the project; from design to the letting of new properties, to community issues and monitoring progress. It receives regular reports from other consultation groups, the council and A2Dominion and Rydon.
- 3.2.12 The RSG along with input from residents' workshops produced a Community Lettings Plan which ensured fairness in allocating the new homes in Phase 1 and 2A. The RSG also contributed to a leaseholders and freeholders handbook detailing the buy back and shared equity offer to existing resident owners.
- 3.2.13 Issues Going Forward
- 3.2.14 Currently the RSG is working with all the partners to look at different ways in which the Estate can be managed in the future and how residents can be involved in its management structure.
- 3.2.15 To progress the decanting of properties in Phase 3 it will be necessary to award decant status to all secure tenants and also to buy back leasehold properties. Recommendations are included in this report to seek the necessary approvals to progress for Phases 3 and 4 the decanting of tenants, purchase of leasehold interests, authority to prepare and make a CPO, appropriate land for planning purposes and transfer land to the developer in accordance with the Principal Development Agreement between the Council and the developer. In addition, a small area land in Phase 2B is now required to be appropriated for planning purposes.

### 3.2.16 Future programme

Phase 2 is due for completion by the beginning of 2017

Phase 3 is due for completion by the end of 2019

Phase 4 is due for completion by the end of 2022

## 3.3 **Rectory Park**

### 3.3.1 Background

3.3.2 There are 270 homes on Rectory Park Estate, of which 162 are tenanted and 108 are leasehold. A summary of the Estate Review findings showed that Rectory Park needed improvement to the quality of housing, open space and the wider sustainable environment

3.3.3 A Tenants & Residents Association sponsored petition of residents in July achieved 130 signatories (48% of estate). 79.5% wanted to demolish and rebuild 19% wanted refurbishment (decent homes) and 1.5% to do nothing. This petition was received by the Mayor in July 2008.

3.3.4 A steering group, with wide resident representation, was established in 2008 to oversee the process of developing options for the Estate, comprising 15 tenants and leaseholders.

3.3.5 Following considerable work by the steering group, the Council's Cabinet agreed, in July 2010, to the selection of Network Housing Group as the Council's preferred development partner to undertake redevelopment of the Estate

3.3.6 In March 2012, Network Housing submitted an outline planning application for the wholesale demolition and redevelopment of the Rectory Park Estate.

3.3.7 The outline application provides details of access and layout for the phased demolition of the existing buildings and redevelopment of a maximum of 425 residential units, 297 car parking spaces, a community centre and associated landscaping. The redevelopment proposal is to be undertaken across five phases of development.

### 3.3.8 Current Position

3.3.9 Full planning permission was granted for phases 1 and 2 of the regeneration in September 2012 and outline planning permission, including phases 3 – 5, was granted in November 2013 following completion of a s106 agreement.

3.3.10 Phases 1 & 2 will provide 150 homes split between 54 social rent, 10 equity share and 96 private sale

3.3.11 Phase 1 of the scheme was completed in March 2014 and work on Phase 2 has now commenced with the demolition of the blocks in this area t

### 3.3.12 Issues Going Forward

3.3.13 The development agreement between the Council and Network Housing Trust (NHT) on this project provides for the Council to grant a lease to the developer on each individual phase of work. Once the final phase is complete the Council is then required to transfer the freehold.

- 3.3.14 Recent changes in the right to buy (RTB) discounts have increased the number of RTB enquiries by the Council and we have already seen the first enquiry from the new properties on Rectory Park. Any RTB completion will involve both the Council as the freeholder of the land and Network Housing as the leaseholder and owner of the property. In order to avoid any unnecessary legal complications a cleaner solution would be to transfer the freehold of the land to the developer on completion of each phase. Delegated authority is therefore sought to vary the existing development agreement to reflect this.
- 3.3.15 NHT have submitted an application for grant funding to the GLA, early feedback has been positive and a formal response is expected in June 2014
- 3.3.16 NHT will commence assessing the viability of phases 3 -5 once the results are known and are also considering consolidating phases 4 & 5 into one phase.
- 3.3.17 It is anticipated that a planning application will be submitted for all outstanding phases in November 2014 for a decision in April / May 2015
- 3.3.18 Future programme
- Phase 2 is due for completion by the end of 2015  
Phase 3 is due for completion early 2017  
Phase 4 is due for completion late 2018  
Phase 5 is due for completion by mid of 2020

#### **3.4 Copley Close**

##### **3.4.1 Background**

- 3.4.2 There are 636 homes on Copley Close Estate, of which almost 18% have been sold on a leasehold or freehold basis.
- 3.4.3 In February 2011, the Council made the decision to stop the procurement process to select a redevelopment partner and worked with residents to find a solution to regenerate the Estate. The Leader and Portfolio member for Housing met with residents in November 2011 and made a number of commitments to redevelop and refurbish the Estate. New windows and new front doors were considered essential and an accelerated programme has now been delivered to install these improvements to homes. Other works delivered in 2012 were improvements to drainage, roof repairs, new play areas, CCTV and structural repairs.
- 3.4.4 The Council have now taken control of the regeneration of Copley Close and plan to invest, redevelop and refurbish the Estate into a successful mixed tenure community where people choose to live. A report was submitted to Cabinet in May 2012 that outlined proposals for regeneration that included demolition of 75 homes, building 205 new homes, refurbishing over 500 homes and improving the public realm, access, security and amenity space.
- 3.4.5 A planning application was approved by the Council and the GLA in October 2013 for the redevelopment of Copley Close that included the construction 205 new homes, 50% of which will be affordable. The planning application also approved the construction of new stair cores, lifts, new play areas and infill housing to existing building that are due to be refurbished.
- 3.4.6 Copley Close has also been rebranded in consultation with the local community and is now referred to in local community, sales and marketing literature as 'Copley Hanwell W7'.

### 3.4.7 Current Position

#### *Phase 1 Contract*

In December 2013 Cabinet approved the Phase 1 contract with Mulalley, the sum of which is £4.3m. The contract was signed in March 2014. Mulalley will take possession of the site from the 13th May. Phase 1 includes;

- Refurbishment of Worcester Court (27 flats)
- Internal refurbishment of 12 x Copley Close houses
- Construction of 5 x 4 bedroom houses
- Construction of sheltered housing office and laundry room
- Landscaping works at sheltered housing block

#### *Phase 2 Procurement*

In April 2014 the Council received 3 tenders for the Phase 2 works. Phase 2 consists of the refurbishment of 350 homes and construction of 200 new homes plus extensive public realm works. The timetable for phase 2 is as follows:

Activity	Dates
Notification of Decision	July 2014
Award of Contract	September 2014
Possession of site	October 2014
Completion of works	Early 2020

#### *On-site works*

Works to replace windows and doors across the Estate is now complete and scaffolding is currently being removed from the D & G blocks. 25 voids have been refurbished and work on the remaining void units continues. Underpinning work to the Copley houses is nearing completion. There has been a site office since October 2013 which is staffed by a dedicated housing management team as well as regeneration team members.

#### *Decant update*

The decanting of the demolition blocks (Anglesey, Hereford and Merioneth Courts) is almost complete with vacant possession of Anglesey Court anticipated for July 2014. Residents of Worcester Court (Phase 1 refurb) have been decanted to newly refurbished voids elsewhere on the estate. Vacant possession of Worcester Court is expected before Mulalley's possession of the site on the 13<sup>th</sup> May.

### 3.4.8 Issues Going Forward

#### *Tenure, Sales and Lettings Strategy*

Of the 205 new homes, there is mix of private sale, private rent, affordable rent, social rent and shared ownership. The breakdown of tenure is as follows for the new build elements of the scheme;

Tenure	No of Units	Bed sizes
Private rent	38	10 x 1 bed 28 x 2 bed
Private sale	60	14 x 1 bed 44 x 2 bed 2 x 3 bed
Affordable rent	38	6 x 1 bed 32 x 2 bed
Shared ownership	20	4 x 1 bed 15 x 2 bed 1 x 3 bed
Social rent	49	2 x 1 bed 13 x 2 bed 5 x 3 bed 29 x 4 bed

Of the 550 homes that are being refurbished, the majority will remain in Council ownership apart from homes that are leasehold. There are proposals to convert some of the refurbished homes to affordable or private rent. There will be a further report back to Cabinet with the details of the business plan that will include any future changes in tenure.

The Council will be developing and renting homes at affordable and private rents, a product that the council do not currently offer. At present, the project team are exploring new ways of managing Copley as a mixed tenure development. The vision is to have a single management and maintenance service across all tenures so the service standard is as consistent as possible across social and private tenures.

For the social rent properties, there are proposals to consult with the local community about a local lettings policy that will be brought back to Cabinet for consideration in September.

The onsite regeneration and housing team are currently managing all aspects of management and dealing with all community issues.

#### Resident consultation

- 3.4.9 Residents have been involved through the design and procurement process through the Copley Steering Group. Residents have also been invited to join interview panels to appoint a construction partner and branding consultants. Residents have also recently been invited to attend a Meet the Contractor day where residents could ask questions about how the Phase 1 works would affect them. The Copley Hanwell W7 Facebook page have over 80 'Likes' and is popular with local residents as they can ask questions with an immediate response from a member of the project team.
- 3.4.10 Future resident consultation will involve holding meetings about a local lettings plan and future temporary rehousing for Phase 2.

#### Investment options

- 3.4.11 In October 2013, Cabinet agreed to set up a wholly owned subsidiary of the Council that will effectively operate a development company, now named 'Broadway Living'. A further report will be presented to Cabinet in September that outlines the business plan for Broadway Living to invest in the new build private and affordable rent.

#### Future programme

- 3.4.12 Work has started on site for Phase 1 on 12th May. The works are expected to be complete by August 2015. Work is due to commence on site in October 2014 for Phase 2 and complete in 2020.

### **3.5 Allen Court**

#### **3.5.1 Background**

- 3.5.2 Allen Court is a single block of 65 homes, approximately one third are one bedroom and two thirds are two bedroom flats. 4 of the two bedroom flats have been sold leasehold.
- 3.5.3 Following the Estates Review and a structural survey it was recommended that the Council select a partner to regenerate the estate.

3.5.4 The Cabinet of 10<sup>th</sup> January 2012 recommended that the Council sign a development agreement with Notting Hill Housing as housing association, Galliford Try PLC as guarantor and Linden Homes as developer. The Principal Development Agreement was entered into on 29<sup>th</sup> June 2012.

#### 3.5.5 Current Position

3.5.6 Notting Hill and Linden Homes, following substantial consultation with the local residents and the Council's planning service, submitted a planning application in August 2012. This was approved by Planning Committee in December 2012.

3.5.7 The application is for 89 units in total being built in two phases. The first phase will consist of 45 social rented units to replace the existing ones on a habitable rooms basis. The second phase will consist of 44 private for sale flats. The proposed development changes the footprint of the current estate from a concentrated tower in the centre of the park, to a linear development along the perimeter of the open space, with a row of rented houses at the eastern end of the park closest to Sudbury Heights Avenue and two blocks of flats in the centre and the western end of the park.

3.5.8 Phase 1 involves building on some open space either side of the existing tower block, while the existing residents are in occupation. This is then replaced in phase 2 when the tower block is demolished.

3.5.9 To facilitate development a small play area has been relocated to the centre of the public open space

3.5.10 The development includes 50% parking, which will be in controlled private parking courts at the rear of the new blocks.

3.5.11 Notting Hill and Linden Homes propose extensive enhancements to the adjacent park including new landscaping to enhance the park which will act as mitigation and screening for the development and introduce a more bio-diverse environment.

#### 3.5.12 Issues Going Forward

3.5.13 The Council has completed the allocations process and has written to eligible residents to confirm that they will be offered a new property. The Council is continuing to work with the residents who wish to move away from Allen court.

#### 3.5.14 Future programme

3.5.15 Phase 1 is due for completion in summer 2014 and tenants who have been allocated a new property will move directly into the new properties.

### 3.6 **Havelock**

#### 3.6.1 Background

3.6.2 The Havelock estate comprises 851 properties built in the 1950s and 1970s. The estate is broken down into:

- 490 Wimpey "No fines" Units
- 94 traditional brick built houses
- 114 "REEMA" concrete panel houses
- 84 flats in 3 storey blocks
- 14 units in flats over shops
- 48 Elderly Persons Units
- 7 shops

- 3.6.3 The estate can be divided into three areas that correspond broadly to the property types. The Northern area is predominately Wimpey 'No Fines', with some three storey flats and houses. The Southern area is also predominately Wimpey 'No Fines'. The Central area is predominately houses, with some traditionally constructed three storey flats.
- 3.6.4 A substantial number of properties (39%) have been bought under the Right to Buy on a freehold or leasehold basis.
- 3.6.5 The majority of buildings on the estate are in poor condition and suffer from extensive problems. The "REEMA" houses are built using a hollow panel system and require extensive investment to give them a long term life. The Wimpey 'No Fines' homes are badly designed, in poor condition and particularly prone to crime and vandalism. There has been a general consensus among residents that substantial investment is required and in November 2002 there was an attempt to transfer the estate to an RSL. This failed and there has been some dissatisfaction amongst residents about the condition of their homes and pessimism about the likelihood of success of any regeneration proposals.
- 3.6.6 Consultation during the review indicated that a majority of residents favour redevelopment of the estate. Redevelopment is clearly the only sensible solution in terms of the Wimpey 'No Fines' units.
- 3.6.7 The Council has been working with local residents since 2008 on the regeneration proposals through the developer selection group.
- 3.6.8 Current Position
- 3.6.9 On 24<sup>th</sup> April 2012 Cabinet approved Catalyst as the preferred developer partner for the regeneration of the estate.
- 3.6.10 Following extensive stakeholder consultation, outline planning proposals for the whole regeneration programme at Havelock and detailed proposals for phase 1 was submitted in July 2013.
- 3.6.11 On 27th November 2013 planning approval was granted on outline permission covering the whole scheme, which consists of four phases and 922 units and detailed permission for the first phase of the scheme.
- 3.6.12 The Council is decanting the last few tenants in phase 1a. They are moving off site in the first instance. All tenants have been registered with LOCATA and are able to bid on Band A. The council is providing support for these residents to help them move..
- 3.6.13 The Council is in the process of buying back the last remaining leaseholders in phase 1a of the regeneration. Catalyst and the Council recognise that there may be a value gap between the value of the Wimpey No Fines properties and an alternative property in the local area. To help with this Catalyst has developed an offer for these leaseholders to help them to move.

### **3.6.14 Issues Going Forward**

- 3.6.15 Vacant possession of Phase 1a is due to be delivered by the Council at the end of December 2013. Delays in submitting planning have now changed this to July 2014. The new build in this phase is due for completion by the end of 2015.

### **Future programme**

Phase 1a is due for completion late 2015  
Phase 1b is due for completion summer 2017  
Phase 2 is due for completion late 2019  
Phase 3 is due for completion by 2021  
Phase 4 is due for completion by 2023

## **3.7 Dean Gardens**

### **3.7.1 Background**

- 3.7.2 There are 209 homes on Dean Gardens estate (locally known as Sherwood Close). A large proportion of the 206 flats are bed-sit or one bed (68%). The estate also includes three two-bedroom houses, two of which have been sold freehold. 47 of the flats have been sold leasehold.

### **3.7.3 Current Position**

- 3.7.4 On 18<sup>th</sup> September 2012 Cabinet approved Affinity Sutton as the preferred developer partner for the regeneration of the estate. Consultation with estate residents and the local community are proceeding to develop a detailed scheme and for a planning application to be submitted in August 2014.
- 3.7.5 The Development Agreement between the Council and the developer was approved by Cabinet in December 2013 and this is due to be signed by the Council and developer in June 2014.
- 3.7.6 A housing needs survey has been undertaken as well as a survey of leaseholders and freeholders preferences. Decanting of tenants from Phase 1 is underway and over half the tenants have moved to alternative accommodation. All leasehold and freehold properties in Phase 1 have been valued and negotiations are continuing with a view to buying back these properties.
- 3.7.7 A Residents Steering Group has been established and meet once a month to review progress and make contributions to the way the scheme is being developed and managed.
- 3.7.8 An consultation event was held in a marquee on the estate to keep estate residents and the local community informed of progress and the regeneration scheme and the development of the estate design prior to making a planning application.
- 3.7.9 **Issues Going Forward**
- 3.7.10 After the planning application has been submitted Affinity Sutton will tender the works with a view to appointing a contractor and starting on site early in 2015.

### 3.7.11 Future programme

Phase 1 is due for completion by the end of 2016

Phase 2 is due for completion by mid-2018

Phase 3 is due for completion by the end of 2019

## 3.8 Council New Build

- 3.8.1 Members will be aware of the programme started in 2010 to construct new council houses for rent and affordable sale. To date 226 houses have been completed or are being built as set out in the following table

Scheme	Number of homes	Completion
Hanway Road, Hanwell	5 x 3b houses 8 x 2b flats 2 x 1b flats	Completed 2011
Eastcote Lane Phase I, Northolt	6 x 1b 24 x 2b 6 x 3b houses	Completed 2011
Firefly close, Northolt	8 x 2b 7 x 3b 4 x 4b	Completed 2011
Grandstand Way, Northolt	1 x 2b houses 7 x 3b houses 2 x 4b houses	Completed 2012
Golf Links, Southall	11 x 1b flats 17 x 2b flats 6 x 3b flats 1 x 4b flats 5 x 3b houses 11 x 4b houses 5 x 5b houses	Due for completion in 2015
Eastcote Phase II, Northolt	12 x 1b flats 26 x 2b flats 1 x 3 house 4 x 4 houses	Due for completion in 2015
Hoylake Road	3 x 3b houses	Completed 2014
Carlyle House	2 x 3b houses 6 2b flats 2 x 1b flats	Due for completion in 2014
Epsom Close	5 x 3b houses	Completed 2014
Wallis Road, Southall	5 x 2b flats 5 x 3b maisonettes 4 x 4b houses	Due for completion in 2014
Hambrough & Abbotts Road, Southall	3 x 3b houses 3 x 4b houses	Due for completion in 2015
Wincanton Crescent, Northolt	3 x 3b houses	Due for completion in 2015
Allenby Road, Greenford	6 x 2b flats	Due for completion in 2015

- 3.8.2 In addition to the completed and current schemes in the table above, planning is underway on a further 7 sites that should deliver approximately 85 more units by the end of 2016.

- 3.8.3 The focus has been on better utilisation of the existing HRA estate and most of the of the existing schemes have been, or will be built on existing unencumbered housing land, however there are now few viable opportunities remaining. As a result and in line with the Council's asset management strategy, the focus is shifting to the HRA built estate to explore what, if any redevelopment opportunities exist, and it is intended that, following consultation with residents and other interested parties, any proposals that evolve will be brought to Cabinet's attention in due course
- 3.8.4 In addition, other Council-owned land held by is being explored to see if development opportunities exist, and Cabinet recently agreed the appropriation of surplus land held by other council departments to housing for the construction of new housing. Another such site is the ex-caretaker's house at Stanhope School in Greenford. The house is no longer required for the School's use and the School's governing body has agreed in principle to dispose of it, and the Executive Director of Regeneration & Housing has agreed in principle to acquire it at the market valuation. It is proposed that the existing house will be refurbished, and two 2-bedroom houses will be built in the large garden. Cabinet authority is sought for the appropriation of land and it is recommended that the land edged in red in appendix 2 is appropriated from education for planning purposes.

## 4 Financial

- 4.1 In most cases, apart from Copley Close and Golf Links where the Council is undertaking the redevelopment, the costs of the redevelopment are being met by the Council's development partners. However the Council has to meet the preliminary costs of these schemes until a partner is appointed, although, in most cases the bulk of these costs are recovered over the life of the scheme under the terms of the development agreement.
- 4.2 With the introduction of HRA self-financing it has been possible to properly plan these costs and the following provisions are contained within the budget provision for the HRA budget and medium term financial strategy:

	2013/14	2014/15	2015/16	2016/17	2017/18
	Outturn £'000	Approved Budget £'000	Approved Budget £'000	Approved Budget £'000	Approved Budget £'000
Copley Close	6,902	14,848	17,854	14,069	4,218
South Acton	4,712	1,173	-	5,000	6,400
Green Man Lane	2,084	2,752	335	2,783	-
Rectory Park	909	2,978	2,365	917	2,000
Golf Links	11	-	-	-	-
Dean Gardens	405	4,085	1,706	-	998
Havelock	2,585	6,396	4,700	5,200	-
Council New Build	11,258	29,171	250	-	-
<b>TOTAL</b>	<b>28,866</b>	<b>61,403</b>	<b>27,210</b>	<b>27,969</b>	<b>13,616</b>

## 5 Legal Implications.

- 5.1 The redevelopment and regeneration of the Estates (and Green Man Lane in particular for the purposes of this report) is dependent upon the Council being able to transfer land to a developer partner with vacant possession and unencumbered by any legal rights or interests. To that end compulsory purchase orders are necessary to ensure that all such

rights and interests may be acquired by the Council prior to the transfer of land to the new developer partner.

- 5.2 The most appropriate enabling power is Section 226(1)(a) of the Town and Country Planning Act 1990 whereby a local authority has the power to acquire compulsorily any land in their area if the authority thinks that the acquisition will facilitate the carrying out of a development, re-development or improvement on, or in relation to, the land and thinks also that this will help to promote or improve the economic, social or environmental well-being of the area. The recommendation in paragraph 1.2 (iv) also allows for residual action to acquire rights and interests whether by the creation of new rights under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 or otherwise.
- 5.3 Upon the completion of a compulsory acquisition of land under Section 226 (i) (a) of the 1990 Act (as will be the case here) all private rights of way are extinguished.
- 5.4 Section 227 of the 1990 Act provides that a local authority may acquire by agreement any land which they require for any purpose for which a local authority may be authorised to acquire land under Section 226.
- 5.5 The Council's use of Ground 10A (i.e. the dwelling house is in an area which is the subject of a redevelopment scheme approved by the Secretary of State) to seek vacant possession of dwellings requires prior approval of the scheme by the Secretary of State.
- 5.6 Where the land is appropriated for planning purposes, it will then be held by the Council within Part 9 of the Town and Country Planning Act 1990. The significance is that by virtue of Section 237 of the 1990 Act any erection, construction or carrying out of any maintenance of any building or work on the land and subsequent use of the land is authorised under those planning powers, if the works are undertaken in accordance with planning permission, even if they interfere with third part rights.
- 5.7 The purpose of Section 237 is to ensure that where the land has been appropriated for planning purposes, the existing rights, which could prevent the development of that land from proceeding in accordance with the planning permission, can be overridden. The rights will be overridden whether the Council or a party deriving title from us undertakes the development.
- 5.8 The power contained in Section 237 does not remove the legitimate rights of parties to compensation, which may arise from the interference with their rights, but it does remove the potential for such parties to frustrate the development by obtaining an injunction to prevent the interference with their rights.
- 5.9 If any affected parties claim compensation, then the Council will be liable to pay such compensation.
- 5.10 Under section 233 of the 1990 Act the Council has powers to dispose of land that is held by the Council for planning purposes.
- 5.11 Human Rights
  - 5.11.1 The United Kingdom is a signatory to the European Convention on Human Rights (ECHR) which came into force as an international treaty in 1953. The Convention comprises a statement of rights, which signatory states guarantee, and incorporates machinery and procedures for their enforcement through the European Commission of Human Rights and the European Court of Human Rights in Strasbourg.
  - 5.11.2 The provisions of the ECHR which are of most relevance to compulsory purchase in this context are as follows.

Article 6 - "In the determination of his civil rights and obligations ....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...."

Article 8 - "Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country. For the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Article 1 of the First Protocol - "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions shall not, however, in any way impair the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest...."

- 5.11.3 The Human Rights Act 1998 came fully into force on 2 October 2000, incorporating the provisions of the ECHR into domestic law.
- 5.11.4 Although the ECHR guarantees the right to peaceful enjoyment of property, it is clear from Article 1 of the First Protocol that compulsory acquisition of land does not involve an infringement of the ECHR so long as it is done in the public interest and subject to the law laid down by statute. Similar considerations apply to Article 8. States are given a "margin of appreciation" in deciding for themselves what constitutes sufficient public interest to justify a compulsory acquisition.
- 5.11.5 The procedure for compulsory purchase in England and Wales enables a landowner who objects to a compulsory purchase to be heard at a public inquiry before the order is confirmed. There is a right to challenge a decision to confirm an order on two statutory grounds - that the authorisation of the order is not empowered to be granted under the Acquisition of Land Act 1981 or that a "relevant requirement" has not been complied with - and it is considered that these procedures comply with Article 6, which provides a right to a fair trial in relation to civil rights and obligations
- 5.11.6 The Courts have considered the concept of "proportionality" in relation to compulsory purchase and the weight of authority supports the proposition that the test of proportionality is satisfied provided that the order strikes a fair balance between the public benefit sought and the interference with the rights in question. Officers are satisfied that there is clear evidence that the public benefit of the proposed redevelopment of the Cinema Site will outweigh of the private loss of the sites concerned.
- 5.12 This report provides information to show that there is a compelling case for a CPO in respect of Phases 3 and 4 of the Green Man Lane scheme in the public interest. In particular the report confirms how the Council intends to use the land affected by the CPO. In addition it demonstrates that the necessary resources are available and the basis on which it is considered that if a CPO is made there will be no planning impediments to the proposed redevelopment and that the assumption of compulsory powers at the appropriate time will not be premature.

## **6 Value For Money**

- 6.11 All developer partners for each estate have been selected through a competitive process. This process looked at the quality and cost of developers' proposals and the selection process was aimed at ensuring value money is achieved, and the best deal is struck for the Council and residents.

## **7 Risk Management**

- 7.11 By their very nature major estate regeneration projects are high-risk projects. The Council has learned considerably from its experience with earlier schemes. Therefore, a risk assessment of each housing regeneration project is developed and is reported regularly through project team arrangements. Ealing's current regeneration strategy means that major financial risks are managed through the competitive procurement process and through a phased approach to development agreements.

## **8 Community Safety**

- 8.11 Improvements to community safety are included in briefs to developer partners where this is identified as a regeneration need on the scheme.

## **9 Links to Strategic Objectives**

Housing regeneration links to the following strategic objectives which are:

- **Environment, housing and culture**  
To make Ealing a better place to live
- **Safety**  
To make Ealing one of the safest places in London
- **Health and independence**  
To reduce health inequalities and promote well-being and independence for adults and older people
- **Economy**  
To ensure that there are opportunities for all people and businesses to prosper
- **Children and young people**  
To create a great place for every child and young person to grow up
- **Organisational improvement**  
Becoming a high performing organisation, focussed on the needs of its communities

## **10 Equalities and Community Cohesion**

Equalities Impact Assessments are in place for all of the high intervention estates

## **11 Staffing/Workforce and Accommodation implications:**

The current Housing Regeneration Team has the resources to deliver these projects. Specialist support is required from finance, legal, design and land and property consultants and a framework of suitably qualified advisors has been procured under OJEU.

## **12 Property and Assets**

The housing regeneration schemes outlined in this paper include all housing and non dwelling HRA assets on the estates.

## **13 Any other implications**

None

## **14 Consultation**

An outline of the consultation carried out with residents on each estate is set out in section three.

Regular meetings are held with officers in legal, finance, planning, economic regeneration and housing to develop and manage the projects.

## **15 Timetable for Implementation**

Individual project timetables are set out in section three.

## **16 Appendices**

None

## **17. Background Information**

### **Cabinet Reports**

February 2008	Estates Review report and Housing Regeneration Strategy
July 2008	Housing Regeneration Funding Strategy
June 2008	Green Man Lane Regeneration Project
September 2008	South Acton Estate – Selection of Developer Partner
October 2008	Housing Regeneration Update
April 2009	Green Man Lane Regeneration Project
May 2009	South Acton Estate – Selection of Developer Partner Update
October 2009	Green Man Lane Regeneration Project – Approval to Terms of Legal Agreement
October 2009	Golf Links Estate Regeneration - proposals for redevelopment and repairs'.
November 2009	Approval to undertake a competitive tender process to procure the demolition of Kipling Tower, South Acton and amendments to land transfer boundaries
November 2009	Dean Gardens Estate Regeneration
December 2009	Procurement of regeneration partner for Havelock Estate
January 2010	South Acton Regeneration Project - selection of the preferred bidder
January 2010	Approval to award a contract for the demolition of Kipling Tower, South Acton following a competitive tender process.
June 2010	Approval to undertake a competitive tender process to procure the demolition of Blackmore Tower, South Acton
July 2010	Rectory Park Estate Regeneration Project - selection of the preferred bidder
December 2010	South Acton Regeneration Project – Approval to terms of Legal Agreement
December 2010	Green Man Lane Regeneration Project – appropriation of Housing land for planning purposes in Phase 1 and 2A of the Green Man Lane redevelopment site

December 2010	Approval to award a contract for the demolition of Blackmore Tower, South Acton following a competitive tender process.
February 2011	Copley Close Estate Regeneration – Procurement Update
March 2011	South Acton Regeneration Programme Phases 1 to 5
July 2011	Allen Court Estate Regeneration – Selection of a preferred partner
February 2011	Copley Close and Medium Intervention Estates (MIE) Regeneration, Modernisation and Remodelling Strategy
April 2011	Havelock Estate Regeneration – Selection of a preferred partner
May 2012	Housing Estate Regeneration Update – Copley Close redevelopment proposals
September 2011	2011-2015 Council House Newbuild Bid and update (incl Golf Links)
September 2012	Dean Gardens Estate Regeneration – Selection of a preferred partner
November 2012	Housing Regeneration Update
November 2012	2011-2015 Council New Build Update
December 2012	Regeneration of Havelock Estate – Authority to enter into Principal Development Agreement
March 2013	Green Man Lane Regeneration – Housing and Education Proposals
May 2013	Housing Regeneration Update
July 2013	Housing Regeneration Update
October 2013	Housing Development Delivery Options Appraisal and Business Case Approval
November 2013	Green Man Lane Regeneration, St Johns Primary School Rebuild, Determination of Statutory Proposals
December 2013	Copley Close Phase 1 Works Contract
February 2014	Regeneration of Dean Gardens Estate
April 2014	Green Man Lane Regeneration Project

## **Consultation**

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
<b>Internal</b>				
Pat Hayes	Executive Director of Regeneration and Housing	19 May 2014		
Jackie Adams	Head of Property and Regulatory Legal Services	14 May 2014	19 May 2014	Throughout
Maria Cristofi	Director of Finance	14 May 2014	20 May 2014	
Sharon Daniels	Assistant Director of Services Finance	14 May 2014	20 May 2014	Finance
Hitesh Tailor	Cabinet Member for: Housing	23 May 2014		

## **1 Report History**

<b>Decision type:</b>	<b>2 Urgency item?</b>
Key decision	No
Report no.:	Report author and contact for queries: David Baptiste Head of Housing Development, x6858