

<b>Item No.</b> 22.	<b>Classification:</b> Open	<b>Date:</b> 31 October 2017	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Aylesbury Estate: Community facilities at Plot 18 delivery	
<b>Ward(s) or groups affected:</b>		Faraday	
<b>Cabinet Member:</b>		Councillor Mark Williams, Regeneration and New Homes	

## **FOREWORD - COUNCILLOR MARK WILLIAMS, CABINET MEMBER FOR REGENERATION AND NEW HOMES**

This reports seeks authorisation to begin the Compulsory Purchase Order process to enable the delivery of new homes, including social rent homes, a new library, new GP health centre, new community facilities, and a new public square on Plot 18 in the heart of the Aylesbury Estate. These new homes and facilities have planning permission and represent a significant investment for local residents, early delivery of these community facilities will directly benefit local residents.

We have made progress with purchasing a number of leasehold interests in the proposed Order area and the council will continue to seek voluntary purchase of all remaining interests. The full range of options and support for resident leaseholders remains to enable them to stay in the area. However, to give certainty on delivery of these new homes and community facilities it is necessary to make this CPO application.

## **RECOMMENDATIONS**

1. That Cabinet notes the current position in relation to the delivery of new homes and a range of new community facilities at Plot 18 of the Aylesbury regeneration programme:
  - Outline consent for the redevelopment of the site was granted in August 2015;
  - Cabinet approved the submission of a detailed scheme for Plot 18 for planning consent in October 2015;
  - Detailed reserved matters planning consent was granted in December 2016;
  - Cabinet approved the funding package for the delivery of Plot 18 in February 2017;
  - An application has been submitted to amend the consented tenure mix for Plot 18 in line with the revised tenure mix reported to cabinet in May 2017;
  - Vacant possession of 300-313 Missenden and the blue huts was achieved in March 2016 and demolition was completed in June 2017;
  - The council has successfully acquired 2 resident leasehold properties within 57-76 Northchurch by agreement and successfully rehoused 13 households on a secure tenancy;
  - Initial service diversion works have commenced and will be completed in 2018;

- The council is continuing to negotiate with all 3 remaining leaseholders within 57-76 Northchurch with the intention to acquire these remaining interests by agreement.
- 2. That Cabinet resolves to make a Compulsory Purchase Order under Section 226 (1)(a) of the Town & Country Planning Act 1990 for all land and rights within the area of land identified within the plan at Appendix 2 for the purposes of securing the delivery of new homes and community facilities on the site in line with the existing planning consent and thereby securing the regeneration of the Aylesbury Estate in line with the adopted Aylesbury Area Action Plan.
- 3. That cabinet notes that an update report on further progress towards obtaining vacant possession of the site will be brought to Cabinet before a Compulsory Purchase Order is made.

### **BACKGROUND INFORMATION**

4. The background to the regeneration of the Aylesbury Estate has been covered extensively in previous reports but is summarised here for context.
5. Having spent a number of years investigating plans for refurbishing the estate, it became apparent that the extent and cost of works required to refurbish the estate to an acceptable standard would be prohibitive and would not overcome the fundamental design flaws of the layout of the estate, the Council took the decision in 2005 to redevelop the estate.
6. In March 2007 the council undertook the preparation of the Area Action Plan to establish the policy framework for the redevelopment of the estate. The Aylesbury Area Action Plan (AAP) was adopted by the council in January 2010 following extensive public consultation, including an Examination in Public in 2009. It is part of the statutory development plan and deals directly with the redevelopment of the Aylesbury Estate its policies have significant weight in any decisions on applications in this area.
7. Having undertaken a competitive procurement process to secure a development partner for the delivery of the regeneration of the estate, the council appointed Notting Hill Housing Trust (NHHT) to bring forward the phased regeneration of the Aylesbury Estate, and a Development Partnership Agreement (DPA) between the Council and NHHT was signed on 28 April 2014. This partnership will see the development of a further 3,500 new homes across the Aylesbury development area, along with a number of community facilities, commercial facilities and a range of parks and open spaces and high quality public realm.
8. Following further consultation on the masterplan for the estate, applications were submitted by NHHT for detailed planning permission (reference no. 14/AP/3843) for the redevelopment of the First Development Site (FDS) within the south west corner of the estate and for outline planning permission (reference no. 14/AP/3844) for the redevelopment of the wider estate, both in line with the requirements of the development plan and the aspirations of the AAP, and both were granted consent on 5 August 2015.
9. In October 2015, Cabinet approved proceeding with the submission for planning approval of a detailed scheme for the Plot 18 Site comprising approximately 120 homes plus a range of community facilities including a health centre and GP

surgery, early years facility, library, stay and play facility and community trust offices and public open space plus a small element of retail. A planning application for approval of matters reserved within the outline consent was subsequently submitted (reference no. 16/AP/2800) which was granted consent on 9th December 2016.

10. On 7 February 2017, the capital monitor report approved by cabinet confirmed the funding provision of £35m towards the community facilities in Plot 18. This funding includes the use of the infrastructure contribution from NHHT under the DPA, as well as section 106 funding previously committed.
11. This report sets out the current position in relation to the delivery of the scheme.

## **KEY ISSUES FOR CONSIDERATION**

### **The scheme**

12. The consented scheme for the Plot 18 Site will deliver 122 new homes across a range of tenures, including homes for private sale, intermediate shared ownership homes and homes for social rent; a number of the new homes will be dedicated to the over-55s age group. The scheme will also deliver a range of community facilities including:
  - Community Facility, comprising a new Library, multi-use space and offices for Creation Trust;
  - Health Centre, providing new premises for the Aylesbury Medical Partnership and the Aylesbury Health Centre (both currently located in Taplow);
  - Early Years facility, providing new premises for the Aylesbury Early Years Centre (currently located in Taplow);
  - Retail space, including a pharmacy to provide new premises for the Medi-pharmacy (currently located in Taplow) and café;
  - Public Open Space.
13. The delivery of Plot 18 early within the regeneration programme is a key priority for the council as it will deliver key community facilities and public spaces early within the overall regeneration programme, thereby supporting both existing and new residents of the area. In addition, the provision of new purpose-built facilities provides decant accommodation for existing facilities currently located within Taplow, which falls in Phase 3 of the wider scheme, which thereby assists in providing vacant possession of Phase 3 and further supports the continuing programme for the regeneration of the estate.
14. Since the grant of the reserved matters planning consent, detailed designs for the scheme have now be developed to Tender stage and a contractor is to be procured through a competitive procurement process via the council's development partner, Notting Hill Housing Trust. It is intended that the contract will be let in summer 2018.
15. The clustering of the new facilities on this site will create a community and retail hub centred on a new public civic square. This is in line with the Aylesbury Area Action Plan, and is intended to serve the wider area. A high standard of quality is reflected in the proposed buildings and in the design of the civic square, which sets a standard for architecture in the area and will act as a catalyst for change.

16. Set on the ground floor of a residential block, with generous ceiling heights, the new library, at 443sqm, will be three times the size of the existing library at East Street, which it replaces. It will accommodate a larger stock, more study space, access to Wi-Fi and space for a broader range of activities for the whole community. The library will offer service to people of all ages but will have a particular focus on children, families and young people. This can include various programmes of activities including homework and study support sessions, reading groups, activities for under-fives and family learning sessions. A larger book stock will be available to underpin this and to encourage local children to read more widely and to read for pleasure.
17. The focus on children, young people and families will enable the new library to become a focal point for the community and provide the kind of facility that would help both sustain the existing community and attract people with young families to the area.
18. The multi-use space adjacent to the library area will be managed directly by the Library. It is likely to be used for part of the day by a Stay-and-Play group and part of the day by the library itself for such activities as children's craft or homework clubs. Similarly the meeting rooms will be managed by the Library; these will be available for hire by the community and will also be used by the library itself. The office space is intended to be occupied by the Creation Trust.
19. The other building on the development, known as the South block, will provide a 3,880sqm Health Centre at basement, ground, first and second floors and 947sqm Early Years Facility on the third (top) floor. The Health Centre will provide new premises for both the existing General Practice (GP), the Aylesbury Medical Centre (AMC) and the existing community health service, the Aylesbury Health Centre, Guy's and St Thomas' (GSTT); co-locating both facilities provides the required flexibility to respond to the changing demands on healthcare provision. The AMC facility is larger than the existing and as such addresses the increasing demand for services, providing capacity for an 80-100% increase (to serve 18,000 – 20,000 patients) and will support 50 members of the GP practice team, including both clinical and non-clinical staff.
20. The new Health Centre has been designed to allow for partial shut-down of the building, to enable out-of-hours use within key spaces easily accessed from the main entrance door. These comprise: the group session room, the main waiting area and the two meeting rooms. It is anticipated that these areas can be used for classes and training that contribute to health and well being. Out-of-hours uses are likely to operate from 8pm until 10 or 11pm.
21. The new Early Years facility will be a safe, inspiring and high quality environment for children aged 0-5 to learn and play. The proposed facility is a replacement facility for the existing Aylesbury Early Years Centre. It presents an increase in childcare places and an environment to current standards for nursery buildings. The current facility, which is registered for 36 childcare places, is located behind Taplow, and accessed via Taplow underpass; its internal environment is deemed (by Children's and Adults' Services) to be uninspiring in relation to present day standards for teaching and learning. The new facility providing 72 childcare places will contribute towards the demand for such provision in the local area, and will contribute to the anticipated increase in demand due to projected population changes.

22. The new civic square will be landscaped to a high standard, with special paving, tree planting, low planting beds and children’s play equipment. A large fountain will be a focal point of the space offering visual delight and animation. The square will be well lit at night with feature lighting columns and low-level lighting. Outdoor furniture in the form of benches and individual seating will offer a place to rest and relax, as well as a spill-out amenity to the library and the café.

**Tenure mix**

23. The currently consented scheme for the Plot 18 site includes a total of 122 mixed-tenure housing units, comprising 46 units for social rent, 10 units for intermediate shared ownership and 66 units for private sale. An application has now been submitted to amend the tenure mix of the consented scheme for Plot 18 in line with the revised figures reported to Cabinet on 9th May 2017.
24. The revised tenure mix comprises 17 units for social rent, 6 units for intermediate shared ownership and 99 units for private sale. When compared to the currently consented scheme, the proposed changes to the tenure mix for the Plot 18 scheme would therefore result in a reduction of 29 units for social rent and 4 units for intermediate shared ownership and an increase of 33 units for private sale. While considered in isolation the revised tenure mix overall would represent a reduction of affordable units being delivered on the site itself as against the consented scheme, these changes are being brought forward in parallel with an application to amend the tenure mix of the consented scheme for the First Development Site which includes a slightly greater corresponding increase in the quantum of units for social rent to be delivered.
25. When considered together, the two applications will result in a significant increase in affordable homes to be delivered across the two sites as compared to the currently consented schemes. This increase comprises a small increase in social rented units (+15 additional units net) and a significant increase in units for intermediate shared ownership (+105 additional units net). There would also be a loss of 108 units for private sale.
26. Although these changes result in a decrease in the proportion of social rented homes to be delivered across the two sites, this is not due to a reduction in the quantum of units for social rent to be delivered which as noted above increases, and is instead due to the significant additional provision of extra homes for intermediate shared ownership. Once completed, these units would provide further opportunities to rehouse existing resident leaseholders from later phases within the estate. The revised tenure mix continues to meet NHHT’s obligations under the DPA.
27. As noted above, the proposed changes to the Plot 18 tenure mix are in accordance with the figures reported to Cabinet on 9th May 2017. The proposed changes to the FDS tenure mix are broadly in line with the figures previously reported to Cabinet, but with a small increase in units for social rent of 7 units, a small reduction in units for shared ownership of 8 units, and small increase in units for private sale of 3 units. The consented and revised tenure mix for both FDS and Plot 18 are as follows:

	FDS consented scheme	Plot 18 consented scheme	Combined schemes consented	FDS revised scheme	Plot 18 revised scheme	Combined schemes revised	Net change
Social Rent	304	46	350	348	17	365	+15

	FDS consented scheme	Plot 18 consented scheme	Combined schemes consented	FDS revised scheme	Plot 18 revised scheme	Combined schemes revised	Net change
Shared Ownership	102	10	112	211	6	217	+105
Market Rent	48	0	48	48	0	48	0
Private Sale	376	66	442	235	99	334	-108
Total	830	122	952	842	122	964	+12

### *The Site*

28. The extents of the Plot 18 Site are shown in the plan at Appendix 1. The Site comprises the residential block at 57-76 Northchurch, a portion of the existing Aylesbury Medical Centre building, ancillary open space, hoarded cleared land (formerly the site of 300-313 Missenden and the blue huts) and a multi-use games area (MUGA). A significant proportion of the site is vacant and cleared land and the only structures within the Site comprise the Northchurch block and part of the current medical centre building.
29. The three blue huts at units 6-8, Thurlow Street, were vacated in 2016. Three Crosses has moved to new permanent premises elsewhere in the borough. Creation Trust has moved to temporary offices elsewhere on the estate, but will return to the new offices being delivered within the Plot 18 scheme. While Tykes Corner, a children's nursery, ceased activity upon vacating the unit. Vacant possession of the residential block at 300-313 Missenden was achieved in March 2016, following rehousing of all remaining tenants within the block, the 2 leasehold properties in this block having previously been acquired by agreement, with completion of the purchase of the interests of the 1 resident leaseholder in July 2011 and the 1 non-resident leaseholder in October 2009.
30. The demolition contract for these structures was let by NHHT to Erith Contractors in December 2016. The demolition of the blue huts was completed in January 2017 and demolition of 300-313 Missenden to ground level was completed in June 2017. The below ground demolition of 300-313 Missenden, along with interdependent works to divert utilities that currently run through the wider site, will be undertaken in 2018.
31. The Plot 18 Site also includes a portion of the existing Aylesbury Medical Centre building, a single storey portion of the building that extends to the south beyond the Taplow block above. The construction of the Plot 18 development will be phased such that the south block, which will provide new and expanded replacement health facilities, will be delivered first allowing the Aylesbury Medical Centre to relocate directly into the new building, vacating the existing building and allowing that portion of the existing building to be demolished allowing the rest of the site to be delivered in accordance with the consented scheme.
32. The MUGA remains open for use by the local community and has been kept open for the maximum time possible for this reason. It will, however, be closed later this year to allow start of construction. A number of replacement facilities will be coming forward as part of the wider masterplan for the estate, but in the meantime improvement works have been carried out to MUGAs elsewhere on the estate at Latimer, on Thurlow Street, and Portland Street

## **Vacant possession**

33. While construction of the Plot 18 scheme can commence on land already within the council's control, full implementation of the scheme will require the council to achieve vacant possession of the block at 57–76 Northchurch to enable this building to be demolished and this land to be redeveloped as part of the scheme in line with the existing planning consent.
34. 57-76 Northchurch was brought forward from Phase 3 into Phase 2 and rehousing of residents in the block commenced in February 2015. The block comprises 20 properties. At the time rehousing commenced, a total of 14 of the properties were occupied by households on secure tenancies, one property was occupied by a household in temporary accommodation, and 5 properties were held leasehold, having previously been purchased under the right to buy, of which 3 were owned by resident leaseholders and 2 were owned by non-resident leaseholders.
35. To date, the council has successfully rehoused a total of 13 of the 14 households on secure tenancies on the same basis and the council's Area Housing Office is continuing to work with the 1 remaining household on a secure tenancy to facilitate their move to a new property. As with all tenants relocated from the Aylesbury Estate, all tenants relocated retain the option to return to new homes on the estate should they wish to do so.
36. The council has also successfully completed the acquisition of 2 of the 3 resident leasehold properties within the block. These were purchased by agreement following successful negotiation with the leaseholders, and included the successful rehousing of one leaseholder in a new-build property at Notting Hill's nearby Camberwell Fields development on shared equity terms. Of the remaining 3 leasehold interests in the block, only 1 resident leaseholder remains with the other 2 leasehold properties owned by non-resident leaseholders. The council is continuing to negotiate with all 3 remaining leaseholders with the intention to acquire the remaining interests by agreement.
37. Having successfully relocated 15 households from the block to date (13 tenants and 2 leaseholders), the resultant vacant properties have been used by the council for temporary accommodation and the block currently contains 13 households in temporary accommodation. As further properties become vacant within the block, either following successful rehousing of the remaining secure tenant or temporary accommodation households, or buy back of outstanding leaseholds, these properties will no longer be utilised for further lettings and will be held void until the block is fully vacant prior to its demolition. A total of 3 properties within the block are currently held void in this way.
38. Negotiations to acquire the 3 remaining leasehold interests are ongoing and the council's aspiration is to acquire all outstanding interests by agreement and thereby secure vacant possession of the block and complete the redevelopment of the site without the need to utilise its statutory compulsory purchase powers.
39. To date, the council has made a total of 3 financial offers to purchase 59 Northchurch, in September 2013, June 2015 and September 2016. The property is resident-owned and the owners have applied and been accepted for Council rehousing assistance, however they have not yet registered on the council's

bidding system and have since advised that they wish to purchase on the open market and have not since engaged with the council.

40. The owners of 70 Northchurch have received a total of 4 offers to date, in November 2009, September 2013, June 2015 and September 2016. The council's offer of September 2013 was accepted by the owners in October 2013 however unfortunately the leaseholder did not go on to complete the sale. Subsequent offers have not been accepted and the leaseholder has not since engaged with the council until approaching the council in August 2017 regarding their eligibility for council rehousing assistance. They are not considered to be resident leaseholders however.
41. The owners of 72 Northchurch have received a total of 2 offers to date, in May 2015 and August 2016. The latter was accepted and terms of a sale were subsequently agreed in September 2016 however the leaseholder, who is non-resident, then advised that they did not want to complete the sale until the CPO process for the FDS was resolved and have since advised that they want to renegotiate terms.
42. The council is continuing to negotiate with the remaining leaseholders, however it is now considered necessary to promote a compulsory purchase order for the block comprising 57–76 Northchurch and associated land as identified in Appendix 2 in parallel with negotiations, as provided for in the 2015 DCLG Guidance on the use of Compulsory Purchase powers. This will give further impetus to stalled negotiations and ultimately to provide certainty of acquiring all remaining interests required to ensure full vacant possession of 57–76 Northchurch within the timescale required by the construction programme for Plot 18. It will ensure the redevelopment of the Plot 18 Site fully in line with the existing consented scheme and thereby ensure delivery of new homes and community facilities on the site to support the existing and incoming residents.

### **Policy implications**

43. Detailed assessment of the relevant policy framework demonstrates that there is a strong policy support for the proposed scheme. The scheme represents a crystallisation of adopted policy through the grant of outline and reserved matters planning consent for the redevelopment of the site. The Aylesbury Area Action Plan (AAP) is a key material consideration for all applications within the area it covers. The AAP was adopted by the council in January 2010, following a three-year process of consultation and engagement including an Examination in Public in 2009. It is part of the statutory development plan and deals directly with the redevelopment of the Aylesbury Estate. The policies in the AAP have significant weight in any decisions on planning applications within the area. In addition, the statutory development plan for the borough comprises the London Plan, Core Strategy and saved policies from the Southwark Plan, while National Planning Policy Framework provides national planning guidance.
44. Through the AAP process, the Council committed to delivering new community facilities early on the Aylesbury estate early within the regeneration programme, and this is reflected within the adopted policies. The site known locally as the "Amersham site" was identified within the AAP (as Site 10) as the optimum location for the new community facilities as it is situated in the heart of the development area, mid-way along Thurlow Street, and forms a key link between the conservation area to the west and Surrey Square park to the west.

45. The outline masterplan for the regeneration of the estate provides for a range of community facilities in this location, within the site now referred to as Plot 18. In determining the application for outline planning permission, the masterplan was assessed against the relevant development plan policies and guidance at that time, among which significant weight was attached to the policies of the AAAP, and the principles of the masterplan were found to conform with the policy framework.
46. The outline planning permission was granted subject to a range of parameter plans in relation to the height, layout, open space provision, land use, basement area, access/circulation and phasing. In determining the reserved matters application, the detailed proposals for Plot 18 were again assessed against the statutory development plan policies and guidance as well as against the parameters and specifications within the outline planning permission and was found to confirm with the policy framework and outline consent.

### **Community impact statement**

47. As set out in the detailed description of the scheme at paragraphs 12 to 22 above, the proposed redevelopment brings about significant benefits which together contribute to a significant increase in the social, economic and environmental well being of the site itself, the wider estate and the borough as a whole. The implementation of the scheme for Plot 18 will deliver a range of new community facilities which will support the new and existing residents.
48. The scheme will address the poor quality of existing physical environment. Existing buildings are of poor quality, using poor quality building materials, employing outdated construction methods, severely in need of costly repair, and representing inefficient land use with a low density of residential accommodation. The site also comprises under-utilised spaces, reducing personal security and perceived safety, with the ground plane dominated by car-focussed uses, deterring the use of this space by local people.
49. The proposed redevelopment of the site will bring about a significant improvement of the physical environment within the site. It will deliver a broad range of community facilities, replacing existing facilities with new purpose-built facilities, and extending these. The development will deliver a new library, GPs surgery and community health facility, early years facility as well as offices for community groups. The development will also provide new high-quality homes, contributing towards an increase in both the quantum and quality of residential accommodation on the site and contributing to corresponding improvements in the wider area. The homes that will be built will see significant improvement on the existing stock and will retain the spaciousness of the existing properties.
50. While these scheme benefits are significant and compelling they must however be weighed against any potential disbenefits. The council has given detailed consideration to the potential adverse impacts of bringing forward the proposed redevelopment and promoting the associated CPO. The primary potential area for direct adverse impacts arises from the requirement for households currently resident within the Site to be relocated outside of the Site in order to allow for the construction of the development in line with the existing planning consent. In the absence of council rehousing policies to enable affected residents to be able to stay in the local area this could give rise to a number of resulting adverse

impacts such as disruption, unfamiliarity with a new area, difficulty maintaining access to local amenities, services and other social and cultural amenities. However, it is considered that the council's rehousing assistance and associated support and guidance enable these potential adverse impacts to be fully mitigated.

51. As outlined above, the land to be included in any CPO currently comprises a single block of 20 residential properties, of which 17 are presently occupied. 13 properties are currently occupied by households in temporary accommodation. It is not considered there would be any adverse impacts on these households resulting from the scheme, as they would be rehoused through the council's regular rehousing processes by the time of implementation.
52. There is currently 1 household occupying a property on a secure tenancy. This tenant has decant status and the housing office are working with them to assist them with the rehousing process. Again it is not considered that there would be any adverse impact on this household resulting from the scheme. They have been given decant status providing priority status in bidding for alternative accommodation either within existing council stock or that of housing association partners. As this is a choice-based bidding system, tenants are able to exercise personal choice in the location of moves. This ensures the ability to remain within the local area should they wish to do so.
53. Data on the location of tenant moves from across the whole of the wider Phase 2 area demonstrates this. Data on the destination of tenant moves from phase 2 up to March 2017 has shown that:
  - 35% of tenants rehomed within the same postcode;
  - 82% of tenants rehomed within the same or adjacent postcodes;
  - 96% of tenants rehomed within the borough.
54. While a small proportion (4%) of tenants have moved out of the borough, these have been as a result of individual choice in pursuing the opportunity to move to new locations for a range of personal reasons, such as moving nearer to family. All tenants who move also retain the option to return.
55. There are 3 leasehold interests remaining in the site. In line with Compulsory Purchase and Compensation guidelines set out by the Government, leaseholders receive market value for the purchase of their property, plus a home loss payment of 10% for resident leaseholders, or 7.5% for non-resident leaseholders, as well as disturbance payment to cover the reasonable costs of moving, such as removals costs and fees. Even where purchasing properties by agreement, the council makes offers on this basis in recognition that this would be the basis for a purchase under a CPO. Leaseholders are free to purchase a new property on the open market.
56. While issues relating to the value of leasehold interests are not in themselves a consideration in promoting a CPO, it is acknowledged that there could be a potential impact resulting from the disparity in existing values on the estate and those in the surrounding areas which if unmitigated could present a barrier to resident leaseholders remaining in the area and continuing to access services, employment opportunities and community ties. The council has, therefore, put in place a range of rehousing options for resident leaseholders which, depending

on the individuals' specific circumstances, can result in the offer of a council tenancy on a council-owned property, the purchase of a council property on either shared ownership (where rent is paid on the unowned portion) or shared equity (where no rent is paid on the unowned portion) terms, or the purchase of a housing association property on either shared ownership or shared equity terms. Such options provide the opportunity for existing residents to be able to choose to remain in the local area, should they wish to, and thereby mitigating any potential impacts on individuals' ability to continue to access local services and amenities resulting from the proposed CPO.

57. This can be seen from existing data on moves across the wider Aylesbury estate. To date, the Council has successfully acquired 284 leasehold and freehold interests, of which 147 were recorded as being resident on the estate. While no forwarding address information is held for 58 of those households, of those for whom the council holds information:
- 18% moved within the same postcode; and
  - 45% moved within the borough.
58. Therefore, at least 27% of all resident leaseholders acquired to date have moved within the borough, and given that the destination of 39% of resident leaseholder households moves is not known, the actual figure could be higher.
59. The council has sought to mitigate any disbenefits through a range of reasonable and proportionate measures focused on rehousing and compensation options, in order to realise the public benefits associated with the redevelopment. The council has given consideration to the potential disproportionate impacts that could potentially arise and has identified and implemented measures to mitigate such impacts as far as possible. It is therefore considered that there remains a compelling case in the public interest for the scheme to proceed and therefore for the council to promote a CPO for the site.

### **Resource implications**

60. The acquisition process continues to be met within existing resources within the council, supplemented with external professional advice as required. The delivery of the new facilities is being undertaken by Notting Hill Housing Trust on behalf of the council under the delivery partnership arrangements established with in the Development Partnership Agreement entered into in April 2015. There are no additional resource implications arising from this report.

### **Legal implications**

61. The use of Section 226(1)(a) T&CPA 1990 is subject to subsection (1A) which provides that a local authority should not exercise the power to compulsorily acquire unless it considers that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion, or improvement of the economic, social or environmental well-being of the area.
62. The Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. The council is therefore required to consider whether its actions would infringe the human rights of anyone affected by the making of the CPO. While certain Convention rights may be relevant to the CPO (such as the "right to peaceful enjoyment of possessions") interference with such rights by public authorities will

be justified where the public interest outweighs the interest of the private individual. It is considered that any interference with the Convention rights caused by the CPO will be justified and proportionate in the wider public interest in order to secure the economic, social, physical and environmental regeneration of the site and the wider estate.

63. As outlined in paragraphs 47-49 above, officers consider that the proposed scheme will bring about a significant improvement to the economic, social or environmental well-being of both the site itself and of the wider area. The scheme will deliver a broad range of community facilities focused at a key location at the heart of the estate with a significant new piece of public realm along with an increase in both the quantum and quality of homes within the site. The scheme will support the wider programme for the regeneration of the estate, delivering key community facilities for both existing and incoming residents, supporting the broader community through the transformation of the estate.
64. The Public Sector Equality Duty (PSED) which arises from Section 149 of the Equality Act 2010, requires that public authorities to have due regard to:
  - eliminating unlawful discrimination, harassment, and victimisation;
  - advancing equality of opportunity between different groups; and
  - fostering good relations between different groups.
65. The characteristics that are protected by the Equality Act 2010 are age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex and sexual orientation. While the PSED does not specify a particular process for considering the likely effects, public authorities must demonstrate that they have shown due regard to the aims of the PSED in decision-making.
66. As part of the production of the AAAP, an Equalities Impact Assessment of the original development proposals was carried out in 2009 and the formulation of the Plan had regard to the Assessment. The regeneration of the site in question and the need to exercise compulsory purchase powers flows from the implementation of the AAAP. As part of recent work to review this original Equalities Impact Assessment in relation to the FDS, consultants collated latest details of the socio-demographic profile of the wider estate as it related to protected characteristics. This showed that:
  - The estate has a larger than average population proportion under 16 compared to the borough and London, but a comparatively smaller post-retirement population
  - The estate has similar proportion of population with a significant disability to the rest of the borough but less than average compared nationally.
  - The estate has a larger population proportion from black ethnic groups, particularly black African, compared to the borough and London.
  - The gender distribution is in line with that of borough and London.
67. In order to gather detailed demographic information about the specific makeup of individuals potentially affected by the proposed CPO, the council has invited all occupiers of the 3 leasehold properties within the proposed CPO area to complete a survey of key equalities information. To date, however, the council has had no responses to its invitation and therefore must rely on broader data upon which to assess equalities considerations.

68. While the council continues to seek to update its understanding of the makeup of individuals affected in order to monitor any resulting disproportionate impacts through as the scheme progresses to delivery, as set out in the community impact section above, the council considers that the potential impacts of the scheme are fully addressed through the operation of its rehousing policies and provision of dedicated support and guidance. As a result, it is not considered that there would be any disproportionate impact on any protected group.

### **Financial implications**

69. The resources required to promote a Compulsory Purchase Order are met from existing budgets for the Aylesbury regeneration programme, as are the budgets for the acquisitions themselves.
70. The funding package for the council's contribution towards the community facilities being delivered as part of the scheme was approved by Cabinet in February 2017.
71. There are no additional financial implications resulting from this report.

### **Consultation**

72. There has been extensive consultation on the overall regeneration programme for the Aylesbury estate, which has been set out in detail within previous reports. This includes extensive consultation on the formation of the AAP, non-statutory and statutory consultation undertaken on the outline masterplan and detailed FDS planning applications, and non-statutory and statutory consultation undertaken on the reserved matters planning application for Plot 18.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Head of Procurement**

73. Not applicable.

### **Director of Law and Democracy**

74. The Cabinet is advised that the Council has a power to compulsorily acquire land and property interests under Section 226(1)(a) of the Town and Country Planning Act 1990 as amended ("the 1990 Act").
75. Section 226(1)(a) gives the Council power to acquire compulsorily any land in their area if the Council think that the acquisition will "facilitate the carrying out of development/re-development, or improvement on, or in relation to, the land". In exercising this power the Council must have regard to Section 226(1A) of the 1990 Act and must not exercise the power unless it thinks that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects-
- (a) The promotion of improvement of the economic well being of the area;
  - (b) The promotion or improvement of the social well being of the area;
  - (c) The promotion or improvement of the environmental well being of the area.

76. The Council's duty to consider rights of property owners under the Human Rights Act 1988 and the requirements of the Equality Act 2010 are explained in paragraphs 62 - 68 of this report.
77. The Cabinet will note from paragraph 47 - 49 of this report that consideration has been given to the well being objectives under section 226(1A) of the 1990 Act in relation to the Council's proposals for the site. It is considered that the regeneration of the area and in particular the construction of new community facilities such as a health centre, early years facility, library and other community spaces will assist the Council in promoting and improving the economic, social and environmental well being of the area and the wider Estate, and therefore there are adequate powers available to the Council to acquire all the land and property interests in the sites either compulsorily or by agreement.

**Strategic Director of Finance and Governance (FC17/068)**

78. This report is requesting cabinet to note the current position in relation to the delivery of a new community facility at Plot 18 on the Aylesbury Regeneration programme. The report also seeks resolution to make a Compulsory Purchase Order as detailed in the report to progress the regeneration of the Aylesbury Estate in line with the adopted Aylesbury Area Action Plan. Full details and background is provided within the main body of the report.
79. The strategic director of finance and governance notes that costs will be contained within the current approved Aylesbury capital programme.
80. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Aylesbury Area Action Plan	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Matt Derry 0207 525 3787
<b>Link:</b> <a href="http://www.2.southwark.gov.uk/downloads/download/4444/adopted_area_action_plans">http://www.2.southwark.gov.uk/downloads/download/4444/adopted_area_action_plans</a>		
Gateway 2 - Contract Award Approval Development partner for the regeneration of the Aylesbury Estate (Cabinet, April 2014)	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Matt Derry 0207 525 3787
<b>Link (please copy and paste into your browser):</b> <a href="http://moderngov.southwark.gov.uk/documents/s44910/Report.pdf">http://moderngov.southwark.gov.uk/documents/s44910/Report.pdf</a>		
Aylesbury Regeneration – Early activation of 57-76 Northchurch (17 February 2015)	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Matt Derry 0207 525 3787
<b>Link (please copy and paste into your browser):</b> <a href="http://moderngov.southwark.gov.uk/documents/s52089/Report.pdf">http://moderngov.southwark.gov.uk/documents/s52089/Report.pdf</a>		
Aylesbury Regeneration: Amersham Site (Plot 18) Redevelopment (Cabinet, 20 October 2015)	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Matt Derry 0207 525 3787
<b>Link:</b> <a href="http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=38057">http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=38057</a>		
Month 8 Capital Monitoring for 2016- 17 and Capital Programme Refresh for 2016-17 to 2025-26 (Cabinet, 7 February 2017)	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Matt Derry 0207 525 3787
<b>Link:</b> <a href="http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=39997">http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=39997</a>		
Aylesbury Regeneration Programme Delivery (Cabinet, 9 May 2017)	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Matt Derry 0207 525 3787
<b>Link:</b> <a href="http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=44960">http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=44960</a>		
Aylesbury Regeneration Programme Delivery (Cabinet, 20 September 2016)	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Matt Derry 0207 525 3787

Background Papers	Held At	Contact
<b>Link:</b> <a href="http://modern.gov.southwark.gov.uk/ielssueDetails.aspx?Ild=50010613&amp;Opt=3">http://modern.gov.southwark.gov.uk/ielssueDetails.aspx?Ild=50010613&amp;Opt=3</a>		

## APPENDICES

No.	Title
Appendix 1	Plot 18 Scheme Planning Boundary
Appendix 2	Plot 18 CPO Plan

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Mark Williams, Regeneration and New Homes	
<b>Lead Officer</b>	Neil Kirby, Head of Regeneration South	
<b>Report Author</b>	Matt Derry, Senior Regeneration Manager	
<b>Version</b>	Final	
<b>Dated</b>	20 October 2017	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
	<b>Officer Title</b>	<b>Comments Sought</b>
	Director of Law and Democracy	Yes
	Strategic Director of Finance and Governance	Yes
	<b>Cabinet Member</b>	Yes
	<b>Date final report sent to Constitutional Team</b>	23 October 2017