

Item No. 20.	Classification: Open	Date: 12 December 2017	Meeting Name: Cabinet
Report title:		Sceaux Gardens New Homes Delivery Programme	
Ward(s) or groups affected:		Brunswick Park	
Cabinet Member:		Councillor Mark Williams, Regeneration and New Homes	

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

Southwark Council is committed to doing all we can to tackle the housing crisis, a key part of this work is our commitment to build 11,000 new council homes by 2043, progress is now well underway with 375 new council homes complete, a further 85 on site, with another 246 having planning permission and a further 1,000 being consulted on with local residents. One of those schemes is on the Sceaux Gardens Estate in Camberwell, the proposals include building 81 new council homes – including family size homes. These new homes will be built on the site of the garages next to Colbert House, and on the sites of the existing single storey Racine and Florian blocks. In total there will be a net gain of 51 new council homes.

As detailed in this report there are 33 properties in these two blocks which will be redeveloped to deliver a significant increase in the number and size of council homes in their place. The proposals will also release additional land for the central gardens in the heart of the estate and other improvements to open space on the estate. The decision to proceed with this scheme is not taken lightly and the very real impact and disruption on the residents of Florian and Racine has been carefully considered against the benefits of delivering new council homes. As detailed in this report there has been significant and detailed consultation with residents on the estate and who live in Racine and Florian. As one of the local ward councillors I would like to thank the residents, the TRA, and the independent tenants' friend for their time and effort in developing and informing these proposals.

As detailed in this report there are a high number of elderly and vulnerable tenants in Florian and Racine who will need additional support through the rehousing process as detailed from paragraph 59, this includes working with social services to ensure their full needs have been identified and understood. They will be given additional support to bid for new homes, in moving home, as well as keep in touch activities with the estate whilst they wait to exercise their right to return. This report also details that all 274 one bed ground floor council homes within an 800m radius of the estate will be ring-fenced should they become vacant for tenants from Florian and Racine to move into. Through our choice based rehousing system we will work closely with all tenants to make sure they are supported at every step of the way during this difficult time

RECOMMENDATIONS

That cabinet:

1. Agree the rationale and proposal to redevelop the properties 1-15 Florian, 1-18

Racine and the garage site adjacent to the Colbert block; “The development site” as outlined in this report.

2. Agree the rehousing options and local lettings policy for council tenants of Florian and Racine displaced by the redevelopment outlined in paragraphs 61-64, noting the detailed commitment to support affected vulnerable council tenants throughout the project.
3. Agree the acquisition of freehold interests in accordance with statutory guidance and established council policy as outlined in paragraphs 65-73 including specified discretionary home loss, basic loss and disturbance payments.
4. Agree to offer qualifying resident Sceaux Gardens Estate council homeowners displaced by the redevelopment the package of options outlined in paragraphs 65-73.
5. Agree the creation of the Sceaux Gardens development programme as an approved scheme for the purposes of delegation in relation to freehold acquisitions as outlined in paragraph 73.
6. Agree the authority to serve demolition notices in accordance with Schedule 5A of the Housing Act 1985 (as amended) referenced in paragraph 74.
7. Confirm the allocation of funds to undertake freehold acquisition, home and basic loss payments and disturbance payments and that the cost of decommissioning the development site will be met through the council’s Affordable Housing Fund as outlined in paragraphs 80-82.
8. Note the formal consultation undertaken with affected tenants, homeowners and the wider estate community throughout the process in accordance with Section 105 of the Housing Act 1985 and the councils Charter of Principles as outlined in paragraphs 28-50
9. Note the outcome of an equalities impact assessment attached as appendix 2 and summarised within paragraph 77 of this report that demonstrates the impact of the proposal and relevant mitigation in relation to the Equality Act 2010 and the councils Public Sector Equality Duty.
10. Note the approach undertaken with regard to the construction phasing of the development proposal to maximize the local lettings offer and minimise disruption to existing residents, neighbouring businesses and organisations in paragraph 51-52.
11. Note the two options for the massing and layout of the ground floor units of the Racine block as set out in paragraphs 53-58 and Appendix 3. It is recommended that Cabinet agrees option 2.
12. Agree the next steps and indicative timeline for the programme as outlined in paragraphs 83-85.

BACKGROUND INFORMATION

13. Florian and Racine are two single story blocks of one bedroom homes which sit centrally to the Sceaux Gardens Estate, completed in 1959. They are flanked by

two taller blocks, Marie Curie House and Lakanal House. The estate sits behind the UAL Camberwell (formerly Camberwell College of Arts) and the South London Gallery. The Estate is in Camberwell, SE5 and within the Brunswick Park Ward. The current tenure mix is outlined below and a map of the development site can be found in Appendix 1.

Tenants	Homeowners	Voids	Total
28	3	2	33

14. The Sceaux Gardens estate has been well served by an active Tenants and Residents Association for a number of years. The South London Gallery has a good relationship with the T&RA and the council and has supported estate residents, encouraged participation in arts and cultural events, and has programmed events especially for children living on the estate. Given its location adjacent to the busy Peckham Road, the Sceaux Gardens estate sits around an enclosed green space that separates it from its inner city environment. Maintaining and supporting the community on the estate, and preserving this unique green space has been key to this proposal throughout.
15. The proposal to redevelop parts of the Sceaux Gardens estate began to take shape in early 2015, when members of the councils New Homes Delivery Team began meeting with the Sceaux Gardens Tenants and Residents Association. Following a site walk-around with the T&RA and lead members, the proposal to include the development site in the council's new homes programme, to undertake further consultation and work up a planning compliant scheme was presented to Cabinet in September 2015. Cabinet agreed with the proposal to begin design development and progress detailed consultation with existing residents, affected stakeholders and the established Sceaux Gardens T&RA.
16. The area has been subject to a number of redevelopments including the addition of a student accommodation block by UAL Camberwell, and new homes delivered by the council on the Florian shops site and the refurbishment of Lakanal House. The impact of further development upon the residents of the Sceaux Gardens estate has been a central consideration in developing this proposal.
17. Architects Weston Williamson + partners and Employers Agents CalfordSeaden were procured through the Hyde professional services framework in the summer of 2016 and a design team put in place, coordinated by the council's New Homes Delivery Team. Consultation and engagement with affected residents and stakeholders was key to this process and a project group of affected residents, local stakeholders and members of the T&RA was formed. As part of the design development process the project team has been supported by an internal planning consultant. The proposal has undergone a pre-application assessment by the councils' design and conservation department and has also been presented to the councils Design Review Panel. Feedback has been positive in relation to layout, massing and keeping the scheme in context with the local area.
18. The proposal is to develop a planning policy compliant mix of new homes (including both family and one bedroom homes on the ground floor and wheelchair accessible homes) and to increase the massing of the existing single storey homes on Florian and Racine to five and four storeys respectively. The current garage site adjacent to Colbert would be redeveloped as a six storey

block. Landscaping improvements will be undertaken to the central green and current access to the South London Gallery will also be maintained. In accordance with planning policy the scheme will be car free for new residents with the exception of dedicated parking for wheelchair users.

19. This Cabinet report is being presented for approval to proceed with the redevelopment and the undertaking of relevant statutory and constitutional functions in advance of a planning application being submitted. Design development work is at the final stages and detailed consultation with affected residents and stakeholders will continue throughout the process and beyond scheme completion.

Rationale for the redevelopment proposal

20. Improving housing in Southwark is at the centre of the council's plans to create a Fairer Future for all. Access to appropriate, good quality, affordable homes is important not just for residents but also to the wider economy. It is essential to shaping a borough that all residents are proud to call a home which is truly sustainable into the future.
21. Southwark, like many London Boroughs is an area of high housing demand that far outstrips its supply. At the time of writing this report there are just over 11,000 households on the housing register, with overcrowding being the most significant reason for housing need.
22. This proposal is relevant to a number of wider strategic priorities set by the council. It's Fairer Future Promises - namely Promise 3 - to increase provision of quality affordable Homes. This proposal honours the council's commitment to provide decent homes, mixed and balanced communities and innovation in developing new council homes at social rent and sits within the programme to deliver 11,000 new homes by 2043.
23. In January 2015 the council's cabinet approved the Southwark Core Housing Strategy to 2043 and within this document are several key principles which have driven forward this development proposal:
 - We will use every tool at our disposal to increase the supply of all kinds of homes across Southwark.
 - We will demand the highest standards of quality, making Southwark a place where you will not know whether you are visiting homes in private, housing association or council ownership.
 - We will support and encourage all residents to take pride and responsibility in their homes and local area.
 - We will help vulnerable individuals and families to meet their housing needs and live as independently as possible.
24. The proposed development will deliver approximately 81 new homes, a net gain of 48 and a total of 257 habitable rooms. These new homes will meet or exceed current design specification standards such as the 2015 technical update to the Councils Residential Design Standards SPD, putting the council's core strategy principles into practice. It will provide a mix of accommodation sizes, with a

minimum of 60% being family homes suitable for three or more occupants whilst still retaining ground floor one bedroom homes for council tenants of Florian and Racine to return to. This meets the standards established in the saved Southwark Plan and London Plan and the results of the 2010 Strategic Housing Market Assessment which recognised the need for family housing in the borough. All of the new homes will be at council rent and allocated through the councils housing register.

25. Some of the homes within the development site have had minor adaptations undertaken to ensure less able-bodied residents can continue to reside in their own homes. Such adaptations however do not allow for the existing homes to be wheelchair accessible throughout. In accordance with the Councils Residential Space Standards 10% of the new homes will be built to the South East London Wheelchair Housing Design Guide. This will enable tenants whom wish to return back to the estate once completed and any new residents whom move into the homes to live with greater independence now and in the future.
26. A stock condition survey has been undertaken independently by Calfordseaden in relation to the lifecycle of key elements and any future refurbishment. The properties are structurally sound however a clear process of programmed maintenance would be required over future years. The homes at Florian and Racine are on the ground floor with garden access, however the layout and mix of unit sizes could be better served. All the units are one bed homes, and the bathroom to the properties can only be accessed through the bedroom.
27. The Sceaux Gardens estate was completed in 1959, some years prior to the implementation of the Parker-Morris space standards. The standards at the time were lower than those prior to 1948 and removed specific requirements for circulation and storage. The minimum standards outlined in the Councils Residential Design Standards SPD are 50 m². Current proposals for replacement ground floor homes on the Florian block are 51.2 m². A comparison between the existing homes and Southwark's current standards are below:

Room	Actual size	Council's residential design standards
Gross internal floor area	38.4	50
Living room	13.95	16
Double bedroom	10.53	12
Kitchen	4.65	6
Bathroom	3.65	3.5
Storage	0.77	1.25

KEY ISSUES FOR CONSIDERATION

Consultation regarding the development proposal

28. Effective and extensive consultation with the tenants and homeowners of Florian and Racine, the Sceaux Gardens T&RA, the South London Gallery, garage users and other stakeholders has been central to this proposal. The councils New Homes Delivery Team have ensured that dialogue has been open and transparent and that those affected have had a real say in the process and that all affected council tenants have been updated on progress. Consideration of the

impact of the redevelopment has also been assessed in the context of Equality Act 2010 and the council's statutory obligations in relation to the Public Sector Equality Duty.

29. Together with the council's statutory obligations under Section 105 of the Housing Act 1985, the New Homes Delivery Team ensured that the Councils Charter of Principles, approved by Cabinet in 2013, is adhered to. The charter sets out a number of pledges in how the council will consult on the delivery 11,000 new homes. Key extracts of this commitment are below:

- *Consultation and engagement will continue throughout the design and delivery of the programme rather than be a one-off exercise at the beginning.*
- *We will only proceed with submitting a planning application once there has been thorough dialogue and consultation with residents.*
- *We aim to develop new homes that meet the high standards of construction, design and environmental sustainability.*
- *We will ensure that council homeowners affected by redevelopment get access to dedicated advice, support and information on their options for the future.*
- *At least half of the homes we develop will be available to tenants in housing need on the estate at the first letting to make sure that local residents affected by redevelopment get a fair deal.*

30. To promote inclusion and engagement a variety of communication approaches were undertaken:

- Design and development boards were published on the councils' consultation hub website and printed copies available on request.
- Letters were sent to all households within 100m of the scheme, inviting them to drop in meetings and keeping them updated on design development and progress.
- Door knocking exercises were conducted to affected tenants and garage users to gather their views and to encourage their representation at meetings.
- Project groups were formed which included members of the T&RA, local stakeholders and tenants of Florian and Racine.
- An Independent Tenants and Leaseholders Advisor was appointed to chair project group meetings, support residents and stakeholders through the process and to report on the data gathered as part of an equalities impact assessment.
- Open events led by Ward Councilors and Lead Members for tenants of Florian and Racine and the T&RA and all affected stakeholders.
- Detailed telephone discussions with affected council homeowners in

advance of potential formal negotiations together with door knocking and 1-1 discussions with the private tenants of council homeowners.

31. Consultation began in early 2015, when members of the T&RA met with the New Homes Delivery Team. The objectives of building new homes for council rent, and providing rehousing for local residents was presented. The decision to include the development site in the new homes programme was approved by Cabinet in September 2015. The New Homes Delivery Team continued to meet with the Sceaux Gardens T&RA on two occasions in advance of the design team being procured.
32. In September 2016, architects and employers agents were procured to start work on the scheme and the development team was put together. All households, including council tenants, homeowners, private homeowners, housing association tenants and garage licensees on the estate and within 100m of the scheme were written to advising them of the proposals to develop the site and invited to a drop in session from 4-7pm. The architects, employer's agent and members of the councils New Homes Delivery Team were on hand to walk attendees through the initial proposals showing the boundary lines, indicative massing and the estimated timeline for the project. Residents were also encouraged to complete a survey in relation to their views and if they wished to be updated further on the development and be part of a project team This survey was available in hardcopy, published on the councils Consultation Hub and available for completion at the drop-in meeting. The council received 17 responses to the survey. Nine respondents stated that they agreed that the site identified is a good one for the provision of new homes. When asked why, those in favour cited concerns with the condition of the existing blocks, that the area was nice and would benefit new residents and that we needed to respond to a growing population. Those against the proposals cited construction logistics, disruption to the estate and to residents of Florian and Racine, many of which were vulnerable.
33. We asked residents what mattered to them most and the responses to these questions have fed back into the design brief and project group meetings:

Response	Mitigation developed through design development
That there is an option to return	We will ensure that there are a number of ground floor one bedroom homes with gardens for residents to move back to and have made a commitment to affected residents through a local lettings policy.
Minimise disruption	Phasing of the building works and the construction methods proposed will be central to further consultation.
The council should help find replacement garages	The council has developed a relocation policy with the council's garages team to give affected garage users first refusal on void garages nearby.
Not build a new road through the estate	The refuse vehicle strategy should operate either side of the Florian block and no roads or routes of access required across the gardens.
Maintain the green space	A clear brief for the project has been to ensure that the green space will be maintained and that the new homes fit onto the existing footprint as closely as possible.

34. Door knocking was carried out to the affected council tenants on Florian and Racine by the New Homes delivery Team and the Communities Division in

November 2016. This was to gather information to inform and equalities impact assessment and to build a rapport with affected residents, to understand their concerns regarding the proposals and to discuss an anticipated timeline.

35. The equalities impact assessment report can be found in Appendix 2 and summarised in paragraph 72. Tenants were also asked if they would wish to be part of the project group being established to be closely involved with the development process.
36. In addition to equalities information, tenants of Florian and Racine were also asked about their housing aspirations and their ability to access council services. This information would be used to shape the local lettings policy. Council tenants were asked if they would prefer to remain in the Sceaux Gardens area, move elsewhere in Southwark, or to move out of Southwark. Of the 17 who answered the question, 14 households want to remain in the vicinity of Sceaux Gardens Estate. To access the Council's Choice Based Letting System, and to look at and bid for properties, residents need to be able to access the internet, or get help from someone to do this on their behalf. Council tenants were asked about their ability to access online services and this would inform the support package made available to council tenants if the scheme was to proceed. Of those whom responded, seven residents have internet access and five can obtain help from family or friends. 30% of those interviewed have no access to the internet and will need support to apply for new homes.
37. Following the initial drop in meeting and the door knocking exercise the council progressed to the next stage of the consultation process which was to form a project group. The project group comprised the chair and secretary of the Sceaux Gardens T&RA, two further members of the T&RA, a resident of Florian and Racine and representatives from the South London Gallery.
38. This group first met on the 8 November 2016. Meetings began as design-led, with attendees given a presentation on the scheme's development followed by a Q&A session regarding the design and wider concerns such as the support for residents, access to the South London Gallery and improvements to the estate as a whole.
39. Project group meeting 2 was held on 12 January 2017. The Independent Tenants and Leaseholders Advisor, Neal Purvis, presented a guide to the planning and development process to attendees. This focused upon design and space standards, the planning process and where residents could have an input. It was requested by the T&RA that all future meetings were chaired by Neal Purvis; this appointment created independence in the meetings and strengthened the council's accountability.
40. Project group meeting 3 was held on the 2 March 2017, meeting 4 on the 19th June 2017, and meeting 5 on the 3 August 2017. At this stage in the design development, the architects had sought agreement on the massing and positioning of the proposed blocks from the group and design had now focused upon the internal layouts. An indicative unit breakdown was provided, resulting in 81 social rented homes. The group raised some concerns with the development proposal and a summary of these and how the council would address them is below:

Response	Mitigation developed through design process
Ensure vulnerable tenants are supported	Detailed local lettings policy and support for residents through the rehousing process will be developed.
Ensure no new estate roads created	Refuse vehicles will now operate either side of the Florian block and no roads or routes of access required across the gardens.
Keep green space	New Homes do not build on the green space and stick to relatively same form. Surrounding areas to benefit from improved landscaping. The layout of the new Florian block has been turned 180 degrees and this in addition to landscape design will provide a net gain on 1,150 sqm of public amenity space.
Maintain access for South London Gallery	
Overlooking from new homes on Racine into South London Gallery	There is now a wider entrance way for the SLG on LBS land and the option for further landscaping/community access
Impact on parking given there will be a loss of garages and new residents moving onto the estate	Balconies on rear of Racine block South facing but cut in to avoid overlooking Whilst the scheme will be allocated as zero parking (with the exception of wheelchair accessible homes) the council is looking to all areas within the development to maximise the number of estate parking spaces available to residents
Ensure a wind tunnel is not created between Colbert block and Marie Curie	Relevant wind survey carried out did not identify concerns and will be included in the planning application

41. As consultation and design development had been undertaken for almost 12 months and the design team was close to submitting a planning application a special meeting was set up at the Peckham Theatre adjacent to the Sceaux Gardens estate on the 7 September 2017. Letters were sent out to the T&RA and affected residents of Florian and Racine updating them on the proposals and inviting them to the meeting. Due to the recognised vulnerability of local residents invitations were also sent out by way of a door knocking exercise on 24th August. The New Homes Delivery Team asked if tenants could attend the meeting, and if they had any concerns with the proposals to develop new homes on the sites. 13 residents opened their doors and took copies of the letters with them; letters were left with the remainder. Two tenants of Racine spoke to council officers in detail regarding their wishes to move.
42. At the 7 September meeting five residents of Florian and two tenants of Racine attended, together with a further five residents from adjacent blocks that were part of the T&RA. The scheme was presented by the architects and a summary provided by Councillor Mark Williams. Overall there was support for the scheme however some concerns raised by attendees. These are outlined below and served as a brief for the design team to ensure future mitigation.

Response	Mitigation developed through design process
Phasing	Further work was commissioned for Calfordseaden to consider how phasing options could improve the local lettings offer and ensure residents of Marie Curie were not surrounded by building works.
Attendees were concerned that an access road would affect the look and feel of the area and be unsafe for residents and visitors	The design team will review the tracking arrangements to ensure refuse vehicles can turn at either side of the Florian block rather than have to travel across the front.
Support for vulnerable residents	The New Homes delivery team had begun to develop a comprehensive support package for affected households and this would be presented to the T&RA for comment. Further 1-1 door knocking will be undertaken with the residents of Florian and Racine in advance of the Cabinet Report.
Local lettings policy	The local lettings policy would be developed further, taking into account the prevailing demand for housing in the borough and the availability of one bedroom homes in the locality. This would be circulated to the T&RA and affected residents for comment.

43. On 17 October 2017 the new Homes Delivery Team were invited to a Sceaux Gardens T&RA meeting. Cllr Mark Williams presented a draft paper developed by the New Homes Delivery Team which outlined three key elements of the design and rehousing process to be agreed with the T&RA and affected residents. The paper had been presented to the T&RA in advance. This report outlined:

- Phasing options: Concerns from previous meetings were that phasing in more than two stages would have cost and time implications and any residents did not wish for the area to be a building site for a number of years. It was proposed that the garage site and Florian would be developed first followed by the Racine block. This would enable residents to move directly from Racine to the new homes on the other side of the gardens if they wished. Households that had moved from Florian would receive an option to return to either of the sites once completed. The priority for the option to return would be determined by those that had expressed an interest following consultation and each tenants length of residency on the estate. Those that had resided the longest would get first priority.

- The local lettings proposal and support for local residents was welcomed, however attendees were skeptical as to whether the council would deliver on its promises. The New Homes Delivery Team made clear that supporting vulnerable tenants was key to the proposal and resources would be in place.
- Ground floor homes on Racine: To meet the needs of the households wishing to return to the estate and to ensure that there are family homes with gardens as part of the development it was proposed that the new homes on Racine are family homes, with all one-beds on the ground floor of Florian. The two layout options are presented in appendix 3. The provision of one bedroom homes on Racine is study one, whilst study two offers ground floor four bedroom homes.

44. In early November, the New Homes Delivery Team contacted the tenants of Florian and Racine and offered the opportunity to talk through the proposals in advance of this report being presented to Cabinet. Over two days council officers were able to speak with the majority of the tenants in their own homes, providing an update and advising that a recommendation to proceed with the scheme would be taken to the council's Cabinet in December 2017. Officers explained the local lettings policy and the support being given to council tenants if the scheme was to proceed. It was also an opportunity to enquire and record council tenant's interest in returning to the completed homes to inform the final scheme design, unit mix and layout. The responses to this are outlined below:

Rehousing option	No. respondents
Wished to return to the new homes once completed	6
Wished to be rehoused in the local lettings area or another part of the borough	16
Were awaiting scheme approval or did not wish to discuss at this point	3
Demonstrated some vulnerability and unable to provide a response	3

45. Other than asking residents about their interest in an option to return to the completed homes, council officers explained the local lettings offer and the process of bidding and applying for homes. As extensive consultation had taken place over the last 12 months the proposal was understood by the majority of tenants and opposition to the development proposal was not forthcoming.
46. On 15 November the Independent Tenants and Leaseholders Advisor met with the T&RA and a draft copy of this report was circulated in advance for comment. The following statement was provided by the T&RA:

"The Sceaux Gardens TRA supports the provision of new Council homes for Council rent as part of the Council's overall targets. Members of the TRA have been involved in developing the plans and proposals for the new homes on Sceaux Gardens".

47. The T&RA also made further comments which are summarised below:

Response	Mitigation developed through design process
<p>The building of new higher blocks will have an impact on the existing residents on the estate, both during the construction phase, and through more buildings and people on the estate in the long term. The TRA see a two phase process as the least worst option. The Florian shop site is relevant to the effect on neighbouring residents and the effect of building works on those living on the estate.</p>	<p>The council will develop a phasing strategy to minimise the impact upon residents. There is ongoing dialogue and partnership working with other schemes on the estate. If the scheme approved, regular consultation with the T&RA and the contractor will take place to mitigate any concerns. The contractors will work to the considerate construction framework. 50% of the new homes will be ring fenced to local residents in housing need.</p>
<p>In relation to the local lettings policy: Will there be an OT assessment and relevant adaptations made before residents move to un-adapted one bedroom homes in the Local Lettings Area?</p> <p>The bidding service offered to vulnerable residents needs to be explicit and include weekly feedback on the success of bids and weekly attendance by the mobile housing office</p>	<p>The council will always try to ensure residents can choose to move into a home that is already adapted. If this is not available works to general needs properties will be undertaken in advance of occupation</p> <p>Tenants will be contacted by telephone each week both in advance of bidding and when bidding closes. The mobile housing office will be available at the start of the process to support tenants joining the housing list.</p>
<p>Some residents will need assisted viewings of properties they have been successful for</p> <p>Parking is a problem on the estate as there are insufficient parking spaces for existing residents. It is a cause of conflict on the estate. The increase in the population with the addition of new homes at Florian shops, with parking spaces only for the wheelchair homes, will make the situation worse. Demolition of the garages will reduce the car parking spaces available. Very few of the existing residents of Florian and Racine have cars. Replacing the homes with 80 new homes will lead to an increase in competition for car</p>	<p>This will form part of the local lettings support service.</p> <p>Identifying parking provision on the estate is an ongoing process. Whilst the new homes will be advertised as car free, the impact of the removal of garages needs to be assessed.</p> <p>This will be a key agenda item at the next Project Group Meeting.</p>

Response	Mitigation developed through design process
parking spaces. There needs to be an increase in car parking spaces on the estate to provide for the existing and increasing population.	

48. On the 21 November a sixth project group meeting was held in advance of the recommendation to Cabinet. An update on the removal of the refuse access road and relocation of bin provision was welcomed. Parking was discussed in detail and a number of options were outlined to the project group. These discussions would run concurrently with the planning process and the councils relevant decision making processes in relation to estate parking:
- Additional parking surveys undertaken to the required methodology together with a clear definition of the planning requirements surrounding parking provision.
 - Proposal to use additional space to the rear of Racine to create nine parking spaces. This would require the removal of nine of the garages on that site and this was of concern to a member of the project group.
 - Revisiting previous requests by the T&RA to provide additional parking adjacent to the new Lakanal shops development.
49. The layout and unit mix of the scheme was also discussed in detail in advance of this report being prepared for Cabinet. Discussions were focused around not only the option to return for the affected tenants of Florian and Racine but also both the legacy and long term occupation of the homes once completed. There was no consensus view from the project group on the matter with views supporting both the need for family units on the ground floor of Racine and for further one bedroom homes.
50. The T&RA noted that they would be awaiting the outcome of the cabinet decision and council officers advised that consultation with the T&RA would continue throughout the project. On behalf of the council, officers would like to thank the project group for their time and dedication in relation to this project, providing feedback on the needs of residents and how the development should both enhance and maintain the estate.

How the development proposal has responded to consultation feedback

The following sections of the report present how the council has responded to the points and concerns rose by the Project group, T&RA and affected residents.

Phasing of the development works:

51. Three phasing options were developed throughout the consultation process and presented to the T&RA in October 2017 for final comment and approval:
- Rolling decant, whereby the work is completed in approximately six phases. This could ensure that residents can move directly from their old

homes to those on the new site but would involve the estate being subject to construction works for a number of years. Discussions with T&RA members and members of the project group have indicated that such a timeframe would not be satisfactory.

- Obtaining vacant possession of all three sites and developing them together was not considered as the most appropriate option in light of feedback from affected residents and the T&RA, and would in effect surround the Marie Curie block with building works.
- A two-phase process which would see the development of the Colbert Garages and the homes on the Florian block, followed by Racine. This will enable tenants of Racine to move directly into new build on the former garage site and Florian. This option was suggested to not only improve the housing offer to affected tenants but to also ensure that residents of other blocks on the estate, namely Marie Curie, are not surrounded by development works during the build programme. This option has support from the councils planning department.

52. When the option was presented to the T&RA in November 2017 both in discussions with the Independent Tenants and Leaseholder advisor on the 15th November and the Project group meeting of 21 November this third option, of building the scheme in two phases was supported and will form part of the procurement and construction strategy.

Design development and homes on the ground floor

53. The development site comprises 33 ground floor one bedroom homes of which 28 are currently occupied by secure council tenants. Consultation with affected council tenants has been key in determining how many ground floor homes were required to be re-provided for them to return to. The architects developed two options depending upon the interest from tenants in returning to the new homes once completed. The proposal to provide family homes on Racine was put to the project group in August 2017 and at subsequent meetings with residents, the wider T&RA and further project group meetings.

54. The two options are laid out below:

- Option 1: This provides 15 one-bedroom homes across the site with 15 being situated on the ground floor a further 1 one bedroom home above the ground floor with all the family homes but three situated above the ground floor.
- Option 2: This provides for 17 one bedroom homes overall but with only 10 on the ground floor (9 on on Florian and 1 on the garage site) and a further 7 one-bedroom homes above ground floor across the site. The ground floor of Racine would then provide 8 four-bedroom family homes as well as further family homes across the site above the ground floor.

55. Following detailed consultation with the tenants of Florian and Racine in November 2017 it was identified that six definitely wished to return, three were undecided and three would likely need additional support with moving and were unable to answer the question. As 16 households wished to be rehoused in the locality the local lettings policy would resolve the majority of rehousing need on

the estate and the provision of one-bedroom homes across both options was sufficient.

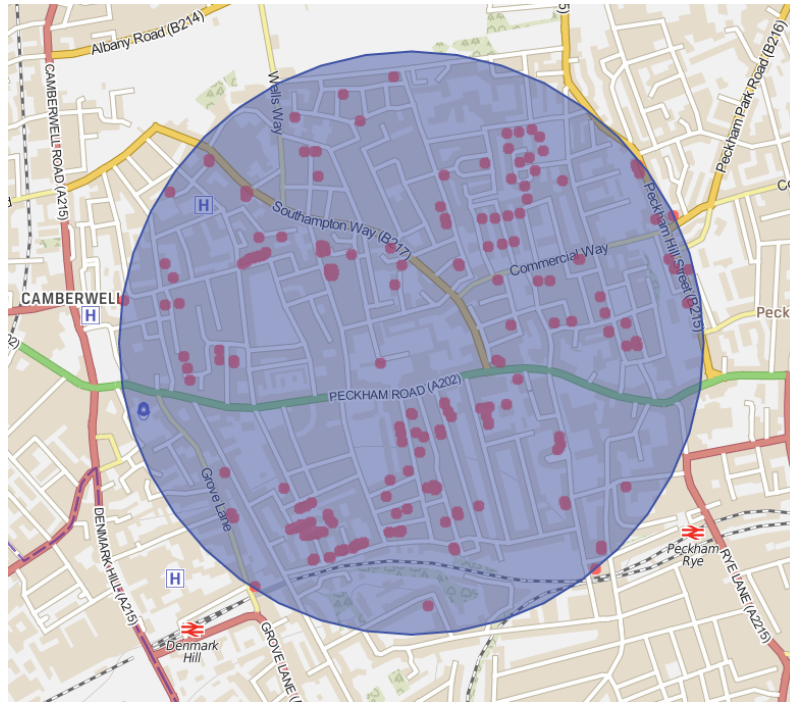
56. There is no consensus view from the project group, residents of Florian and Racine or the T&RA on the matter. The Project group are aware that the largest group of households in housing need are those in overcrowded accommodation however also understand that there need to be one bedroom homes for older residents to downsize to.
57. The 2015 technical update to the Councils Residential Design Standards SPD states that *"Wherever possible larger units should be provided at ground level, to ensure access to private amenity space. Units designed as family units should be provided at the ground level"*.
58. After careful consideration and analysis of housing need and relevant policy that option two is preferred and recommended to be agreed subject to planning policy variations and approval.

Support for council tenants requiring rehousing assistance:

59. As made clear throughout this report a number of council tenants residing at the Florian and Racine blocks are vulnerable, whether this is through physical health, old age, mental health or a combination of all three. As such special consideration has been given in ensuring that support is provided throughout the development proposal and tailored to the individual needs of the residents we have met and discussed the proposals with. In addition to this, there has been an emphasis upon ensuring that the council tenants of Florian and Racine can remain in the local vicinity. Both of these key factors have led to the development of a local lettings policy and support package specifically for this development.
60. Best practice from previous council-led regeneration programmes such as the Elmington estate together with extensive consultation has shaped a bespoke local lettings policy for affected council tenants. This satisfies the requirements of Section 7.10 of the councils published Allocations Scheme in relation to the development of local lettings policies.
61. The policy was presented to members of the T&RA in advance of a meeting with residents on the 13 October 2017. During the meeting Councillor Mark Williams presented the report and attendees were able to give feedback. Overall the response was positive. The report would be provided to the T&RA and the Independent Tenants and Leaseholders Advisor for review and comment in advance of it being presented to Cabinet.

Florian and Racine local lettings policy

- Band 1 priority for council tenants, backdated to when the scheme was first included in the direct delivery programme (15 September 2015)
- First refusal to council tenants on all available properties which meet residents needs located within the local lettings area agreed with the T&RA. This includes council voids and new build homes together with housing association new builds voids where the council has nomination rights. This is a radius of 800 metres from Florian and Racine and includes 274 ground floor one bedroom council properties:



- To obtain vacant possession of the council's tenanted properties and minimise the need for possession proceedings council tenants will receive the full package of statutory and discretionary rehousing assistance in the form of mandatory or discretionary Home Loss payment, currently £6,100 together with assistance with reconnection of utilities and removal costs in accordance with Section 26 of the Housing Act 1985.
- Following from consultation with affected residents and the T&RA regarding the vulnerability of households affected by the development, support will also be provided to help vulnerable households pack and unpack their possessions and locate furnishings.
- Whilst we intend to ensure that council tenants can make the right move first time to the vicinity of the Sceaux Gardens estate, an option to return to the new homes on the Sceaux Gardens Estate will be made available:
 - To the new homes being developed as part of this scheme
 - To the new homes being developed as part of the Florian Shops proposal
 - Any other void properties on the Sceaux Gardens Estate and local lettings area.
 - Priority for exercising the option to return will be based upon length of residency with those whom have resided on the estate the longest given first refusal.

62. To support the vulnerable council tenants on the estate the following will be put in place:

- An information pack advising of the rehousing process, and details for a single point of contact with regard to registration, application, rehousing and any post-tenancy issues. This will be available in large print and

different languages as required.

- The council's mobile housing office will be made available on the Sceaux Gardens estate at the start of the process to enable households to submit documents and complete housing application forms. Documents can be scanned instantly.
 - Medical and Occupational Therapy assessments will be completed with 1-1 support to ensure that residents' needs are captured and households are able to move directly to a home that meets their medical needs with aids and adaptations already in place before they move.
 - Weekly bidding support and signposting through telephone and face to face discussions will be provided to council tenants to support them through the process and to help them find a home they want.
 - Council tenants will be able to access a range of homes to meet their needs from general needs properties, specifically adapted homes and sheltered and extra care schemes.
 - Inter-agency partnership working will be promoted across the New Homes Delivery Team, Community Engagement Division, Housing Solutions and Resident Services together with relevant voluntary groups and adult social care.
 - Regular newsletters to residents advising them of the stages in the process and ensuring that these are made available in large print and different languages upon request.
 - Regular review of engagement to ensure that residents can access the supply of available empty homes and that the policy is assisting the most vulnerable residents. This would include weekly feedback on bids placed.
 - Vulnerable residents would be supported with viewing properties they had applied for.
 - Tenants whom have vacated the site and wish to exercise an option to return will be invited to further consultation meetings and encouraged to engage with the local community to ensure that they maintain a connection to the estate, such as at monthly coffee morning events held by the T&RA.
63. Whilst the local lettings proposal and support to affected residents should enable households to move within the proposed timeframe, the council will serve a Notice of Seeking Possession (NoSP) for all the council tenanted properties at Florian and Racine. This will be undertaken using ground 10 in schedule 2 of the Housing Act 1985. Any such notices will be served following detailed discussions with tenants, detailed bidding support and a review of their position on the councils housing list.
64. We aim to ensure that residents are confident in the process, that we meet their aspirations in finding a home that meets their needs and that they feel supported by the council throughout the process. Consultation with affected residents will continue throughout to ensure that the processes in place are putting residents first. A further report will be presented to cabinet in the summer of 2018 to

update on progress in relation to rehousing.

Support for council homeowners requiring rehousing assistance

65. Leaseholders and freeholders of council property (council homeowners), represent a large and growing group of residents within the borough. There are presently over 15,000 council homeowners in Southwark and that number continues to grow. The council has recently developed the My Southwark Homeowners service to build upon past experience and lead on providing customer service excellence to homeowners and this department has been consulted regarding the project. The process for council homeowners will run parallel with the rehousing process for council tenants and informal consultation has been undertaken.
66. The council owns the freehold interest with the exception of three properties on the development site. The Housing Act 1985 gives qualifying council tenants the right to buy their homes and the properties were purchased under these provisions.
67. The council can only repurchase the freehold interests in the following circumstances:
 - Where there is an agreement with the freeholder; or
 - Following a confirmed compulsory purchase order.
68. The statutory compensation code provides that a freeholder is entitled to the following compensation following a compulsory acquisition:
 - The market value of the freehold interest acquired
 - A home loss or basic loss payment: this is 10% of the market value where the homeowner resides at the property or 7.5% of the market value where the homeowner is non-resident; and
 - A disturbance payment to cover the homeowner's reasonable costs arising from a direct and natural result of the compulsory acquisition. This might include removal costs, legal fees, surveyor's fees and costs of adapting a new property. A claim for disturbance payment will be examined on its relevance to the acquisition.
69. In the event the council is unable to reach an agreement by negotiation, a separate authority will be required by Cabinet to make, confirm and implement a compulsory purchase order.
70. A case management officer will be assigned to each individual council homeowner as a direct point of contact. The council will appoint its independent external surveyor and homeowners will also be encouraged to seek their own RICS certified surveyor. Reasonable expenses can be claimed back in accordance with existing statutory provisions and council policy.
71. The council will seek to acquire freehold properties by way of voluntary agreement and the homeowners will receive mandatory or discretionary home loss or basic loss payments. Council homeowners seeking re-housing

assistance will be required to undertake a financial valuation of their means and on the basis of this assessment will be advised of an appropriate option from one of the three below:

- Purchase a new property on the open market
- Purchase a new property through a Housing Association
- Seek rehousing assistance from the council (shared ownership, shared equity or offered an introductory tenancy within Southwark).

72. The re-housing options for council homeowners listed above have been applied in conjunction with previous cabinet-approved policies on rehousing homeowners affected by regeneration schemes such as the Aylesbury Estate
73. This report also requests that the Cabinet delegate authority to the Strategic Director of Regeneration to approve the acquisition of the freehold interests.

Future homeowner applications

74. To prevent future right to buy applications from the residents of Florian and Racine the council will be required to serve demolition notices in accordance with Section 5A of the Housing Act 1985 (as amended). This report seeks authority from Cabinet to approve this process and delegate the serving of such notices to the Strategic Director of Housing and Modernisation.

Support for other residential occupiers

75. Two of the council homeowners have let their freehold properties to private tenants. These tenants have been part of the consultation process and advised of their statutory rights with regard to seeking rehousing advice and assistance from the council under Part vii of the Housing Act 1996.

Support for garage occupiers

76. There are 24 garages adjacent to the Colbert block and the current occupiers have been written to, invited to drop in meetings and involved in the consultation process. The New Homes Delivery Team has an existing policy in place to support garage occupiers affected by the new homes programme which enables them to seek alternative garage provision within the vicinity of the Sceaux Gardens Estate and be considered a priority for any available voids. If the proposal is approved it is likely that garage users will be able to continue occupation until contractors start on site, as the council can seek possession without the need for a court order.

Community impact assessment

77. Council officers began undertaking an equalities assessment data collection exercise in September 2016. This was undertaken in accordance with Section 149 of the Equality Act 2010. The council is committed to having due regard to equalities legislation and good practice in its policy and decision making. The Act states that to advance equality and good relations and to avoid discrimination nine protected characteristics should be addressed. The data collected was analysed by the Independent Tenants and Leaseholders Advisor whom identified the mitigating

actions required by the council and provided a snapshot of the consultation process as of August 2017. The full report is included in appendix 2 and a summary of findings and mitigation below:

Protected characteristic	Mitigation required
<p>Age</p> <p>Of the 20 respondents to the survey, seven (35%) are over the age of 65. Only one (5%) is under the age of 35. The majority (55%) are aged between 35 and 64.</p>	<ol style="list-style-type: none"> 1. Choice based lettings will enable tenants' choice in finding a suitable property. The new build homes on the estate will all be built to Lifetime Home Standards and will include 10% wheelchairs. 2. The Council will offer help to pack/unpack and organise moving for tenants who are decanted. 3. Freeholders who qualify for rehousing assistance will be registered for the choice based lettings system. The Council offers rehousing assistance through ownership or reversion to tenancy. Council homeowners who do not qualify for Council assistance can choose their next home, in line with their housing needs, within the budget they have following buyout. 4. Sub-tenants made homeless as a result of the councils acquisition of council homeowners are able to obtain alternative, accommodation via Southwark if they qualify for housing assistance.
<p>Health and Disability</p>	
<p>Two thirds of the residents who responded have long term health issues that limit their day to day activities. Half of the residents reported that health problems impaired them a little and a quarter that they were impaired a lot. The cause of this was a physical or mobility disability for the great majority of residents.</p>	<ol style="list-style-type: none"> 1. Choice based lettings will enable tenants' choice in finding a suitable property. The new build homes on the estate will all be built to Lifetime Home Standards and will include 10% wheelchairs. 2. The Council will offer help to pack/unpack and organise moving for tenants who are decanted. 3. Freeholders who qualify for rehousing assistance will be registered for the choice based lettings system. The Council offers rehousing assistance through ownership or reversion to tenancy. Freeholders who do not qualify for Council assistance can choose their next home, in line with their housing needs, within the budget they have following buyout. 4. Sub-tenants made homeless are able to obtain alternative, accommodation via Southwark if they qualify for housing assistance.
<p>Gender re-assignment</p>	

Protected characteristic	Mitigation required
Of the 14 residents who responded to the question on gender re assignment. Two were transsexual and 12 were not.	<ol style="list-style-type: none"> 1. Both Southwark housing management and housing associations have policies and officers in specialist teams to deal with anti-social behaviour such as the Southwark Anti-Social Behaviour Unit. 2. Choice based letting system; with a local letting scheme for new build homes on Sceaux Gardens will give tenants/ residents a choice of where they can move to. 3. Eligible sub-tenants who wish to remain in the area can register on the Council's housing waiting list.
Marriage	
Of the thirteen respondents to the question about their marital status there was an even spread between Married or in a Civil Partnership, Divorced and Never Married, with one person identifying themselves as separated.	Mitigation is not required regarding this protected characteristic
Marriage and civil partnership	
None of the 15 respondents were pregnant or on maternity leave.	Mitigation is not required regarding this protected characteristic
Ethnicity	
Of the 19 respondents to the question on ethnicity, 10 were White (53%), 7 were Black (37%) and 2 (11%) defined themselves as another ethnicity.	The majority of respondents were identified as White, with around a third identified as Black. However, the rehousing policy does not disadvantage or discriminate against any race or ethnic group as both are applied fairly and equally to all groups throughout the process, and offers all tenants the option to remain within 800m of their existing home at Sceaux Gardens
Religion and Belief	

Protected characteristic	Mitigation required
Of the 14 respondent to the question on religion, 9 people were Christian (56%), with 4 respondents having No Religion (25%).	Choice based letting, priority over new build will give tenants the ability to remain the area.
Sex	
Four of the respondents did not answer the question identifying their sex. There were slightly more men than women among those who responded.	Mitigation is not required regarding this protected characteristic
Sexual Orientation	
The great majority of the 15 who responded to the question on sexual orientation were heterosexual.	Mitigation is not required regarding this protected characteristic

Resource implications

78. The development is being project managed by the councils New Homes Delivery Team within its Asset Management division. Support with regard to freeholder acquisitions will be provided by the Regeneration department and the MySouthwark Homeowners Agency. Support for tenants rehousing will be undertaken by Resident Services with support from the Communities Division and New Homes Delivery Team. The Independent Tenants and Leaseholders Advisor service provided by Open Communities is funded by the Communities Division also. No additional resources are required.

Legal implications

79. A planning application is yet to be submitted for the scheme. Council tenants may be required to be evicted under Ground 10 of schedule 2 of the Housing Act 1985 (as amended). The council homeowners may challenge the offer made to them to acquire their properties and further reports to Cabinet may be required.

Financial implications

80. The scheme is part of the council's direct delivery programme and is funded through a combination of right to buy receipts and S106 receipts.
81. Schemes within the New Homes delivery Programme are subject to viability assessments throughout their lifecycle. The costs of procured services and works, acquisition of freeholder properties and associated costs together with tenant home

loss payments were taken into consideration at various development milestones within the project.

82. Once the scheme is submitted for planning application the viability model will be published on the councils planning website in accordance with the Southwark Development Viability SPD 2015.

Next steps in the process

83. Subject to relevant approvals the following indicative timeline is likely to apply:

December 2017- ongoing	Design development and public consultation continues
January 2018	Submission of planning-policy compliant scheme.
January 2018	Register Households into Band 1 Begin formal negotiations with council homeowners Serving of demolition notices to halt the right to buy.
January 2018-ongoing	Weekly bidding support to affected residents. Negotiations with council homeowners.
January 2018-ongoing	Progress meeting with Resident Project Group, lead members and ward Cllrs as appropriate.
February 2018	Report to Cabinet seeking approval of a procurement strategy
April 2018	Unless delegated, planning committee meeting to approve the scheme.
Summer 2018	Update to cabinet on rehousing process
September 2018	Serving of Notice of seeking possession on affected council tenants.
Early 2019	Review of vacant possession date

84. The above timeframes are indicative and subject to the outcomes of the planning process and the ability for households to be supported in finding alternative accommodation.
85. Consultation with the T&RA, affected households and lead members will continue throughout the process. A procurement strategy report will be presented to Cabinet in spring 2018.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

The Equality Act 2010

86. The Equality Act 2010 requires the council, when taking decisions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
 - (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
87. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The duty also applies to marriage and civil partnership, but only in relation to (a) above.
88. Paragraph 77 and Appendix 2 set out the details of the Equalities Impact Assessment that has been carried out in conjunction with consultation and summarises the findings and, where any possible disproportionate effects have been identified on groups sharing protected characteristics, the mitigation proposed so as to discharge its public sector equality duty. Members should have due regard to this when considering the recommendations.

Consultation

89. The report recommends the redevelopment of 1-15 Florian and 1-18 Racine as well as the garage site adjacent to the Colbert block (the proposed site) and rehousing options for displaced residents. The report sets out the consultation carried out to date, the responses received and consideration given to them in seeking the recommendations in this report. The law requires that consultation must be undertaken when proposals are at a formative stage and include sufficient information and time for interested parties to respond. This must be satisfied for fair and proper consultation with the outcomes being taken into account in the final decision making process.
90. There are also specific provisions for consultation with secure tenants under Section 105 of the Housing Act 1985 which require the council to consult with those of its secure tenants likely to be substantially affected as a whole or as a group by a matter of housing management which, in the council's opinion as landlord, represents a new programme of maintenance, improvement or demolition, or a change in the policy or practice of the council. There are 28 properties occupied by council secure tenants and the proposed redevelopment programme and rehousing will affect all the secure tenants as a group on the proposed site.
91. Cabinet members should satisfy themselves as to the consultation carried out and take into account the outcome of the consultation when making decisions on the recommendations.

Re-housing - secure tenants

92. In the case of secure tenants' the council will be required to provide suitable alternative accommodation under the Housing Act 1985.
93. The report recommends that tenants displaced from Florian & Racine are given priority re-housing within the local area under a local lettings policy and are also

offered an option to return to the new build properties. This is a matter of discretion for the council and members should carefully consider this when considering the recommendations. If agreed, the local lettings policy will need to be implemented in accordance with the council's allocations policy.

Acquisition of council tenancies

94. The council will seek to re-house secure tenants by agreement to suitable alternative accommodation however where agreement is not possible the Council has the ability, following service of the requisite statutory notice of seeking possession, to bring a claim for possession against its secure tenants under Ground 10 of Schedule 2 of the Housing Act 1985 which is worded as follows:

The landlord intends, within a reasonable time of obtaining possession of the dwelling- house

to demolish or reconstruct the building or part of the building comprising the dwelling-house, or

to carry out work on that building or land let together with, and thus treated as part of, the dwelling-house,

and cannot reasonably do so without obtaining possession of the dwelling-house.

95. The court will not make an order for possession of a dwelling-house let under a secure tenancy on Ground 10 unless it is satisfied that suitable alternative accommodation will be available for the tenant when the order takes effect. The Council may also acquire possession of tenanted properties under a compulsory purchase order and a further report to Cabinet would be required. The Land Compensation Act 1973 contains provisions for payment of compensation.

Re-housing – occupying homeowners & private tenants

96. In the case of the three freeholders, the council is not generally required to re-house those occupying homeowners and private tenants who are displaced by redevelopment. However, in certain circumstances a limited duty may arise under Section 39 of the Land Compensation Act 1973 which requires local housing authorities to re-house residential occupiers who are displaced from residential accommodation in circumstances that include where land is acquired by a local authority possessing compulsory purchase powers. The duty to re-house only applies where suitable alternative accommodation on reasonable terms is not otherwise available and council will need to look at the circumstances of all displaced persons.

Acquisition of freehold interests

97. Section 120(1) of the Local Government Act 1972 (“the 1972 Act”) authorises the council to acquire any land by agreement for the purposes of (a) any of its statutory functions or (b) for the benefit, improvement or development of its area. By virtue of Section 120(2) of the 1972 Act the council may require by agreement any land for any purpose for which it is authorised by the 1972 Act or any other

Act to acquire land, notwithstanding that the land is not immediately required for the purpose; and, until it is required for that purpose, it may be used for the purpose of any of the Council's functions. Section 227 of the Town and Country Planning Act 1990 also enables the council to acquire land by agreement if it will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land if this is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of its area, or if it is required for a purpose which is necessary to achieve in the interests of the proper planning of an area in which the land is situated. Therefore, there are adequate powers available to the council to acquire the freehold properties by agreement.

98. The Department for Communities and Local Government Guidance of compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion (29 October 2015) states that the council will be expected to demonstrate that it has taken reasonable steps to acquire all of the land and rights to be included in any compulsory purchase order by agreement. The Land Compensation Act 1973 contains provisions for payment of compensation.

Garage occupiers

99. In the case of the 24 garage occupiers, the council may obtain possession by determining the licence arrangements without a court order.

Compulsory purchase

100. In the event that the council is unable to reach an agreement with the three freeholders, obtain possession of the secure or private tenanted properties or the garages, the council could acquire their interests in the properties under a compulsory purchase order and a further report to Cabinet would be required to make, confirm and implement a compulsory purchase order.

Payments under the Land Compensation Act 1973

101. The recommendation that Florian and Racine be demolished will trigger a displacing event under section 29 (1)(c) and potentially 29 (1)(e) giving rise to mandatory home loss payments where the relevant conditions set out in sections 29 and 32 are met.
102. Under Section 29 (1)(c) a displacing event occurs where a person is displaced (permanently) from a dwelling in consequence of land that has been previously acquired by an authority possessing compulsory purchase powers or appropriated by a local authority and is for the time being held by the authority for the purpose for which it was acquired or appropriated, the carrying out of any improvement to the dwelling / house or building on the land or redevelopment on the land (which would include demolition).
103. Under Section 29(1)(e), any order for possession made under ground 10 (in relation to secure tenants) is also a displacing event.
104. Section 29 (2) provides that mandatory home loss payments are only to be payable where the displaced person has been in occupation of the dwelling as his only or main residence throughout a period of one year ending with the date

of displacement and, has occupied by virtue of an interest or right to occupy the dwelling as prescribed at sections 29 (4) (a) to (e).

105. There are provisions under sections 32 (3), (3A) and (5) as to the periods, persons and dwellings to be taken into account in calculating the one year period of occupation and these will need to be considered if any persons do not at first glance meet the one year requirement.
106. The key provision relating to the basis of a person's occupation is set out at section 29 (4)(a) as being "any interest in the dwelling". Freehold, leasehold and any tenancies are sufficient interests. As such the right to a mandatory home loss payment can arise in respect both occupying homeowners, tenants of the council and other tenants of third parties (such as the tenants of non-occupying homeowners) provided that they meet the conditions of section 29 (2).
107. This position is supported by the Court of Appeal case of Khan –v- Islington BC (1999) where LJ Laws remarked that "the legislation otherwise and in its original form contemplated displacement and conferred an entitlement to home loss in a number of disparate circumstances, by no means all of which involve the relationship of landlord and tenant". The case also supports the contention that lawful undisputed related debts owed may be set off against any home loss payment due such as rent arrears or service charges.
108. Section 30 sets out the amount of mandatory home loss payment in respect of occupying owners' interests and all other interests as prescribed by the Home Loss payments (prescribed Amounts) (England) Regulations 2017 (SI 2017/769), effective from 1 October 2017 ("the Regulations").
109. Section 30 (1) and the Regulations provide that in the case of an owner occupier the amount of home loss payment is set at 10% of the market value of their interest in the dwelling subject to a minimum of £6,100, and a maximum of £61,000.
110. Section 30 (2) and the Regulations provide that the amount of home loss for other interests shall be £6,100.
111. Owners who are not in occupation and so not entitled to a home loss payment will on compulsory acquisition where they have held a qualifying interest in land held for a period of not less than 1 year instead be entitled to a mandatory basic loss payment under Section 33A. The amount of the basic loss payment is the lower of either 7.5% of the value of their interest or £75,000.
112. Section 33C also provides that certain other occupiers not otherwise entitled to home loss will on compulsory acquisition be entitled to an occupiers loss payment of the greater of either 2.5% of the value of their interest up to a maximum of £25,000.
113. Where persons hold an interest but are not eligible for mandatory home or basic loss payments discretionary payments may be paid under Sections 32(7), 32(7B) and 33J). The report intends that such discretionary payments be made to qualifying persons to facilitate vacant possession by agreement.

Payments in respect of occupying tenants

114. Those tenants (council and otherwise) in occupation at the date of displacement and who have held a tenancy and been in occupation as their only or main residence for one year prior to their displacement will be entitled to a mandatory home loss payment. However, Section 29(2) also contains provision that if an occupier who satisfies the requirements of Section 29(2)(a) and (b) and the date of displacement but not throughout the preceding year a discretionary payment may be made of an amount not exceeding that which he would have been entitled had the 1 year condition been satisfied.
115. Details of any private tenancies granted by or on behalf of the non-occupying homeowners will need to be obtained and assessed to see whether the tenants meet the requirements for any loss payment.
116. Where acquisition is obtained by agreement without getting a possession order it is intended that an equivalent discretionary payment be made as provided for by Section 32 (7B) :-

Where a landlord obtains possession by agreement of a dwelling subject to a secure tenancy within the meaning of Part IV of the Housing Act 1985 and—

(a) notice of proceedings for possession of the dwelling has been served, or might have been served, specifying ground 10 or 10A in Part II of Schedule 2 to that Act, or

(b) the landlord has applied, or could apply, to the Secretary of State or the Regulator of Social Housing for approval for the purposes of ground 10A of a redevelopment scheme including the dwelling, or part of it,

The landlord may make to any person giving up possession or occupation a payment corresponding to any home loss payment or discretionary payment which they would be required or authorised to make to him if an order for possession had been made on either of those grounds.

Payments in respect of owner interests: occupying homeowners

117. Those homeowners in occupation at the date of displacement and who had owned their freehold interest and been in occupation as their only or main residence for one year prior to their displacement and were so occupying at the date of displacement will be entitled to a mandatory home loss payment.
118. Where acquisition is obtained by agreement it is intended that an equivalent discretionary payment be made as provided by Section 32 (7) :-
- “Where an interest in a dwelling is acquired by agreement by an authority possessing compulsory purchase powers, the authority may, in connection with the acquisition, make to the person from whom the interest is acquired a payment corresponding to any home loss payment or discretionary payment which they would be required or authorised to make to him if the acquisition were compulsory and the authority had been authorised to acquire that interest before he gave up occupation of the dwelling [Payments in respect of owner interests: non-occupying homeowners]*

Other acquisitions by agreement Section 33J provides that discretionary payments may also be made to a person where acquisition is obtained by agreement (instead of compulsorily as required by sections 33A and 33C, owners not in occupation & / or other occupiers) of an amount equal to the

amount they would have been entitled under sections 33A or 33C had there been a compulsory acquisition.

Supplemental provisions

- 120. Where there is more than one qualifying person entitled to claim home loss payment in respect of the same dwelling the payment to be made shall be equal to the whole amount of the home loss payment divided by the number of persons. (section 32 (6)).
- 121. Spouses and civil partners having statutory rights of occupation arising where the tenant is no longer occupying will be entitled to claim home loss under section 29A.
- 122. Supplementary provisions at section 32 set out the requirements by which persons must make a claim for a home loss payment and the latest date by which payments must be made together with provisions to make advance payments.

Disturbance payments for persons without compensatable interests

- 123. Section 37(1) provides for mandatory disturbance payments to a person in lawful possession of the land from which they are displaced by virtue of the displacing event set out under Section 37 (1) (c) this being the same event under Section 29 (1)(c). Section 37(5) provides for equivalent discretionary disturbance payments to displaced persons not otherwise eligible.
- 124. Section 38 provides that the amount shall be equal to the reasonable expenses of the person entitled to payment in removing from the land from which they are displaced.

Section 26 Housing Act 1985

- 125. This provides the Council with a discretion to pay expenses of removal to tenants moving out of their council property. Such payment can be subject to reasonable conditions and should be formulated and dealt with in accordance with Council policy.

Exercise of discretion

- 126. The Council is entitled to formulate policies by which it will exercise a specific statutory discretion (as well as in a class of cases), Due regard must also be given to any guidance and rules such as the DCLG in compulsory purchase and the Crichton Down Rules. In any event care must be taken when formulating any such strategy to avoid fettering the council in the exercise of its discretion which may be subject to challenge.

Demolition notices

- 127. In order to prevent any new Right to Buy applications from secure tenants under the Right to Buy discount regime, the Council will serve statutory demolition notices under powers conferred by Schedule 5 of the Housing Act 1985.

Strategic Director of Finance and Governance (H&M17/066)

128. The strategic director of finance and governance notes the recommendations made in this report to develop specific sites on the Sceaux Gardens estate. The proposal is to replace 33 one-bedroom properties with approximately 80 new units across a mix of sizes.
129. The proposal has been appraised and assessed to be financially viable, and will be subject to further viability assessments as it progresses. At this stage there are no immediate financial implications arising from the recommendations made in this report, but should the scheme proceed, it is likely to be funded from a mix of right to buy receipts and S106 payments in lieu.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
LBS Core Strategy to 2043	Housing Strategy PO Box 64529 Southwark Council London SE1P 5LX	Rob.Weallans@southwark.gov.uk
Web link: http://www.2.southwark.gov.uk/downloads/download/4180/southwark_housing_strategy_to_2043		
Technical update to Residential design Standards 2015 SPD	Planning Policy PO Box 64529 Southwark Council London SE1P 5LX	Philip.Waters@southwark.gov.uk
Web link: http://www.2.southwark.gov.uk/downloads/download/2257/residential_design_standards_spd		
Support for garage occupiers affected by the new homes programme	New Homes Delivery PO Box 64529 Southwark Council London SE1P 5LX	Tim.bostridge@southwark.gov.uk
Web link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MIId=5753&Ver=4		
Charter of Principles	Communities Division PO Box 64529 Southwark Council London SE1P 5LX	Jessica.Leech@southwark.gov.uk
Web link: http://www.2.southwark.gov.uk/downloads/download/4081/charter_of_principles_consultation_report_feb2015		
September 2015 Cabinet report "New Homes Delivery programme"	Asset Management PO Box 64529 Southwark Council London SE1P 5LX	Richard.George@southwark.gov.uk
Web link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s56445/Report%20New%20Homes%20Delivery%20Programme.pdf		

APPENDICES

No.	Title
Appendix 1	Map showing red line boundary of development sites (circulated separately)
Appendix 2	Sceaux Gardens Equalities Impact Assessment (circulated separately)
Appendix 3	Indicative scheme layout options (circulated separately)

AUDIT TRAIL

Cabinet Member	Councillor Mark Williams, Regeneration and New Homes		
Lead Officer	Gerri Scott, Strategic Director of Housing and Community Services		
Report Author	James Cross, Development Manager, New Homes Delivery Team		
Version	Final		
Dated	29 November 2017		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments Included
Director of Law and Democracy		Yes	Yes
Strategic Director of Finance and Governance		Yes	Yes
Cabinet Member		Yes	Yes
Date final report sent to Constitutional Team			30 November 2017