

MUNICIPAL YEAR 2013/2014 REPORT NO. 27

MEETING TITLE AND DATE:

Cabinet – 10 July 2013

JOINT REPORT OF:

Ray James, Director of Health, Housing and Adult Social Care and James Rolfe, Director of Finance, Resources & Customer Services

Agenda - Part: 1

Item: 12

Subject: Alma Phase 1 (Academy Street) Development - Compulsory Purchase Order

Wards: Ponders End

Cabinet Member consulted: Cllr Oykenor
Cabinet Member consulted: Cllr Stafford

Contact officer and telephone number:

Peter George (x3318) / Nick Fletcher (x1781)

Email: nick.fletcher@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The purpose of the report is to recommend to Cabinet the making of the Academy Street CPO to enable the acquisition of the third party land required to deliver the Academy Street development. This is required as a contingency measure should the Council fail to reach a negotiated settlement with the third party landowners.
- 1.2 The development is of strategic importance to the Council because the new homes will be used to re-house residents from the Alma Estate which is subject to a major regeneration initiative. These homes will be the first new council homes built in the Borough in over forty years.
- 1.3 This report contains the relevant documentation required to make the Academy Street CPO 2013.

2. RECOMMENDATIONS

- 2.1 Cabinet is requested to note the draft statement of reasons attached to this report which sets out the justification for making the Academy Street CPO 2013 in relation to the red-line land shown at **Appendix 1**.
- 2.2 Cabinet is requested to note the indicative timeline for the CPO process for the Academy Street CPO 2013 attached to this report as at **Appendix 3**.
- 2.3 Cabinet delegates authority to the Director of Health, Housing and Adult Social Care in consultation with the Director of Finance, Resources and Customer Services:

- a) To publish the draft London Borough of Enfield (Academy Street) Compulsory Purchase Order 2013, to seek confirmation of the Secretary of State and if confirmed, implement the Order.
- b) To modify the draft Statement of Reasons, attached as **Appendix 4**, the Order Plan and effect any other procedural requirements including (but not limited to) the publication and service of all notices and the presentation of the Council's case at any public inquiry;
- c) To acquire any interests in land within the Order area by agreement and the making of payments equivalent to statutory compensation and the provision of property or services in lieu of compensation, in contemplation of the Order being made.
- d) If and when the Order is confirmed then to acquire by compulsion and make payments of statutory compensation, if voluntary agreements cannot be reached.

3. BACKGROUND

- 3.1 The Academy Street site is a 0.6 hectare site in Ponders End the majority of which is owned by the Council and is sited adjacent to the new Oasis Hadley Academy School. In July 2012, Cabinet approved the development of the site for a 100% affordable residential scheme to re-house Alma Estate residents affected by the regeneration.
- 3.2 The site has been temporarily referred to as Academy Street due to the adjacency of the new Academy School. Following discussions with the Alma Residents Association it is proposed, subject to the outcome of the consultation exercise, to formally rename the new street Dujardin Mews after the decorated Enfield Olympian Charlotte Dujardin.
- 3.3 The Council appointed Karakusevic Carson Architects and Maccreanor Lavington Architects in autumn 2012 to design a mews street on the site. On behalf of the Council, the design team worked up detailed proposals and submitted a detailed planning application for 38 new homes, which was approved at Planning Committee on May 24th 2013.
- 3.4 The intention is to provide 19 Council rented properties for existing Alma secure tenants, and 19 shared-equity properties which will be made available to Alma resident leaseholders. These new affordable homes are essential to enable the successful rehousing of Alma Estate residents.
- 3.5 Colleagues from across the Council including Development & Estate Renewal, Urban Design, Traffic & Transportation, Development

Management, Planning Policy, Neighbourhood Regeneration and also Enfield Homes, were involved in formulating the design proposals and a design representative from the GLA gave advice throughout the process and was supportive of the approach taken and outcome of the scheme proposal. Specialist technical advice from quantity surveyors and engineers was provided from consultants on behalf of the Council and the appointed design team, which informed the decision making process and outcome of the proposal.

- 3.6 The design team presented their draft proposals at a resident consultation event on 11th December at Ponders End Youth Centre. This event was well attended by Alma residents and of the 48 questionnaires that were returned, 90% were in favour of the site being used for new housing. There were no objections to the proposals from any residents including those living adjacent to the site on Falcon Crescent.
- 3.7 The procurement of a house-builder has commenced, with five shortlisted firms being invited to tender during the first week of July 2013. The preferred house-builder is expected to be appointed in September 2013, with a start on site currently programmed for November 2013. A construction programme of twelve months is currently anticipated.
- 3.8 The CPO is specifically required in relation to two third party owned land interests:
 - The carriageway running through Gardiner Close
 - The public right of way on the western edge of the Academy Street site
- 3.9 The third party land has been highlight in the red-line plan appended at **Appendix 1**.
- 3.10 Development of the Academy Street site has always been on the premise that the Council can agree both permanent vehicular access for prospective residents and temporary construction vehicle access along Gardiner Close, which runs through the Robbins Hall site to the immediate south west of the Academy Street site.
- 3.11 The Council is negotiating with representatives of Viridian, the landowner of the Robbins Hall site, and negotiations are on-going. The Council is seeking to acquire the freehold of the carriageway (Land shown edged and hatched red on the Plan at Appendix 1 or alternatively a right of access over the carriageway to enable vehicular access into the Academy Street site.
- 3.12 The Council is also negotiating with those adjoining owners and third parties who have a registered interest in the land over which the public right of way exists (Land shown edged and cross hatched red on the

Plan at Appendix 1). The intention is to incorporate the land over which the public right of way exists and to relocate the public right of way along the new road constructed on Academy Street or via Nelson Road and Gardiner Close. An order for the extinguishment of the right of way will be sought by the Council either under section 32 of the Acquisition of Land Act 1981 or sections 251 or 258 of the Town and Country Planning Act 1990 in order to enable this and the land will need to be appropriated for planning purposes to extinguish third party rights.

- 3.13 The CPO of the section of the public right of way is part of the scheme which has achieved planning consent; this land was required to make a scheme with properties on both side of a street acceptable in planning terms. The reasons are set out in full in the attached Statement of Reasons.
- 3.14 In accordance with CPO best practice, the Council will continue to endeavour to reach a negotiated settlement with all third party land-owners with an interest in the land within the CPO red-line boundary; CPO powers, once obtained, will only be used where a negotiated settlement cannot be reached. The Academy Street CPO 2013 will affect those interests within the red line attached in **Appendix 1** of this Part 1 report.
- 3.15 The Academy Street CPO 2013 is being made pursuant to section 226(1)(a) of the 1990 Town and Country Planning Act which authorises the Council to acquire land compulsorily subject to following the procedures laid down by the Acquisition of Land Act 1981.

Land which is the Subject of the Academy Street CPO 2013

- 3.16 The land to be included in the CPO includes:
- All land included in the red line drawing attached to this report (**Appendix 1**)

Description of the proposed Academy Street development

- 3.17 Ponders End is a priority regeneration area for the Council and the Alma Estate Regeneration Programme is the flagship estate renewal scheme for the borough. The Academy Street development plays an important role within this programme.
- 3.18 The Academy Street development will include some of the first new Council homes in approximately forty years. Planning permission was granted for a total of 38 new homes, of which the tenure will be split equally between Council rented properties and shared equity properties. These new homes are exclusive for Alma Estate residents and will assist in the decanting of Council tenants, and re-housing of resident leaseholders.

- 3.19 The bedroom mix for the scheme can be broken down as follows:
- 6 x 1 bedroom units
 - 8 x 2 bedroom units
 - 20 x 3 bedroom units
 - 4 x 4 bedroom units
- 3.20 The development meets the requirements of the Council's Core Strategy in providing new family homes and the homes will be built to Code for Sustainable Homes Level 4, except for 4 units which will be built up to Code for Sustainable Homes Level 5 (the first homes in the Borough to achieve Code for Sustainable Homes Level 5).
- 3.21 The Council has taken an approach to the development that emphasises design quality, by ensuring that the detailed design specification is ready before the tendering stage, and novating the architects to work with the build contractor. Being the first new Council homes in decades, and one of the first new developments in Ponders End for some time, this scheme will set the benchmark for quality housing in the area.

Purpose and Justification for seeking to compulsorily acquire the Legal interests in the Academy Street development boundary

- 3.22 Compulsory purchase of the legal interests of the third party landowners will enable the development of the site to provide new homes, which will re-house tenants and leaseholders affected by the Alma Estate Regeneration and ease the pressure on the Council to get vacant possession of Phase 1 of the regeneration programme for the new developer partner to commence works on site on schedule.

Planning Position

- 3.23 As described above, the scheme has achieved a full detailed planning consent.
- 3.24 The London Borough of Enfield's Core Strategy was adopted at Cabinet in November 2010. The Core Strategy explains that the development of the key opportunity sites in Ponders End and particularly the former gasholder site within the South Street area is a Council priority.
- 3.25 The North East Enfield Area Action Plan (NEEAAP) is currently being drafted and the Academy Street site is proposed for new housing within the document.

Human Rights

- 3.26 The Council, as a public body, is under a duty to consider whether the exercise of its powers interacts with rights protected by the European Convention on Human Rights. Section 6 of the Human Rights Act

1998 prohibits public authorities from acting in a way, which is incompatible with those rights. Please refer to the attached Statement of Reasons for further detail.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 An alternative option considered is for the Council not to make a CPO for Academy Street 2013. Without CPO powers the Council cannot guarantee that the requisite land can be assembled to enable the consented scheme to be delivered.

5. REASONS FOR RECOMMENDATIONS

- 5.1 To provide the Council with a legal option to ensure that vehicular access can be secured to enable the development to take place and that a key pedestrian route is adopted and integrated within the scheme to ensure much needed new homes can be delivered.
- 5.2 The Council cannot guarantee delivery of the planning consented development without CPO powers. These new homes are needed to enable the delivery of the Alma Regeneration Programme.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

- 6.1.1 The cost of developing the Academy Street site is factored into the latest HRA Business Plan. The cost is profiled into the current financial year and 2014/15. The HRA Business Plan also includes income and costs associated with managing 19 Council rented properties, income from shared equity and HCA grant income.
- 6.1.2 It is anticipated that the costs of obtaining a CPO on the Academy Street site will be funded from the HRA general balances.

6.2 Legal Implications

- 6.2.1 Under section 226 (1) (a) of the Town and Country Planning Act 1990 a local authority has a general power to make a compulsory acquisition of any land in their area in order to facilitate the carrying out of development, redevelopment or improvement in relation to the land.
- 6.2.2 In order to exercise the s.226 powers the local authority must be satisfied that the proposed development/improvement is likely to contribute towards any of the following objects, namely the

promotion or improvement of the economic or social or environmental well-being of their area.

6.2.3 For the purposes of the CPO it is immaterial by whom the redevelopment is to be carried out, i.e. the Council does not need to undertake the development itself.

6.2.4 The making of the CPO must be In accordance with the Council's Property Procedure Rules.

6.3 Property Implications

6.3.1 The making of the CPO will support the on-going negotiations with the owners of the land that the Council is seeking to acquire and the rights over that land that we are seeking to extinguish.

6.3.2 Any acquisition of property interests by the Council must be in accordance with the Council's Property Procedure Rules and be approved by the Assistant Director of Finance, Resources and Customer Services (Property Services).

7. KEY RISKS

7.1 This is included in Part 2 of the report.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

8.1.1 The Alma Estate Regeneration Programme contributes to this aim by tackling inequality and access to social housing by providing new homes. The Academy Street development makes up part of this programme.

8.2 Growth and Sustainability

8.2.1 The Alma Estate Regeneration Programme contributes to this priority by building strong and sustainable futures for our residents. The scheme is the one of the first steps towards delivering the planned regeneration of the Ponders End Priority Area, and housing growth, as set out in the NEEAAP and the Core Strategy.

8.3 Strong Communities

8.3.1 The community plays a central role in driving forward change and regeneration in the local area to create a stronger community in the Ponders End area.

9. EQUALITIES IMPACT IMPLICATIONS

9.1 An equalities impact assessment is in place for the Alma project.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

10.1 This report does not recommend a change of service of implementation of new practices and therefore Performance Management Implications are not applicable.

11. PUBLIC HEALTH IMPLICATIONS

11.1 There are no public health implications to consider.

Background Papers

Appendix 1 – Academy Street CPO red-line

Appendix 2 – CPO Process flow-chart

Appendix 3 – Academy Street CPO timeline

Appendix 4 – Statement of Reasons