

**MEETING TITLE AND DATE:**

Council - 20 November 2019

**REPORT OF:**

Executive Director of Place

Joanne Drew

Director of Housing and Regeneration

Contact officer and telephone number:

Nick Weston – 020 8132 0706

E mail: Nick.Weston@enfield.gov.uk

<b>Agenda – Part: 1</b>	<b>Item: 7</b>
<b>Subject: Joyce Avenue and Snells Park Estate Redevelopment</b>	
<b>Wards: Upper Edmonton</b>	
<b>Key Decision No: 4590</b>	
<b>Cabinet Member consulted: Cllr Caliskan</b>	

**1. EXECUTIVE SUMMARY**

- 1.1 On 15<sup>th</sup> March 2017 (KD 4272) Cabinet agreed to progress feasibility work and resident engagement on the Joyce Avenue and Snells Park Estates. Since then, officers have engaged residents in a dialogue about desired improvements to their estate and evaluated options for development delivery.
- 1.2 Following resident feedback, this paper recommends that the Council proceeds to work towards a residents' ballot and subsequent planning application to deliver the vision for the estate. The feasibility work suggests that in addition to replacing the 795 existing homes, a further 2,130 new homes for local people can be provided, including redevelopment of the adjacent Florence Hayes Recreation Ground.
- 1.3 This will be a transformative scheme for tenants, leaseholders and renters on the estate with a new masterplan that focuses as a priority on energy efficient, good quality new homes for existing residents. Placemaking, designing out crime and high quality public open spaces are central to the new master plan and will help to drive out antisocial behaviour. The proposed scheme will deliver a substantial increase in affordable rented homes and intermediate tenures at different price points. It is proposed that the private units will in the main be for rent with private sale as required to supported mixed tenure and viability. This will enable us to provide an option for those households currently renting privately on the estate. The Council will retain ownership and management of these homes, and this strategy will preserve the Council's land and property assets into the future.
- 1.4 The scheme is expected to take around 15 years to deliver from planning, subject to changing requirements during this timeline. In line with the Council's current approach and commitment to deliver and own more homes, the report proposes that the Council lead on the design and delivery of the project, thereby retaining full control over the scheme. Development will be on a phase by phase approach allowing the Council flexibility to change direction or pause in the future should this be required in response to market conditions or changing requirements of residents.

- 1.5 The existing estate consists of a number of aging flat blocks that will have an accumulating maintenance requirement over time that represents an increasing cost burden to the Council. As the existing blocks become older, more complex planned and cyclical maintenance means increased disruption to residents. The estate layout is not efficient in terms of how space is used and there is a lot of low-quality open space and numerous areas where crime has become a persistent problem. Severe ASB issues affect the whole estate which the Council aims to mitigate through improved urban design, better overlooking and new solutions for security on a short and longer term basis through the regeneration.
- 1.6 The GLA's ballot requirement means that the Council has to undertake a detailed engagement and consultation process with existing residents regarding our plans for the estate and their rehousing options. The Council therefore needs to undertake a significant amount of design and preparation work prior to the ballot to support residents in making an informed choice, and in obtaining a clear mandate for regeneration.
- 1.7 The project produces a large financing requirement - expected in the region of £600m. The report proposes the option of the use of pension equity funding to provide additional capital towards the cost of construction. Some soft market testing has been undertaken and strong interest has been received from the parties met to date. This option, along with potential strategic investment from the GLA, is being considered alongside a review of the Council's capital strategy and a further Cabinet paper will be submitted after the ballot confirming the recommended approach.
- 1.8 Following approval to proceed, officers will continue to work with residents and tenants to develop designs and prepare a financially viable scheme to take to ballot. A comprehensive communications plan will be key to engaging residents and stakeholders before and after the ballot and to the overall success of the project.

## **2. RECOMMENDATIONS**

Council is recommended:

- 2.1 To agree a further budget in the sum of £4m for work required to deliver a ballot and planning application as noted in Section 5.4.7 to be added to the Council's HRA Capital Programme, as recommended by Cabinet at its meeting on 6 November 2019.
- 2.2 To note that Cabinet agreed at its meeting on 6 November 2019:
  - To continue to develop proposals to deliver the vision for the Joyce and Snells estates as set out by residents.
  - To ensure that the interests of residents remain paramount, to approve the concept that the Council undertakes the role of lead developer for the life of the scheme and brings the project forward to a planning application.
  - To delegate to the Director of Housing and Regeneration authority to procure and spend against this budget, including a project team to develop the scheme to planning, including all supporting documentation, site investigations and surveys. To note that any expenditure prior to ballot could be abortive in the event of a negative vote.
  - Subject to a positive result from testing of residents' views through an engagement and consultation period, delegate authority to the Director of Housing and Regeneration in consultation with the Executive Director of Resources and the Leader and to initiate a ballot of residents.

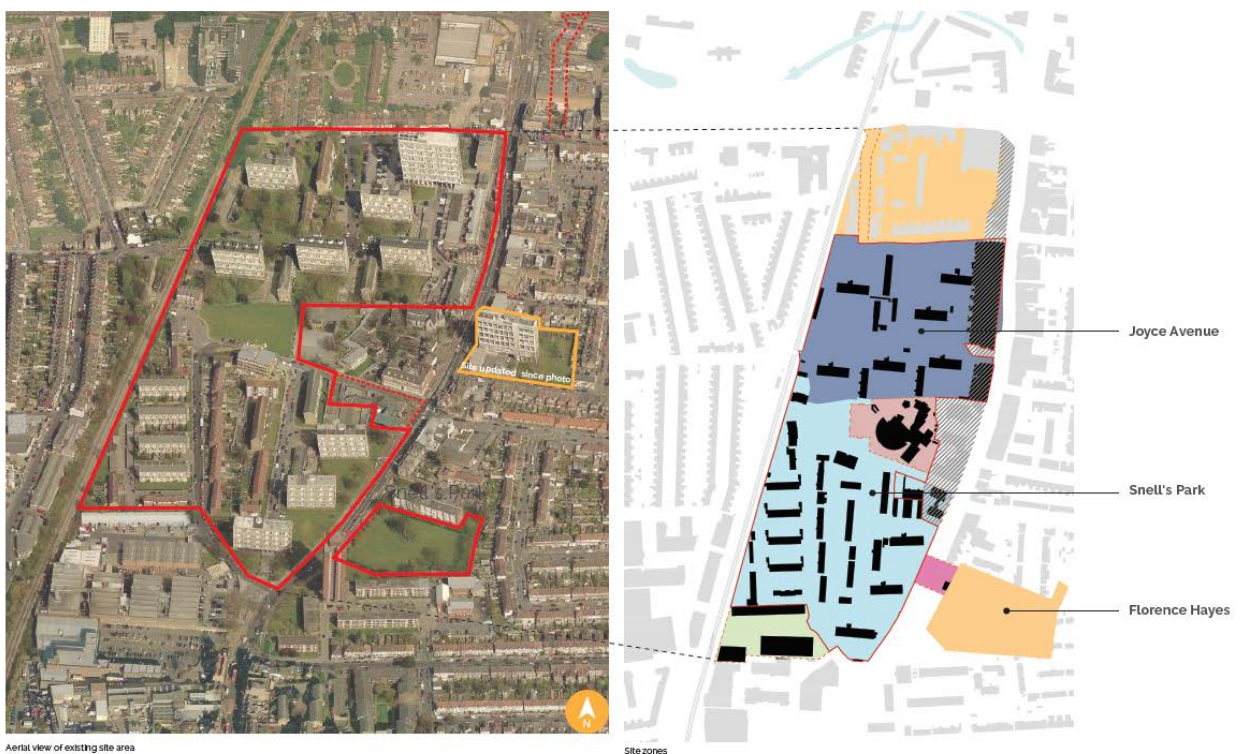
## **3. BACKGROUND**

- 3.1 Joyce Avenue and Snells Park estates are located adjacent to each other in Upper Edmonton, on the boundary between Enfield and Haringey. They are very well served by public transport with journey times by train to central London taking around 25 minutes and frequent bus services to all local destinations. The high street has a wide choice of local shops with a large supermarket just to the north.
  - The Upper Edmonton Ward is one of the most deprived in the borough and geographically is the farthest point south and east. Median incomes are below the average from the borough while rates of crime, unemployment and deprivation indicators are above average.
  - This is in stark contrast to the more affluent Wards in the West of the borough and demonstrates the need for the Council to commit investment and make interventions that will balance opportunities and outcomes for residents in Upper Edmonton.
- 3.2 The wider area including north Tottenham is starting to receive significant investment with the completed Silver Point regeneration opposite, Tottenham Hotspur Stadium redevelopment complete and the transformative Meridian Water development in progress. Also, in the area are proposed schemes being developed by LB Haringey in and around White Hart Lane Station (including refurbishment of the station itself), potentially yielding a further 2,500 homes in the area.
- 3.3 The Joyce and Snells estates were progressively developed from the 1950's onwards and both feature a mixture of accommodation and building typologies. The original master plan

was not delivered as intended and the design, location and spacing of the blocks were influenced by the existing street layout and other logistical issues. In addition, some of the later infill development has been less successful in terms of design and layout.

3.4 As a result, the existing street plan is unsatisfactory and there are significant problems with parking, anti-social behaviour (ASB) and crime. There are also poor pedestrian links between the two estates and almost non-existent play facilities for children. To address ASB in particular areas, tall palisade fencing has had to be erected around the communal gardens of some tower blocks which has created low quality private open space and adversely affected the permeability between the two estates.

### The Site



*Aerial view of the existing Joyce Avenue and Snell's Park Estate showing the red line boundary*

During the previous consultation exercises, residents were asked what their objectives were for the estates and the following list was developed as the basis of what they would like to see changing:

1	Work with the community to contribute to the future of the estates
2	Provide more homes in a greater variety of types that are based on the needs of the community
3	Reduce anti-social behaviour and criminal activity
4	Create new homes that are energy efficient and easy to maintain and manage
5	Provide better suited open space for the community



6	Improve public realm and signage
7	Provide parking solutions
8	Make better and safer connections for pedestrians and cyclists to Fore Street and the railway station
9	Improve access to the shops and work with the business community to enhance the offer

### 3.5 Condition of Existing Stock

3.5.1 As referred to in the background, the majority of the accommodation was built from the mid-'50s to the mid-60's with the oldest buildings around 65 years old. The external envelopes of most blocks are made of durable materials giving a superficial impression of the buildings being in relatively good condition. There are however a number of significant defects internally and other factors that make refurbishment very expensive. This could include defective plumbing systems, upgrades to the building envelope and service risers, service upgrades, improved security systems and removal of any asbestos present.



*Open access stairwells and no defensive space around ground floor homes enable crime and ASB to take place*



3.5.2 Our cost consultants have advised that refurbishment would be more expensive than demolition and re-provision, with the resulting costs having to be met initially though the Council's own resources. Without the addition of new homes, the Council would not have any additional sources of income from which to capitalise the costs.



*Entrance to estate over railway footbridge from the west, heavily used by hospital patients and visitors accessing the high street, as well as local residents. Undefined open ground, lack of overlooking and underused garage areas are spaces where ASB and crime can take place. Littering is problematic across the estate and in the High Street*

3.5.3 To undertake a comprehensive refurbishment to achieve a further 30-year life would require decanting tenants and leaseholders from each of the blocks while to work took place. Further works would also be required to improve the roads, footpaths, refuse, landscaping and parking arrangements to give a 30-year life further adding to expense. The existing underground services such as drainage and utility supplies would have to be assessed as to their remaining lifespan.





*This area behind the High Street shops continues to be an ASB hot-spot*



*Open space with low ecological value. Bins stored externally across the estate - bin stores out of use due to ASB*



- 3.5.4 Leaseholders would be liable for their share of the costs and this would involve major works bills that could be completely unaffordable for many households or put Lessees under financial duress. Since Leaseholders make up nearly half of the households on the estate, it is likely that a comprehensive refurbishment of the aging buildings on the estate would represent a considerable cost to the Council and not deliver value for money.
- 3.5.5 The existing estate layout is of a low overall density with large areas of low-quality open space, mainly laid to grass. Access between Joyce Avenue and Snells Park is very restricted due to poor urban planning leading to residents viewing the both estates as separate communities. The current layout is also enabling crime and ASB to continue. A refurbishment would not address the shortcomings of the current estate layout without comprehensive external works that would include the relocation and repositioning of underground services. There is one small children's playground in Joyce Avenue and no play facilities at all on Snells Park. Improved play provision would need to be included in any refurbishment for it to be sustainable.



*Undefined public open space with no specific function - knee rails discourage use*





*Limited play facilities at Joyce Avenue that serve the whole estate*



*The estate is heavily parked with residents and commuters. CPZ only operational on match days. The estate was designed at a time of much lower car ownership. Parking impedes service and emergency vehicles*

3.5.6 As this is one of Enfield's most urban areas with excellent transport links and local amenities, there is a clear opportunity to redesign the estate at increased density with a greater variety of homes at different price points.

### **3.6 Development Options**

3.6.1 As part of the consultation process with residents, were asked their opinion on the different redevelopment options available. The initial consultation took place on four different options, these being;

- 1 Infill development around the existing estate
- 2 Partial regeneration of the estate with some existing buildings retained
- 3 Full regeneration of the estate
- 4 Do nothing

3.6.2 Options 1 & 2 were found not to be popular with residents as can be seen in the survey results in Figure 2 below.

3.6.3 Option 1 would involve keeping the current estate buildings and layout and constructing additional blocks in-between. They felt this would reduce parking and green space and that they would not necessarily be entitled a home in one of the new blocks.

3.6.4 Option 2 would allow for a certain amount of re-planning of the estate, although the new masterplan would be constrained by the retention of some existing blocks. The majority of the existing blocks would be replaced, and it was felt that there would be a lot of compromise to retain relatively few of the existing blocks.

3.6.5 Options 1 & 2 would require expensive refurbishment of the retained blocks and would still require residents to be decanted while the work took place. Our valuation advisors Jones Lang LaSalle (JLL) have advised on the viability of each of the development options and calculated that the refurbishment costs would be higher than the rebuild costs.

3.6.6 Option 3 proved to be the most popular with tenants, with full development being seen as an opportunity to design out many of the current problems afflicting the current estates. It should be noted that this option was less popular with the Leaseholders and Freeholders, but at the time of the consultation there were no developed proposals as to what the landform offer would be for these groups. In the absence of this information, Leaseholders and Freeholders showed a greater preference for Option 4.

3.6.7 Option 3 gives the best opportunity to carefully redesign the estate and create a more cohesive neighbourhood. Designs for public open space and parking can be planned for in advance and properly integrated within masterplan.

## 5 Resident engagement

### 5.9 Preferred approach

At the December event residents were asked which approach they preferred.

#### Which of the four approaches do you prefer?

All tenures - 99 responses

Approach 1  
Infill development 7%

Approach 2  
Partial redevelopment 7%

Approach 3  
Full redevelopment 61%

Approach 4  
Do nothing 19%

Undecided 6%

#### Which of the four approaches do you prefer?

Tenants - 59 responses

Approach 1  
Infill development 5%

Approach 2  
Partial redevelopment 9%

Approach 3  
Full redevelopment 78%

Approach 4  
Do nothing 5%

Undecided 3%

#### Which of the four approaches do you prefer?

HA tenants - 3 responses

Approach 1  
Infill development 0%

Approach 2  
Partial redevelopment 0%

Approach 3  
Full redevelopment 33%

Approach 4  
Do nothing 67%

Undecided 0%

#### When asked whether the approach met the objectives?

Approach 1  
Infill development 11%

Approach 2  
Partial redevelopment 16%

Approach 3  
Full redevelopment 49%

Approach 4  
Do nothing 13%

#### Which of the four approaches do you prefer?

Freeholders - 6 responses

Approach 1  
Infill development 0%

Approach 2  
Partial redevelopment 0%

Approach 3  
Full redevelopment 0%

Approach 4  
Do nothing 83%

Undecided 17%

#### Which of the four approaches do you prefer?

Leaseholders - 30 responses

Approach 1  
Infill development 13%

Approach 2  
Partial redevelopment 7%

Approach 3  
Full redevelopment 40%

Approach 4  
Do nothing 30%

Undecided 10%

*Opinion results from exhibition event, December 2017*

## 3.7 Vision

3.7.1 The vision of the residents of the Joyce Avenue and Snells Park Estate is:

### I A safe and child friendly neighbourhood

- High quality public and private open areas with much needed play spaces for children.
- Enhanced security by designing-out unseen spaces and limiting street parking as far as possible.
- More dwellings will be provided at ground floor level to increase natural surveillance and extra security features built into homes.

### II More and quality housing for local people

- Cohesive and distinctive design of homes.
- Combat overcrowding. The additional affordable housing units created will be allocated according to Enfield's housing policy.
- A phased approach to allow different architects to design each phase and bring variety and creativity while maintaining an overall design integrity.

### III Encourage local residents and businesses to stay and thrive

- Improve access to the High Street to encourage footfall and trade, supporting local businesses.



- Move some of the shop frontages back to create an urban square which would give some much-needed breathing space to the High Street, creating an area for outdoor seating and attract new businesses to serve the incoming community.
- Develop a shared equity offer that works for resident leaseholders and encourages them to remain local residents.
- Introduce longer tenancies for the market and discount market rent homes to encourage more sustainable communities
- Develop a strong place-keeping strategy to ensure tighter control of parking, landscape management, refuse and street cleaning. The anticipated higher service charge density in the new development should help to provide the necessary funding to maintain the public spaces and common areas.

#### **IV Council takes the lead**

- The Council wishes to retain as much control as possible over securing the best outcomes for residents. It is therefore proposed that it takes the role of lead developer. Given the long-term nature of the project, a key strategy will be to retain as much flexibility as possible over the delivery options and composition of future phases. Markets and funding regimes will change over time but retaining overall control of the project allows opportunities that present themselves in the future to be seized. A phase by phase approach allows each phase to be tailored to demand and funding opportunities prior to the work being tendered.
- It is proposed that Enfield takes forward this project as lead developer through the following stages:
  - Self-funds a hybrid planning application
  - Enters an investment strategy which may include external pension equity investment.
  - Each phase to be constructed through a fixed price design and build contract to limit risk to the Council. The Council goes to market for each phase of construction to ensure value for money and retain the ability to vary the mix and tenure of future phases in response to market conditions
  - At the end of the investment period, funding agreements (if procured) would expire and all property reverts to the Council unencumbered

3.7.2 There is an opportunity to introduce a much wider variety of accommodation and block types into a redeveloped estate, set within a backdrop of high quality public open spaces and amenity areas.

### **3.8 HOUSING MIX**

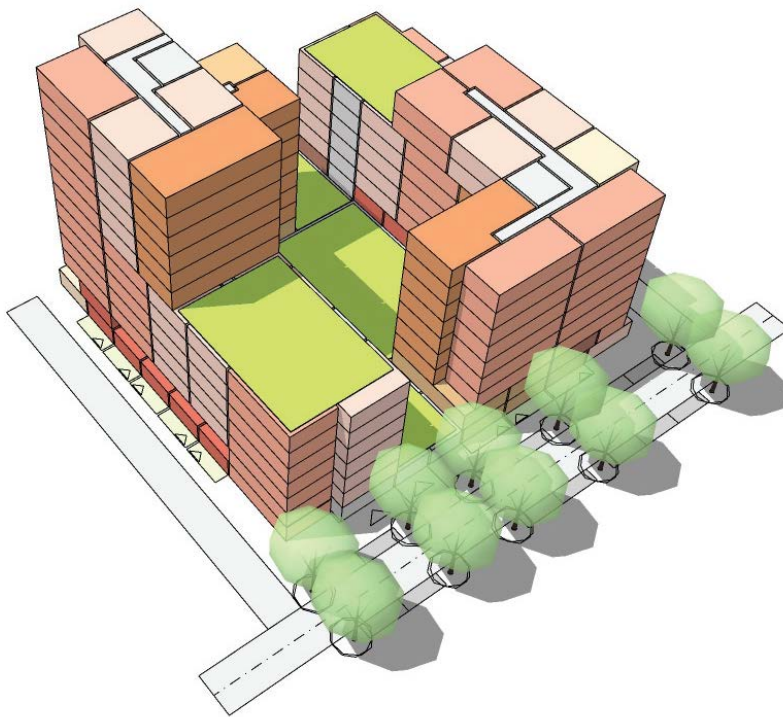
3.8.1 The current estate has 795 homes is split approximately 50:50 social rent and Leasehold. It is proposed that this split will be maintained in the new estate, which will yield around 1,450 affordable homes and the same number of build-to-rent homes. Within the affordable numbers, it is further proposed to retain 395 social rent for existing residents with the remainder being London Affordable rent, shared ownership and intermediate rent.

3.8.2 As further design development, viability testing and confirmation of financing options from the GLA are understood, the Regeneration Team will endeavour to increase the proportion of affordable homes where possible in each phase. The final mix could include up to 10% as private sale as an alternative to market rent and shared ownership if required.

3.8.3 It is important that the Council retains flexibility over the life of the scheme so that it can react to changes in funding regimes and the market. By leading the development on a phase by phase approach, the Council is able to control the pace of development and potentially bring construction forward where opportunities arise in the market.

3.8.4 The proposed tenures are detailed below:

- **Social Rent** – will be provided for existing residents moving into new homes.
- **London Affordable Rent** – For the additional affordable rented homes it is proposed to let these at London Affordable Rents set by the GLA.
- **Shared Ownership** – A part buy, part rent option for people who wish to buy on the estate and could be targeted at key workers for example.
- **Discount Market Rent or Intermediate rent** – A professionally managed, high quality option to rent privately. This is a rented offer aimed principally at key workers in the health, education and police services as well as essential Council staff such as social workers. Rent levels are to be developed nearer the time of occupation. Options such as longer tenancies would be available.
- **Market Rent** – A professionally managed, high quality option to rent privately at market rates. Longer tenancies and agreed rent increases could be available to help tenants in their long-term planning and make this an attractive alternative option to the local private market.
- **Resident Leaseholders/freeholders** – It is proposed that existing resident leaseholders/freeholders would be offered a shared equity option within the new development. This group would also be entitled to statutory compensation under compulsory purchase legislation.
- **Non-resident Leaseholders** – These leaseholders would be offered statutory compensation as set out in compulsory purchase legislation, but we are not obligated to provide a rehousing option to them. The redevelopment will displace the tenants of the non-resident leaseholders and it is proposed that we offer them first refusal of any market rent homes we develop, or where eligible discount market rent.
- **Private Sale** – It is proposed that up to 10% of the new homes could be for private sale to meet resident needs and to offer mixed tenure as well as generating sales receipts if required for feasibility reasons or to smooth out market absorption of market rent properties



*Opportunities to introduce new block typologies incorporating roof gardens and private courtyards. Focus on dual-aspect homes and minimising internal corridors*

- 3.8.5 As a low-income Ward, home ownership is out of reach for a significant number, hence our model which has rental housing at different price points. As we develop our proposals, we do want to develop affordable rent to buy approaches where this meets the aspirations for existing residents.
- 3.8.6 This illustrates the affordability gap for Enfield residents and does not address the housing needs for a lot of residents in Upper Edmonton. With new private sale housing already planned in nearby developments including Meridian Water, it is proposed that a rental



focussed offer for the private sector units would be more sustainable in the locality. A well designed uniformly managed scheme will give an alternative to the relatively low quality existing private rental offer.

- 3.8.7 Around 40% of households are in rented accommodation in Upper Edmonton, so it is clear there would be a positive benefit to providing new rented accommodation as an alternative to lower quality private rented accommodation. Competition from modern build to rent homes may encourage landlords to improve the quality of their own stock in response, lifting the overall quality in the area. It is also consistent with our new homelessness prevention model where solutions to ensure low income renters have secure and stable tenancies are put in place. Something unique to this project compared to traditional estate renewal schemes is the opportunity to offer residents currently renting privately on the estate first refusal on the new rented accommodation, thereby helping the established community to remain together. This scheme is designed to help to facilitate those positive outcomes.
- 3.8.8 Initial proposals for this scheme have split the market rental offer between open market rent and discount market rent at LHA rent cap levels. The discount market rent properties would be marketed as an intermediate product, aimed primarily at local residents and key workers with demand expected from North Middlesex Hospital staff (see Appendix B) and potentially from Council staff such as Teachers and Social Workers.
- 3.8.9 The table below sets out the current basis for a range of discount market rents that could be used as part of our offer, with the rates being tailored to affordability of the particular client group. The rents highlight the range available at market rates for existing stock in the Ward. Private rented stock in the area is of relatively low quality and our proposed purpose-built homes would be a significant improvement on what the market currently offers.

	Discount Market Rents			Market Rents		
	London Living Rent	80% of market rent	LHA rates	Lower quartile	Median	Upper quartile
<b>1bf</b>	738	840	891	950	1,050	1,300
<b>2bf</b>	820	1,040	1,106	1,200	1,300	1,550
<b>3bf</b>	905	1,250	1,366	1,400	1,563	1,800

- 3.8.10 With more focus on high quality accommodation, longer tenancies, better customer service and ease of use, a council-led approach to market rent provides reassurance for tenants as a longer-term rental proposition. This sense of buy-in will be important in terms of placemaking and supporting local businesses who are attracted by regeneration.
- 3.8.11 Other factors influencing the decision to model a predominantly rented scheme are:
- Capital values are relatively lower in the area, reducing the cross-subsidy effect from sales
  - Plans for significant amounts of market sale on other schemes in the area
  - Strong demand for quality market and discount market rent accommodation in the area. Enfield's corporate plan identifies 1,900 additional homes per year to keep up with projected population growth, many of which will need be in the rental sector
  - Anticipated key worker demand from the adjacent North Middlesex Hospital and other essential services
  - Overall ability to ringfence property for key workers
  - Existing local private rental market product is of a relatively low quality
- 3.8.12 There is a requirement to offer a rehousing option to approximately 200 resident leaseholders and freeholders from the existing estate, and proposals for around 250 shared

ownership units. Together, these represents around 15% of the new units in the owner-occupier bracket.

3.8.13 As with other regeneration schemes existing tenants will retain social rent levels.

3.8.14 Our proposed headline offer to residents is described below, and will be refined through resident engagement:

**Council Tenants:**

<p><b>Existing Social Rented Tenancies</b></p> <ul style="list-style-type: none"><li>• All existing secure tenants will be offered a new home in the redevelopment</li><li>• Tenants who are currently on a Council social rent will continue on a social rent in the new development</li><li>• Additional supply will be on the basis of a GLA affordable rent</li><li>• Current tenancy conditions and rights - including Right to Buy - will be passported to their new home</li><li>• A detailed housing needs assessment will be carried out and overcrowding issues addressed</li><li>• Tenants will also be entitled to statutory disturbance and home-loss payments</li><li>• We will look at the scale and extent of under-occupation and consider offering appropriate financial incentives to downsize</li><li>• Council tenants are eligible to vote in the ballot</li><li>• Tenants will have the option of bidding off the estate for another social rented property should they wish</li></ul>
<p><b>Overcrowding</b></p> <ul style="list-style-type: none"><li>• Will commit to relieving overcrowding - subject to qualifying criteria</li><li>• Households with adult children will not be split but could apply for properties in the 'new generation scheme'</li><li>• Current policy states that the current maximum age for siblings of different genders to share bedroom is 10. Proposal that for residents staying on site, this could be reduced to 7 as per other regeneration estates</li></ul>
<p><b>Under-occupation</b></p> <ul style="list-style-type: none"><li>• Moving off the estate will require downsizing to appropriately sized property in line with policy</li><li>• Consideration to be given to incentivising bedroom loss</li><li>• Will allow 1+ bedroom policy for residents staying on site</li></ul>
<p><b>Decanting</b></p> <ul style="list-style-type: none"><li>• Right to return will only occur where the Council requires residents to decant off site for logistical reasons</li><li>• Where double decanting is required, decanting to an existing property will be offered in the first instance wherever possible</li><li>• It is proposed that double homeloss is not offered to residents who double-decant</li><li>• Need to ascertain how much choice residents will get in terms of the location of their new homes - propose to limit transferring between phases</li></ul>
<p><b>Rent arrears</b></p> <ul style="list-style-type: none"><li>• These will be deducted from homeloss payments</li></ul>
<p><b>Service Charges</b></p> <ul style="list-style-type: none"><li>• These are likely to increase due to more of the blocks featuring lifts, additional security equipment, undercroft parking etc. It is expected some of this cost will be offset by lower utility bills.</li></ul>

**Gardens**

- Need to assess current level of garden ownership and what can be reprovided

**Maisonettes**

- Assessment of reprovion in recognition of the fact that these are common on the existing estate

**Resident Leaseholders and Freeholders:**

- For those leaseholders and freeholders who wish to remain on the estate, we propose to develop a shared equity product that will enable them to purchase a share of the value of a new property from the proceeds of sale of their existing property.
- This differs from a shared ownership offer in that there would not be any rent to pay on the unsold equity.
- The Council would realise the balance of the remaining equity at a future date when the leaseholder decides to sell their property.
- There are a number of detail variations to this model and we will work with leaseholders during the engagement period to finalise our offer.
- This group will be entitled to statutory compensation under compulsory purchase order legislation.
- This group is eligible to vote in the ballot providing they have been living in their properties as their only or principal home for at least one year prior to the date the Landlord Offer is published and are named on the lease or freehold title for their property.

There are several different scenarios that could impact on how we design a shared equity product with some examples of the issues below:

Is the resident a leaseholder, freeholder or owns a share of the freehold?
Does the leaseholder/freeholder own the property outright?
Is the lessee able to secure a new mortgage?
Does the lessee have debt problems that can be resolved sufficiently to meet the minimum threshold for a shared equity lease?
Would the lessee be better off reverting back to a tenancy if secured debts mean they couldn't meet the minimum threshold for a shared equity lease?
Could the lessee pay rent on a proportion of the unsold equity in exchange for a lower initial purchase?
Would the lessee be interested in a shared ownership product?

**Non-resident Leaseholders**

- The Council has no statutory duty to offer rehousing options to non-resident leaseholders



- This group will be entitled to statutory compensation under compulsory purchase order legislation
- Tenants of non-resident leaseholders may be eligible to vote in the ballot providing they had been on the Housing Register for more than 12 months prior to the date the Landlord offer is published irrespective of their current tenure. As noted in 3.8.2, we would look to offer these tenants first refusal on the new market rent apartments or, if eligible, the discount market rent homes.

### **3.9 FINANCING THE SCHEME**

- 3.9.1 Alternative financing approaches to funding this project have been investigated, as a way of reducing the overall amount of HRA finance required to deliver the project. There are a number of investors who would potentially be interested in this project and some soft market testing has taken place already. There is currently no established procurement process for investors within the Council, so a methodology for investor selection would have to be developed.
- 3.9.2 While the exercise to select an investment partner is not expected to be within the scope of the Public Contracts Regulations 2015, where funding is being secured rather than procurement of works, goods or services; to ensure compliance with the Council's best value and fiduciary duties, a competitive selection exercise should be undertaken.
- 3.9.3 The Director of Housing and Regeneration working in consultation with the Director of Finance and Head of Procurement will devise a selection process for potential co-investment partners and proposals will be brought back to Cabinet for approval.
- 3.9.4 There are a number of conflicting priorities in the selection a co-investor and the cheapest rate may not be the ultimate deciding factor. Considerations could include but are not limited to:
- Amount borrowed, and proportion of net operating income required in repayment by the investor
  - Amount of associated HRA funding and how this is applied
  - Collar and cap limits on index-linked rent increases
  - RPI or CPI indexation
  - Rent indexation guarantees
  - Whether any final deferred payments would be considered advantageous
  - Phasing and the cost of individual phases
  - Time scales
  - Tenure mix
  - Division of market risk
  - Other value-added advantages an investor may bring such as forward funding, level of involvement day-to-day, presence required in delivery etc.
- 3.9.5 Repayments of Pension investment would include capital and interest over the investment period, and payments would be index linked for the life of the investment.
- 3.9.6 The overall proposal looks to underpin the development of the affordable housing using HRA funding, with a proportion of the funding for the build to rent (market and discount market) potentially coming from pension equity. The Regeneration Team, working in consultation with the Finance team are working through different financing scenarios.
- 3.9.7 Modelling undertaken to date is based on the initial capacity study and shows that the scheme is viable. From this, a model template has been developed and verified by our financial consultants that allows the testing of different scenarios. Work is currently

underway to produce a more detailed master plan and phasing options and the viability testing will be updated as the design of the scheme evolves.

- 3.9.8 The financial model will also allow stress-testing of the business plan and assumptions to test the robustness of the overall viability. The multi-phase approach allows each phase to be adjusted on terms of mix and timing to make best use of the finance available and market opportunities while avoiding periods of oversupply or in reaction to market changes.

### **3.10 PROPOSED TIMELINE**

3.10.1 The following outline timetable is proposed, subject to Cabinet approval:

• Project Team appointments	Oct 2019 - Jan 2020
• Proposed planning period	Jul 2019 - Dec 2020
• Planning application	Jan 2021
• Potential call-in period	Jan 2021 - Jul 2021
• Contractor procurement Phase 1	Aug 2021 - Dec 21
• Start on site	Mar 2022

\*The above timetable is indicative and assumes smooth progress.

3.10.2 The principal activities centre around developing a master plan for the estate and consulting with residents in a detailed and meaningful way on the plans. Residents will have the opportunity to comment in detail and the design team will take on board all feedback and report back to residents on how the designs have changed in response to the engagement process.

3.10.3 It is also important that the master plan is developed in sufficient detail to allow the viability assessments and financial planning to be updated, and costings for the delivery of the scheme to be more accurate.

3.10.4 Key work streams are:

- Development of masterplan
- Phasing options and decant strategy
- Assessments of planning compliance
- Resident engagement and feedback on design development
- Stakeholder engagement and knowledge sharing
- Working with residents to finalise housing options
- Ongoing viability testing and refining of the financial model
- Further engagement with potential co-investment partners
- Ongoing market research and monitoring
- Final Landlord Offer

### **3.11 Ballot Process**

3.11.1 This report seeks approval to take the Joyce Avenue and Snells Park estates scheme to ballot. Within the ballot, residents will be asked to vote in favour of our redevelopment proposals following a period of consultation and engagement where our plans are presented in detail. The ballot itself will be independently run by an organisation such as the Electoral Reform Services who are experienced in administering ballots in a fair,

unambiguous and transparent way. The Council will not know how individual residents have voted and will not take part in running any part of the ballot.

- 3.11.2 Ballots must offer a “yes or no” vote to eligible residents on the Landlord Offer
- 3.11.3 A positive ballot is one where there is a simple majority of those eligible residents voting that choose “yes” – that is, in favour of the Landlord Offer to regenerate the estate. There is no minimum threshold for turnout in a ballot.
- 3.11.4 the GLA will continue to check compliance at key points throughout the project and has the power to withdraw funding from the project if it materially deviates from the agreed scheme at ballot.
- 3.11.5 A limited number of ballots have taken place already since the legislation was introduced, and other councils & RPs have been concerned about balloting too early, before issues with planning and design have been resolved. It is also essential that residents make an informed choice when voting and that the Council is able to deliver its proposed plans.
- 3.11.6 Conversely, the impact on the Council over balloting later in the design process is that there will be a longer period of uncertainty before the vote and that design costs are at risk until a positive ballot outcome is achieved. There is therefore a balance to be struck between waiting until sufficient information is available for an informed choice and identifying the soonest moment when it is believed that a positive ballot can be obtained.
- 3.11.7 In view of the above, a specific ballot date cannot be set at this stage. The intention of the ballot requirement is to ensure that residents are properly consulted and their views on redeveloping the estate are taken into account within the masterplan design. By approaching the regeneration with residents at the centre of the process, buy-in from the residents should be developed as the process continues.
- 3.11.8 It is expected that the Regeneration Team working in consultation with the residents, ITLA and Steering Group will gain a good indication of whether our plans are resonating with residents and the unfolding likelihood of a positive ballot outcome. Through consultation, the Landlord offer will be developed to reflect the aspirations of the residents.
- 3.11.9 Additional staff resources to the team will be required to deliver a successful consultation and engagement programme before and after the ballot. Initial proposals are for an Resident Engagement Manager and Principle Regeneration Officer. It is intended that they will be based predominantly on site and will focus on outreach activities to increase engagement across the estate and contact hard to reach groups.

## **4. ALTERNATIVE OPTIONS CONSIDERED**

### **4.1 Initial Capacity Study**

- 4.1.1 Initial feasibilities were carried out by Karakusevic Carson Architects which demonstrated that significant additional supply could be created across the estate either through the construction of infill buildings or by demolishing some, or all, of the existing blocks and replacing them with a new master-planned estate.
- 4.1.2 Following the initial feasibility, HTA were instructed to carry out a more detailed capacity study from which four options were considered, namely:
- Option 1        Infill development and refurbishment of the existing buildings
  - Option 2        Partial redevelopment and refurbishment of remaining buildings
  - Option 3        Full redevelopment consisting of demolition and replacement of the existing buildings

- Option 4 Do nothing – existing maintenance and major works schedules continue

- 4.1.3 A report detailing a comprehensive resident engagement process at Joyce and Snells estates to consider all possible regeneration options and implications for stakeholders was approved by Cabinet in March 2017 and a working budget of £500k was established.
- 4.1.4 The engagement and consultation that took place indicated a majority in favour of full redevelopment, giving the opportunity to carefully redesign the estate and create a more cohesive neighbourhood.
- 4.1.5 The refurbishment elements on options 1 & 2 would have considerable major works cost implications for the Council and particularly leaseholders. A comprehensive refurbishment would also require leaseholders to decant from their property while the work took place, further adding to costs.
- 4.1.6 The ‘do nothing’ option assumes the Council’s planned maintenance and cyclical programmes would continue. This would again mean that significant refurbishment costs to the Council and leaseholders would be incurred in due course.
- 4.1.7 In addition, feasibility assessments carried out by JLL highlighted that the infill and partial redevelopment options are not viable and did not meet the objectives of the residents or the Council. In line with the preferences stated, residents were written to last year confirming that the ballot decision will be between the full regeneration option or do nothing.

## **4.2 Outline Development Proposal**

- 4.2.1 The initial mix developed by HTA Architects was based around the prevailing GLA requirements of a 40% affordable housing target that was current at the time. It was also assumed that the scheme would be taken forward via a development agreement with a delivery partner, cross-subsidised from private sales. There were at the time however severe restrictions on the amount of HRA borrowing available under the borrowing cap and work undertaken by JLL indicated that the Council would have to invest around £220m less any grant that was available in addition to the land, which would have represented over 100% of the available borrowing capacity.
- 4.2.2 There were additional considerations for the Council in relation to future development and maximising the opportunities available through regeneration. These included:
- Maximising the quantum of affordable housing through regeneration
  - Reduce or eliminate the loss of newly created stock through RTB
  - Retain long-term ownership and control over land assets
  - Planning and delivery strategies that prioritise affordable housing
  - High quality place making and public realm
  - Reduced reliance on market sale as the principal source of cross-subsidy
  - The Council retaining more control over development throughout the life of the regeneration
  - Using regeneration to drive improvements to the high street

## **4.3 Delivery Options**

The chosen approach to any particular scheme should be analysed on a case by case basis and will differ depending on how land and buildings are procured and developed. For example, where land has been purchased, it is important that the cost of this is mitigated quickly through the sale of homes or development plots to minimise holding costs. Where



the Council already owns the land at no cost such as an existing estate, different approaches to development and finance can be taken.

#### **4.3.1 Development Agreement with Contractor Partner**

A development partner takes forward the funding and development of the project through a Development Agreement, with an agreed level of affordable housing returned to the Council. The provision of affordable housing is usually cross-subsidised by the sale of private housing.

The developer takes finance, planning and development risk and the Council does not need its own delivery capacity. The Council's contribution would usually be land and cash in return for an agreed proportion of affordable homes. This model uses the surpluses from private sale housing to repay any land costs and cross-subsidise the affordable homes. It may also yield overage payments where forecast sales income is surpassed or where planning permission is achieved for additional units.

This model does require the transfer of land for private sale housing and the developer controls the pace of development in response to the rate of sales that can be achieved in the area. There may be a requirement to undertake private sales ahead of delivering the affordable homes to generate surpluses. The developer partner will also factor in the transfer of risk within their overall pricing for the project.

At Joyce and Snells the Council already owns the land and buildings and therefore does not have land acquisition costs and other holding costs to mitigate. For this reason, there is no immediate requirement for sales income to offset holding costs. The existing properties provide a revenue stream to the Council while other parts of the estate are developed.

Since it is proposed that the Council will undertake the planning and delivery of the scheme, owns the land and intends to source development finance itself, there is no specific requirement to enter into a Development Agreement. For these reasons, this option is not being progressed.

#### **4.3.2 Development Agreement with RP Partner**

Similar in principle to the Contractor Partner above, an RP would manage and finance the project and return an agreed number of nominations back to the Council. The RP would procure the construction work, and the model again assumes the affordable housing is cross-subsidised by the sale of private housing.

As set out above, this model has the same characteristics as a contractor development agreement and the same rationale therefore applies for not proceeding with this model.

#### **4.3.3 Council-led Development Funded via Additional HRA Borrowing (Self-Delivery)**

This model assumes that the Council leads and partially self-finances the project. This approach is now more feasible due to the HRA borrowing cap being lifted and would allow the Council to keep full control of the regeneration. There would still have to be a private sector element to the scheme to provide cross-subsidy, but overall costs would be lower due to cheaper capital available through the PWLB.

This approach allows the council to retain full control of the planning and delivery of the project, minimise or eliminate loss of land assets and maximise number of affordable homes provided.

The Council also needs to consider that this approach also ties up financial resources for long periods, could require strategic plot sales to generate additional capital and involves the Council taking on planning and development risk. Self-delivery also requires that the

Council resources in-house delivery capability; may require strategic plot sales to generate additional capital

This remains an alternative option, however it would mean tying-up a significant proportion of the forecast headroom in the HRA to deliver the project. Since pension equity is available at similar rates to the PWLB, this approach would not necessarily deliver extra affordable units. At this stage, it has been judged that the HRA headroom could be used more effectively and efficiently across several projects so that other regeneration and stock improvement schemes can be brought forward. For these reasons, it has been decided not to proceed with this option for the time being, however the Council may be able to self-fund later phases of development if deemed advantageous.

It is worth noting at this stage, a wholly affordable rented scheme is not viable since the grant levels and amount of rent available to be capitalised would not be enough to cover all costs. This could change in future if for example additional grant becomes available. The Regeneration Team will look to take any future opportunities that allow the proportion of affordable rented properties to be increased.

#### **4.3.4 Council-led Development with a Strategic Co-investment Partner/s (Self-delivery with pension equity Investor)**

This model of self-delivery assumes that the Council leads and self-finances the project but with a proportion of the finance being provided by a Pension Equity Investor. The Investor/s would provide finance on a phase by phase basis in exchange for a portion of the rent over a specified investment period. Pension equity would be available at similar rates to the PWLB and is a cost-effective way of securing long-term development capital and ensuring that the maximum number of affordable properties are delivered.

One of the major benefits of this approach is that the Council pays back the equity borrowed at an index-linked rate for a fixed period, at the end of which the property reverts to the Council debt free. This protects borough assets in the long term and allows the Council to grow its stock base without losing land to private sales.

The same positive benefits arise as outlined elsewhere and this approach brings in patient capital at low rates of borrowing. The Council retains control over planning and delivery and there is a good alignment of objectives between the investor and Council. It could also be considered a good cultural fit, with UK pension investors looking for high quality ethical investments aligned with their own corporate social responsibility.

The phase by phase approach retains flexibility for the Council to vary the funding applied to each phase. The Council could for example choose to fund a particular phase wholly itself, or to increase the proportion of pension investment on another phase as and when it suits the Council's finances best, but retaining this flexibility is key.

The implications to the Council are that it takes on development risk and requires delivery capability. This is a joint funding approach so will still require considerable investment by Council. The investor/s may require security over property during the investment period and there is an inflation risk to the Council by underwriting indexed returns if rent increases fall below inflation.

For the reasons set out in this report, it is proposed that this model is pursued as the basis of the finance strategy to develop the project. It meets many of the Council's objectives to maximises the delivery of affordable and intermediate housing, with the Council retaining control over who we let the intermediate housing to (NHS, Teachers, Social Workers etc). Other major benefits include retention of land assets, control over the project and flexibility within model that allows the scheme to respond to future changes in the housing and funding markets.

#### 4.3.5 Do Nothing

The ballot will be a choice between full regeneration or do nothing. The do-nothing option means that the estate continues to be maintained in line with current planned schedules, but the Council will be required to undertake upgrades of any buildings and dwellings that don't meet decent homes standards or current fire regulations.

**Pros:** No disruption to residents; resources directed to take other projects forward

**Cons:** Cost of ongoing maintenance and major works costs consuming a significant proportion of the future rental income; major works bills for Leaseholders; difficult to effectively tackle ASB issues; delays regeneration to a point where it may become extremely urgent; reputational costs to the Council if problems on the estate persist

These estates have previously been identified as requiring regeneration. Expenditure over the next 30 years will consume a significant proportion of the rental income, with some of the blocks now being over 60 years old. It will also be difficult to tackle other issues across the estate such as ASB and crime if the existing building and estate layout is retained unaltered.

## 5 REASONS FOR RECOMMENDATIONS

### 5.1 Council as lead developer

- 5.1.1 For recent regeneration schemes such as The Alma Estate, Ladderswood and New Avenue, the Council selected development partners to take forward and deliver the projects. Constraints on HRA account and a lack of in-house delivery experience were some of the reasons for this approach.
- 5.1.2 Using a development partner has advantages for the Council in terms of risk management and certainty of provision of affordable housing. Further fringe benefits can include overage payments back to the Council where the developer makes additional surpluses and non-core private housing delivered.
- 5.1.3 The chief drawbacks are the transfer of long-term leasehold interests in land, can still require significant capital from the Council as top-up funding and agreements may not deliver additional affordable units over and above what is already there. This - along with continuing RtB applications - means that the Council's land and property assets are being eroded on an annual basis, affecting its future ability to borrow.
- 5.1.4 Developers typically work on a 20% margin for larger projects in return for mitigating development and planning risk for the Council. In addition, developers cannot secure finance on the such advantageous terms as the Council can, and this adds to the overall cost of the development. It should also be noted that commercial developers will tend to prioritise the private sales element to bring forward cross-subsidies at the soonest opportunity.
- 5.1.5 In view of the previous comments, it is proposed that the Council takes over the role of lead developer on its major schemes. Changes in local authority borrowing rules and support at GLA and Government level for delivery of council housing mean that now is a good time to establish in-house development expertise.
- 5.1.6 By leading through the master planning process, the Council can make the design and delivery of affordable housing its main priority. The Council can borrow against the income generated by affordable housing, and this this along with GLA grants and utilisation of RTB

receipts means that the affordable elements can be brought forward at a much earlier stage.

- 5.1.7 The Council is also able to use its strength of covenant to secure patient long-term institutional capital that is easily funded through rental streams. This removes the burden of short-term development finance from commercial lenders which can become particularly onerous if there are project delays.
- 5.1.8 There are challenges for the Council to lead schemes, with the biggest of these being to establish a team with the right experience and expertise. Other Councils, RPs and the private sector are all competing for the right staff, and the Council will need to put forward an attractive offer in order to build an effective team. The rewards for the Council through successful self-delivery are high and this should justify the effort of developing in-house capability.

## **5.2 A Rental based scheme**

- 5.2.1 The Council wishes to retain as much of its land and property assets as possible in the long term. To achieve this requires keeping land disposals to a minimum and focussing instead on developing housing for rent with associated long-term revenue streams.
- 5.2.2 As has been set out elsewhere, capital values in this part of the borough are relatively low and this reduces the cross-subsidy effect through private sales with a corresponding impact on the level of affordable housing that can be provided.
- 5.2.3 There is considerable amount of housing for sale proposed in the area over the long term. By focusing on a rented offer, this reduces unnecessary competition or creating periods of sales saturation in the future where market absorption cannot meet the supply. This can adversely affect values and sales rates when development phases complete; and can further compound during periods when the sales values are correcting. This puts pressure on business plans and stains viability. The Council does of course retain the ability to change its plans at any time and sell land parcels or develop stock for outright sale in future phases should this be required or desirable. The development model proposed allows this flexibility.
- 5.2.4 Developing secure rental streams makes the project attractive to funding partners, particularly pension equity investors, where low cost forms of patient capital can be raised. The co-investment model proposed based on capitalised rental streams, would be over defined investment periods, the end of which all property and land assets revert to the Council. This completes the investment cycle leaving the Council with full control over debt free property at the end of the investment and opens-up options in the future to refinance for stock investment or to flip market tenure properties into affordable housing.
- 5.2.5 By developing a professionally led rental scheme, this avoids sale properties falling into the hands of private landlords to become an inconsistent rental offer to market. The existing private rental market in the area is of relatively low quality overall, and by focussing on high quality accommodation, longer tenancies and a consistent professional management offer, our product can be differentiated within the market. This is particularly so with the proposed discount market rent aimed at key workers.
- 5.2.6 These proposals are in line with Enfield's Corporate Plan which requires an additional 1,900 units per year brought to market to keep pace with anticipated population growth. Many of these properties will need to be in the rented sector, both private and affordable.
- 5.2.7 It should be considered however that some private sale properties could be advantageous to the scheme to generate up-front cash receipts should this be required for viability



reasons. This would be achieved by flexing the number of market rent and shared ownership homes and converting these to sale.

### **5.3 Proposed financing strategy through HRA borrowing and potentially pension equity**

- 5.3.1 The lifting of the HRA borrowing cap last year has enabled the Council to access cash for affordable housing development that along with prior land ownership supports the Council's self-delivery model outlined in 5.1 above. Further sources of funding include RtB receipts, GLA grants and soft loans add to the Council's capability to deliver affordable housing.
- 5.3.2 Pursuant to 4.3.3 above there is a very significant opportunity to secure long-term patient pension capital at low rates of interest as part of the overall funding for the scheme. UK based pension companies have significant amounts of equity to invest on behalf of pension holders that will give stable growth and income.
- 5.3.3 Pension equity investment would be for a fixed investment period, after which the property would revert the Council debt free and unencumbered as a freehold asset. Future debt-free property would provide a transformative opportunity for the Council to refinance and raise substantial amounts of money. Typical investment periods at rates comparable to the PWLB are 35-45 years.
- 5.3.4 Initial soft market testing with pension companies demonstrated a strong interest in housing investment, particularly as retail and commercial rents are correcting downwards and uncertainty over the outcome of Brexit. It is proposed that further market testing and dialogue is maintained with investors as details of the scheme proposals are developed.
- 5.3.5 It should also be considered that UK pension equity providers on the whole take their corporate social responsibility very seriously and are positioning themselves accordingly. Ethical investment opportunities such as this will be attractive to them and would be well aligned with our aim of developing stable long-term revenues. The great majority of UK pension investors are ordinary men and women whose pension funds require steady returns over long periods.
- 5.3.6 Further details are contained at appendix A.

### **5.4 Additional budget**

- 5.4.1 The ballot process brings additional rigour to the project and this forward planning needs to be resourced properly. In particular, the master plan needs to be developed in some detail and endorsed by Planners and residents before the ballot.
- 5.4.2 The landlord offer needs to be set out prior to the vote and be deliverable in its full extent after a positive ballot outcome. Any failure to deliver or 'material deviation' from the scheme and landlord offer could lead to a ballot being annulled and a further ballot required. Any GLA funding would be automatically withdrawn in the event of the ballot result being reversed.
- 5.4.3 Retaining control of the planning process is an important aspect of the project and means that the Council can dictate the overall design and quality of the project. Moving away from a sales-led scheme means that density can be optimised for best practice design in what will be a quality led scheme.
- 5.4.4 The sum proposed is in addition to the £500,000 already approved for the initial capacity study and £250,000 approved for pre-ballot master planning. While this money is at risk prior to a successful ballot outcome, it reflects the fact that a significant amount master planning is required before then.

- 5.4.5 The post ballot budget reflects the size and scale of the project proposed and delivers a detailed planning permission for the first two phases, allowing the scheme to proceed quickly after approval.
- 5.4.6 It is proposed that a local area office is established in one wing of the Boundary Hall Community Centre. This will provide accommodation for Enfield Staff involved with the estate redevelopment and resident engagement. There is adequate space to create separate staff work area and retain room for resident workshop groups and resident engagement. CMCT have been consulted and suggested an initial budget of £150k.
- 5.4.7 Anticipated costs to proceed to ballot and further to a planning application are in the order of £4m including all the necessary specialist designs, ground investigation work and surveys required for a planning application.

## **5.5 Delegate authority to undertake a residents' ballot to the Director of Housing and Regeneration in consultation with the Leader**

- 5.5.1 The GLA's mandatory requirement to ballot residents over the redevelopment of their estate means a significant consultation will be required. This will inform residents of our plans for the estate and allow them to input into our proposals.
- 5.5.2 The ballot process requires that a majority of residents vote for our plans before regeneration can proceed. This means our proposals have to be well developed prior to the ballot, and that we have a comprehensive suite of offer documents detailing their future housing options.
- 5.5.3 After the ballot, the Council will not be able to substantially change its proposals, otherwise the validity of the ballot can be called into question, and in extreme cases the GLA could withdraw funding. This makes it especially important that the consultation process is as thorough as possible and that the forward planning of the scheme, the business plan and structure for the delivery of the project is detailed and comprehensive.
- 5.5.4 The Council will not undertake the ballot until it is reasonably certain that it will win. Residents opinions will be gauged throughout the consultation process to assess whether our plans are meeting their expectations
- 5.5.5 It is proposed that the Leader is kept apprised of resident opinion, and that the decision of when to ballot is delegated to the Leader. The Leader will decide, subject to receipt of a positive test of opinion, the point where they are satisfied that enough consultation has been done to achieve a positive ballot outcome. This delegation will ensure sufficient flexibility over when the decision to ballot is taken.

## **5.6 Approval of selection of co-investor (if required)**

- 5.6.1 Selection an investor partner and the procurement process are still to be determined. This will be done in consultation with Executive Director of Resources and the Directors of Finance, Housing & Regeneration and Head of Procurement. As mentioned earlier in section 4.3.4 of the report, a number of different criteria need to be considered that balance risk and cost, and a benchmarking system developed to asses funding bids. There will also need to be a due-diligence process undertaken against any potential co-investors before funding can be approved.
- 5.6.2 It is anticipated that developing a funding package will be an iterative process in response to changes and updates to the project business plan as the scheme proposals progress. The funding plan will need to be tested against governance principles and the HRA business plan, and it is proposed that the Finance and Governance Teams are best placed to do this.

5.6.3 It is further proposed that external advice will be required in the selection of an investor partner and that the Finance Director will procure this advice in consultation with the Directors of Law, Governance and Housing, and the P&C Hub.

## **6 COMMENTS FROM OTHER DEPARTMENTS**

### **6.1 Financial Implications**

6.1.1 The high-level modelling undertaken to date indicates that the redevelopment scheme is a viable proposition and would pay back by 2070, i.e. 50 years' time which would be appropriate for this class of assets.

6.1.2 There are, however, affordability concerns, particularly in the earlier years of the scheme. The total cost of the scheme is £0.770bn with debt reaching £0.608bn for the scheme as whole by 2034 of which £0.308bn would be with the HRA and this would naturally need to be considered alongside the 30-year HRA Business Plan and the aspiration to provide an additional 3,500 new homes.

6.1.3 The Council is in the process of commissioning a more detailed piece of financial modelling. The high-level model in operation has provided little opportunity to undertake extensive sensitivity analysis on the scheme and as such there is limited understanding on the impact of movements in construction costs, rental increase and interest rates for example. This modelling will take a couple of months to complete and run alongside the work be undertaken to deliver the ballot. In the event that this more detailed work contradicted the high-level modelling and cast doubt on the overall viability of the scheme, further work and expense would need to be brought to a halt.

6.1.4. More importantly a more sophisticated model will allow the affordability concerns to be fully considered and addressed. The obvious options are to look at the range of tenures and housing products including possibilities for private sale, levels of grant, and whether partners could be brought in for some of the phases.

6.1.5 Given the challenges with the affordability it would be prudent for the Council to build up its HRA reserves over the next two years to provide additional resilience ahead of the scheme commencing.

6.1.6 Once there is greater understanding of the affordability and hence the configuration of the redevelopment it will also be possible to explore the most efficient financing options. This will in all likelihood be primarily through the Public Works Loan Board, but the use of pension fund investment as discussed in the report will also be explored.

6.1.7 To date the scheme has been allocated £500k for the initial capacity study and £250k for pre-ballot master planning which are being met by the HRA. The additional £4m being sought to progress the scheme will be capital spend against the HRA's capital programme in the event that the scheme progresses. In the event of an unsuccessful ballot and no capital scheme all of the costs incurred to that point would need to be charged to HRA reserves, this is estimated to amount to £1.9m of the additional £4.0m.

6.1.8 The £4m capital would be met through borrowing and would attract annual interest charges of £120k per annum in a full year.

6.1.9 Finally, this scheme should be seen in the context of the Council's overall capital investment; the Council's Ten-Year Capital Programme, Ten Year Treasury Management Strategy and Five Year Medium Term Financial Plan are being presented to Cabinet in the forthcoming months.

## **6.2 Legal Implications MD 7 October 2019**

- 6.2.1 The Council has been advised by its external lawyers, Browne Jacobson in relation to the regeneration project at Joyce Avenue and Snells Park. Officers should continue to seek legal advice where required as the scheme develops.
- 6.2.2 The Council has the statutory powers to undertake the regeneration of the Joyce Avenue and Snells Park estate as described in this report. Further analysis of the vires implications of the project will be necessary as the details of the scheme are developed.
- 6.2.3 Section 1 of the Localism Act 2011 provides the Council with the power to do anything an individual may do, subject to a number of limitations. This is referred to as the "general power of competence". A local authority may exercise the general power of competence for its own purpose, for a commercial purpose and/or for the benefit of others. Furthermore, pursuant to section 8 of the Housing Act 1985, the Council is required to consider the housing conditions and needs of their area with respect to the provision of further housing accommodation. The Council has the power under section 9 of that Act to provide housing accommodation. The Council has the power under section 9 of that Act to provide housing accommodation and under s17 of that Act to acquire land for housing purposes.
- 6.2.4 Public law principles will also apply to the decisions made by the Council in relation to the project, including the Council's duty to take account of its fiduciary duty and to act prudently with public monies entrusted to it. The Council is also under a general duty to act reasonably and show that its decisions in relation to the delivery of the project are made after having given due and proper consideration to all relevant factors (disregarding irrelevant factors). The Council must conscientiously consider the product of any public consultation undertaken in relation to the regeneration project at Joyce Avenue and Snells Park.
- 6.2.5 The public sector equality duty under section 149 of the Equality Act 2010 requires the Council to have due regard to; (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. Any equality impact assessment prepared in respect of the Joyce Avenue and Snells Park regeneration project should be revisited as the scheme develops.
- 6.2.6 A number of options are currently under consideration for the structuring of the project, and the taxation position, including the potential impact of SDLT and VAT, will need to be analysed in the context of the Council's preferred delivery model.
- 6.2.7 It should be noted that a retention agreement between the Council and the Secretary of State governs the terms on which the Council may use Right to Buy (RtB) receipts. This agreement permits the Council to utilise RtB receipts itself for the provision of social housing but prevents the Council from transferring the retained amounts to a body in which the Council holds a "controlling interest". The project structure will need to take this restriction into account in the event that the Council wishes to use RtB receipts to fund (in part) the regeneration.
- 6.2.8 Analysis of any procurement and state aid issues arising in relation to the regeneration of Joyce Avenue and Snells Park will need to be conducted when further details about the project structure are known and on an ongoing basis throughout the lifetime of the project.



- 6.2.9 The preferred delivery structure for the project includes the potential for a partnering arrangement with an investor partner. While the exercise to select an investment partner (as described above) is not expected to be within the scope of the Public Contracts Regulations 2015 given the subject-matter (i.e. injection of funds rather than procurement of works, goods or services), in order to ensure compliance with the Council's best value and fiduciary duties to local taxpayers, a competitive selection exercise should be undertaken.
- 6.2.10 All goods/works/services associated with the regeneration of Joyce Avenue and Snells Park must be procured in accordance with the Council's Constitution, in particular its Contract Procedure Rules and the Public Contracts Regulations 2015 and all contracts will need to be in a form approved by Legal Services on behalf of the Director of Law and Governance.
- 6.2.11 The making of any compulsory purchase order and all acquisitions and disposals must comply with the Council's Property Procedure Rules.
- 6.2.12 Under section 226 (1) (a) of the Town and Country Planning Act 1990 a local authority has a general power to make a compulsory purchase order for the acquisition of any land in their area in order to facilitate the carrying out of development, redevelopment or improvement in relation to the land. In exercising these powers the Council must demonstrate that the proposed development/improvement is likely to contribute towards the promotion or improvement of the economic or social or environmental well-being of their area. When pursuing a CPO the Council is expected to negotiate with landowners and demonstrate that there are no financial or planning impediments to development. Further Legal Implications of utilising CPO powers will be included in future reports.
- 6.2.13 Appropriation of land to any purpose is governed by s122 of the Local Government Act 1972 which authorises councils to appropriate land to any purpose for which they are authorised to acquire land by agreement and which is no longer required for the purpose for which it was held immediately prior to the appropriation. A decision to appropriate land for a particular purpose does not extinguish any third party rights over the land in question. The Council is required to consider objections to the Council's view on the question of whether the land is required for present purposes and not just the issue whether land not so required should be appropriated for a new purpose.
- 6.2.14 By virtue of s.123 Local Government Act 1972 the Council may dispose of land in any manner it wishes subject to obtaining the best consideration reasonably obtainable, and in accordance with the Council's Property Procedure Rules. Therefore, when transferring any land interests as part of the project delivery, the Council must ensure that the value attributed to the land meets the Council's s.123 obligations.
- 6.2.15 When dealing with secure tenants the Council must comply with the provisions of the Housing Act 1985 including in relation to the service of demolition notices and rehousing.
- 6.2.16 For some projects affecting existing social housing estates, GLA funding is conditional upon recipients of that funding providing evidence of a positive vote in a resident ballot in favour of redevelopment. The Mayor of London's residential ballot requirements are detailed in section eight of the GLA Capital Funding Guide. The Council should also adhere to the principles set out in "Better homes for local people: the Mayor's good practice guide to estate regeneration." To comply with the GLA's requirements the Council must identify residents that are eligible to vote in the ballot; appoint an independent body to undertake the ballot; ensure the principles of resident ballots set out in the guidance are adhered to; produce and publish a Landlord Offer document for

residents; prior to claiming grant, complete the GLA Resident Ballot Compliance Checklist in a form satisfactory to the GLA; and provide residents and the GLA with regular reports detailing progress they are making. Ballots are expected to take place prior to the procurement of a development partner and/or prior to finalising the precise specification of works. Ballots should also be undertaken before residents are relocated for the purposes of delivering the regeneration project.

6.2.17 The Council’s intentions for Joyce Avenue and Snells Park constitute ‘development’ within the meaning contained in the Town and Country Planning Act 1990 and as such an appropriate application will need to be submitted to the Local Planning Authority seeking planning permission.

### 6.3 Property Implications

6.3.1 This report deals with early strategic concepts for property currently held within the Housing Revenue Account (HRA) and as such, has no direct property implications for the General Fund/Council’s non-HRA assets at this time. The report has been prepared by the Housing Estate Renewal team, and therefore the property implications for HRA assets are embedded in the body of the report.

6.3.2 The overall strategy, to invest in and optimise Council-owned assets, is in line with the Council’s Corporate Objectives and Strategic Asset Management Plan (SAMP). In particular it correlates with the SAMP’s position in relation to supporting the growth of the Private Rented Sector within the borough.

6.3.3 Any subsequent land transactions following on from the approach in this report, such as appropriation of assets to the General Fund, acquisition of assets for Compulsory Purchase reasons, or disposal of assets to a Private Rented Sector developer/provider, will need to fully comply with the provisions of S.123 of the Local Government Act 1792 to obtain ‘best consideration’ as well as the Council’s own Constitutional Property Procedure Rules.

6.3.4 The Council’s Corporate Landlord Policy should also be adhered to as appropriate.

## 7 KEY RISKS

RISK	MITIGATION
<p>Negative ballot outcome. Scheme can’t proceed, abortive costs are incurred, and housing remains in poor condition.</p>	<p>Our Engagement strategy and offer documents detailing housing options will be key to winning further support for our plans. This requires balancing our offer to compensate residents sufficiently without becoming onerous to the project. The Council will not rush into a ballot but will listen and engage with residents to refine the scheme and the Landlord Offer, carry out tests of opinion and ensure support is there before going to ballot.</p>
<p>Decanting may be required off site. This will take up capacity within the Council’s existing stock and reduce the opportunities to rehouse families in temporary accommodation or those in overcrowded situations.</p>	<p>The current viability assessment assumes that all qualifying existing social rented households will remain on the estate. It is proposed that the neighbouring Florence Hayes Recreation Ground is redeveloped to provide initial decant accommodation to the residents occupying the</p>

	proposed phase 1 area. Development of the subsequent phases will create enough decant accommodation for the phases that follow.
Florence Hayes Recreation Ground Site cannot be developed as decant accommodation. Residents that require decanting will have to be relocated in other existing council stock placing strain on housing resources.	Although the site is listed as local open space, it has been closed to the public for many years due to antisocial behaviour. Part of the site is occupied by a nursery. Initial discussions with Planners indicate that some of the area could be re-provided as private space with the remainder being relocated as much higher quality local open space on the main site via a linked planning application.
That the density proposed in the capacity study cannot be achieved. This will serve to reduce the number of additional affordable and intermediate housing units that can be delivered.	The capacity study was undertaken in consultation with LBE Planners. Enfield are required to make the best use of their assets to deliver affordable housing and the urban setting of the site would allow for higher densities to be achieved. The focus of the development will be high quality apartments that achieve modern space standards, and there are a number of established block typologies that deliver this as well as the public and private open space requirements. Initial master plan work is showing that the number of properties suggested in the capacity is easily achievable within a within a developing design for the estate.
That rent indexation does not meet the minimum requirements of the investor (should pension equity be used). The council will have to underwrite any shortfall to the investor.	Lifting of the HRA borrowing cap gives the Council flexibility to vary the amount of investment it puts into the scheme. There is also potential flexibility in terms of the minimum indexation guarantee by balancing this with the loan rate and further discussions will take place with potential investors as to how market risk is shared. The Regeneration Team will continue to work closely with the Finance Team to understand how this might impact the business plan and how the variables available can mitigate this risk.
That the investor will require a long lease over the co-funded property. The Council could lose long-term ownership if it was to default over any rental payments.	It is expected that any funder would require a leasehold interest, charge or other security over property as collateral against sums borrowed. It would be ensured in consultation with the Finance Team that there was always sufficient headroom within the business plan to meet our obligations. It is difficult to foresee circumstances where the Council could become insolvent to the extent that minimum rental payments could not be met. Housing, and in particular affordable housing, have very strong defensive characteristics and it can be reasonably expected that there will be ongoing

	demand for high quality dwellings. The phase by phase approach allows the project to be paused or changed between phases in response to market conditions or any emerging financial issues the Council could face.
Council undertakes planning and development risk as Lead Developer. The project suffers from delays, increased costs or resource issues.	The Council is taking on additional risk by leading on development in exchange for increased numbers of affordable units, reduced borrowing costs and savings on a development partner's profit. There will be a requirement – and an Investor will consider it a necessity – that the Council employ delivery staff with the right skills. There is sufficient time to recruit the staff required prior to the development commencing and the phase-by-phase approach effectively breaks down the project into a number of smaller, more manageable projects. It is further proposed that the Council procures the construction works on a design and build basis, whereby it places contracts at a fixed price with a construction company.
Compulsory purchase costs rise through the life of the scheme. The cost of the buy-backs exceeds the budgeted amount.	It is expected that buy-back costs will rise in line with property inflation in the local market. Any lift in the property market should also benefit rents in the long term. Where capital values do rise, this tends to reduce affordability and more households may turn to renting as an alternative option. Where it occurs, rent inflation will benefit this development model. For those leaseholders and freeholders buying back on the new development, the increased equity realised by the returning leaseholders on the sale of their existing properties would be returned back to the project through higher initial sales tranches. The effect of buyback inflation will form part of the future stress-testing of the financial model.

## **8 IMPACT ON COUNCIL PRIORITIES - CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD**

### **8.1 Good Homes in Well-Connected Neighbourhoods**

8.1.1 This project provides a rare opportunity to not only dramatically improve the accommodation and environment for our existing residents, but significantly increase the amount of affordable housing provided by the borough. Current proposals centre around a further 556 affordable rented units in addition to preserving the current 395 social rented apartments. The proposal further includes 251 shared ownership properties and 709 discount market rent properties. These represent large gains for the Council and produce significant permanent savings on temporary accommodation costs

8.1.2 By leading on delivery, the Council can ensure that long-term ownership of the land and property remains with the borough, increasing the overall housing stock and retaining rental streams into the future.



- 8.1.3 Accommodation planned across a number of tenures will include intermediate products aimed at key workers. The focus of this is to support recruitment and retention for key services in the health, police and education sectors by providing discount market rented accommodation and low-cost shared ownership options.
- 8.1.4 Renewal of part of the high street will introduce modern retail units, and where possible will be connected to new open space to allow outdoor seating and space to dwell while shopping.
- 8.1.5 The scheme will also provide wider benefits to the community with improvement to the high street, better links to the community to the west of the site and a clearer route to Silver Street Station.

## **8.2 Sustain Strong and Healthy Communities**

- 8.2.1 The new accommodation will be built to a far higher specification than the existing properties. New apartments will meet or exceed current building regulations and will be warmer, more energy efficient and more secure than before. It is anticipated that this scheme will become an integral part of Enfield's Energetik district heating network, providing long-term cheap and reliable heat for all residents.
- 8.2.2 Properties will be designed to be adaptable in response to the requirements of elderly or disabled residents so that they can continue to occupy their homes. A proportion of the new units will be purpose designed for disabled residents, so they can remain living at home with as much independence as possible.
- 8.2.3 All blocks will feature the most up-to-date security measures designed to keep residents safe and prevent access by unwanted visitors. The overall design of the new estate will encompass all aspects of best practice in designing out crime by eliminating unseen spaces, providing secure off-street secure, high standards of lighting, CCTV and maximising natural surveillance.
- 8.2.4 By fully redesigning the estate, high quality public and private open space will be integral to the layout. Much of the existing green space has low amenity value and is mostly unused. Play facilities for all ages will be incorporated into the landscape design. As far as possible all dwellings will have either private gardens, balconies or access to private open space with options such as roof-top gardens being explored.
- 8.2.5 The new community will ultimately link into Enfield's pioneering borough-wide network of cycle routes, helping residents reduce their reliance on private cars and bringing positive environmental improvements. The new accommodation will have safe and secure cycle parking facilities that are private to each block.

## **8.3 Build our Local Economy to Create a Thriving Place**

- 8.3.1 Located at the south end of Fore Street, the new development and upgrades to the high street will set the scene for the journey along the linear town centre of Angel Edmonton. Building on current plans to upgrade and redevelop parts of Fore Street as part of the estate renewal, a stage 1 bid has been sent to the GLA for the Future High Street Fund, led by the Director of Property and Economy. If successful, this could add several million pounds of additional funding to make more comprehensive improvements to Fore Street and secure the high street as a destination of choice for local people.
- 8.3.2 The estate renewal will have a much stronger east-west link between the High Street and the footbridge over the railway line. This will encourage more residents and visitors of the

community to the west of the estate to walk across to the high street, including people using and visiting North Middlesex Hospital.

- 8.3.3 It is envisaged that by improving access to the High Street, increased footfall and environmental improvements will help to ensure the viability of local businesses and help to secure existing and new employment opportunities.
- 8.3.4 The redevelopment of the estate will take place over several phases, and the size and scale of the scheme will generate a significant number of employment and training opportunities for local people in the construction sector. There are already a number of established training initiatives in the market that combine skills-based college learning through the HNC programme with work placements on site that lead to full time work. In addition, many of the larger development contractors have their own work-based schemes that operate in partnership with established sub-contractors.
- 8.3.5 Widening the tenure mix in the new development will help to ensure that the local community is more representative of the wider area in general where cultural diversity is the norm. Enfield as a borough is very diverse with its character and heritage varying widely from inner city to rural within just a few miles, and this differentiates it from other London boroughs. It is important therefore that there is a feeling of connection with the rest of the borough, not just physically but also in a sense of place where equality of opportunity and aspiration is intrinsic to living in Enfield.

## **9 EQUALITIES IMPACT IMPLICATIONS**

- 9.1 See Appendix C

## **10 PERFORMANCE AND DATA IMPLICATIONS**

- 10.1 The proposal makes clear through one of the key recommendations that it will retain ownership and management of these homes which will ensure that the council can keep the Council's land and property assets into the future. This is a clear strategy for the council.
- 10.2 Ongoing monitoring from a financial and performance perspective will ensure that these aims are realised and that the data is available to provide sufficient oversight and governance.
- 10.3 The proposed scheme will deliver a substantial increase in affordable rented homes and intermediate tenures at different price points, further work is ongoing to decide the mix of tenure and price points but KPIs will be established to effectively monitor this throughout the life of the project. Accurate tracking of progress of this delivery is paramount to ensure that the aims of the project are achieved. Data and information will be fully used to inform the tenures and price points that are offered through this scheme to ensure maximum benefit
- 10.4 Further KPIs will be developed in due course, some of these will be directly related to customer experience, these will be informed by the resident engagement programme that will commence with the Ballot as required by the GLA. This will allow us to establish a baseline from which further consultation and feedback will be collected to show how the scheme is bring real benefits to its residents and local area. The Ballot is critical milestone in the project and requires a considerable amount of detail in regard to the overall regeneration proposals and housing options to be presented to residents to allow them to make an informed decision.
- 10.5 Further work will be conducted to create a suite of KPIs from which the overall effectiveness of the project will be monitored, as well as centring around the number of new homes that

are delivered. We envisage that there will be ongoing monitoring around the positive impact on ASB, improvements to the local economy and infrastructure as well as positive customer experiences. There will be further development as the project continues and moves forwards.

## **11 HEALTH AND SAFETY IMPLICATIONS**

- 11.1 As things stand, there are high levels of crime and ASB around the current estates. Bin stores have had to be closed due to misuse and ASB and many residents don't feel safe walking round outside at night. The design of many blocks features open stair wells which allow unwanted visitors to access the upper floors of buildings.
- 11.2 In terms of the existing estate layouts, there are many unseen spaces, poor lighting and a lack of a sense of ownership of communal spaces. This erodes community cohesion and makes the estate harder to manage.
- 11.3 The redesigned estate will tackle all these problems and provide a far more secure environment of residents. Blocks will have access controls to all areas along with significant improvements to lighting and CCTV. The design of the estate will create far more natural surveillance with far fewer unseen spaces. This will help discourage unwanted visitors and help residents to take back ownership of their community.
- 11.4 All new blocks will meet current and future building regulation requirements in terms of security, fire safety, energy efficiency and space standards. This represents a step-change improvement in the long-term health, safety and wellbeing of residents.

## **12 HR IMPLICATIONS**

- 12.1 A detailed restructuring report is being written for the Regeneration Team and will include proposals within the new structure for the resources required to deliver the project.

## **13 PUBLIC HEALTH IMPLICATIONS**

- 13.1 Good quality housing is fundamental to health as implied by the 30-year gap in life-expectancy in the homeless. Increasing the provision of good quality housing will therefore improve the health of residents.

### **Background Papers**

Appendix A Notes on proposed funding

### **Funding proposals**

- 1 Appendix A details out the spend to date and the estimated further budget required to ballot. These costs are potentially abortive until a positive ballot mandate is secured. Following the ballot, the project becomes live and costs can be capitalised to the scheme.
- 2 As detailed elsewhere in this report, it is proposed that LBE take the lead in planning and delivering the scheme. Completing a hybrid planning application including all survey costs, specialised technical reports and supplementary information necessary will deliver detail planning permission for around 300 units and outline planning for the rest. The Regeneration Team anticipate the cost to be in the region of £4m.
- 3 It is proposed that a full-time Engagement Officer is employed alongside a Principal Regeneration Officer. The purpose of this is for Enfield to have a consistent presence on

site and provide a direct point of contact with the council. The Officer will work closely with residents and the ITLA to help engage the hard to reach residents and ensure that we maximise the ballot turnout. It is anticipated that both posts will be at PO2 grade.

- 4 On financing we have explored external sources. There is a very significant amount to pension equity in the British market available for investment. The Build to Rent (BTR) market has taken off with companies such as L&G purchasing large projects across the country.
- 5 Pension investment in affordable housing is a new market sector and could be transformative in helping to deliver additional affordable housing. Pension investors are looking for new and innovative sources of long dated income, particularly now that retail and commercial investments are proving to be more volatile due to changes in shopping habits and corporate investment decisions delayed due to Brexit. The rental housing market – both affordable and private - has good defensive characteristics, with demand expected to increase in the long term due to demographic changes and lack of affordability for buyers.
- 6 There is therefore a large pool of low-cost capital available that could be matched to rental streams from this development. Soft market testing has taken place with
  - o L&G
  - o M&G
  - o Aviva
  - o LaSalle Investment Management
- 7 All companies showed strong interest in the proposals and remain keen to progress further detailed discussions about the opportunity. The cost of capital will depend on several factors such as the credit rating of the Council, length of investment, guarantees over indexation and whether rents are linked to RPI or CPI. Current indicative current rates from JLL are tabulated below:

Term	NIY
25	4.24%
30	3.63%
35	3.20%
40	2.87%
45	2.60%
50	2.39%

- 8 As can be seen, initial loan rates over 30-40 years are comparable with current assumptions for long term PWLB loans (3.5% assumed for modelling purposes). The basis of the pension equity borrowing would be to pay capital and interest over a fixed term leaving the property debt free at the end of the period. This would allow future re-financing or the ongoing benefit of the rent stream. It may be possible to secure lower rates if we chose the make balloon payments at the end of the investment periods. Although a less desirable option, there may be advantages in a low start rate in the wider context of the Council's business planning and this option will be explored in more detail as part of the ongoing options-appraisals and stress testing.
- 9 There are some risks that will have to be further explored with investors, with the main risk being the requirement to ensure an index-linked return based around CPI or RPI. Investors will usually require an annual rent increase of CPI/RPI with, say, a 1-5% collar/cap. The risk is to meet the minimum inflationary increase, each year, as set by the collar. Rent increases are something that the Council does not have direct control over, and the picture varies according to tenure as noted below.

- Social rents are set by Government and the Council has no control over this
  - LBE affordable rents are set by the Council but are linked to LHA rates which are set by the Government.
  - Discount market rents have been modelled at LHA rates which are set by the Government
  - Private rents are set by the market and are subject to market forces and economic cycles
  - Future wage and price index inflation will have a bearing on levels of affordability and consequently market rents
- 10 Even though rents of all tenures have tended to rise above inflation in the long term (especially in London), during periods of rent reduction the Council would be expected to make up any shortfall in the annual rent increase to meet the agreed collar. Conversely, by having a cap in place, the Council would retain any rent increases that exceed the cap which would work in favour of the Council during periods of higher inflation.
- 11 While commercial properties can be leased with built-in rent rises, it is more difficult to build in automatic rent increases for residential leases and to carry these forwards on relets, particularly if the market is static or adjusting down. This indexation risk changes during the investment period, with the risk to the Council reducing over time.
- 12 It should be noted it is highly unlikely that a pension equity investor will invest in the whole scheme from the beginning, and that it is more likely that it will be on the basis of three or four phases at a time. This is due to market uncertainty with forward pricing linked to predicted future Gilt rates. It is also the case that a Fund may not want to commit more than a certain proportion of its equity to a particular investment, and that ultimately more than one investor will participate in financing the project. Conversely, we may not want to commit the whole scheme to one investor and retain the benefit of flexibility to either self-fund the later phases or partner with another investor/s.
- 13 It is proposed that existing social tenants will remain on the same terms as their existing tenancy agreements will be protected such as RTB. It is likely that this commitment will be important to commanding support from existing tenants in the ballot. In terms of the additional affordable rented properties created, it is anticipated that these will be let on the prevailing standard Council assured tenancies. The pension equity model requires reliable income over the long term and assured tenancies provide this.
- 14 As previously noted, at the end of the investment period, all property and income revert to LBE unencumbered - provided there has been no default by the Council. There are a number of options at this point including refinancing of the estate portfolio or opportunities to convert the market rented properties to affordable tenancies, shared ownership or leasehold sales. The important point to note is that the Council is in full control at this point and will be able to respond to market demands.
- 15 It is proposed that PWLB borrowing is also used to supplement pension equity, GLA grant and RTB receipts as the main sources of funding. The proportions of grant and RTB are a function of the number of units being funded, however the proportions of pension equity and PWLB funding can be varied and this provides flexibility. It is suggested that the current assumed proportion of PWLB scheme funding is kept the same for the time being. Once work is under way with the architect to review the phasing options, there will be opportunities to test scenarios and flex the proportion of PWLB funding on a per-phase basis.



APPENDIX B

Letter of support from Chief Executive, North Middlesex University Hospital

Sent by email

24<sup>th</sup> September 2019

Dear Cllr Caliskan,

I was delighted to receive your letter regarding the development proposals for the Joyce Avenue and Snells Park area.

The rental arrangements that you outlined will be attractive to our staff and will be a great help in our recruitment and retention efforts. We would be keen to work with you to ring-fence affordable privately rented homes within some of the regeneration developments.

We are confident that there is significant demand for these homes and would be pleased to work with you and colleagues to plan the next steps.

Yours sincerely,



**Maria Kane**  
Chief Executive



Chair: Dr Peter Carter OBE

Chief Executive: Maria Kane

APPENDIX C

Equality Impact Assessment