



Haringey Council

Report for:	Cabinet 16 April 2013	Item Number:	
Title:	Protheroe House, Chesnut Road, Tottenham N17 – Appropriation of Land for Planning Purposes		
Report Authorised by:	Lyn Garner- Director of Place and Sustainability		
Lead Officer:	Dinesh Kotecha- Head of Corporate Property Tel: (020) 8489 2101 Email: dinesh.kotecha@haringey.gov.uk		
Ward(s) affected: Tottenham Hale	Report for Key Decision		

1. Describe the issue under consideration

1.1. This report seeks authority for land at Protheroe House, Chesnut Road, Tottenham N17 currently held for housing purposes to be appropriated for planning purposes to enable the site to be redeveloped for Extra Care Supported Housing in accordance with the Council's regeneration objectives for the area.

2. Cabinet Member introduction

2.1. Appropriation of the land for planning purposes will ensure the Council's regeneration objectives for the redevelopment of the site for extra care housing can be realised.

3. Recommendations

3.1. To approve the appropriation of land at Protheroe House, Chesnut Road, Tottenham N17 (currently held for housing purposes) and shown edged red on the appended Plan No 2363a for planning purposes under S.122 of the Local Government Act 1972.

4. Alternative options considered

- 4.1. **Not to appropriate** - If the appropriation is not carried out there is a risk that the proposed re-development scheme may be frustrated by third party rights, which would in turn frustrate the Council's regeneration objectives for this site.

5. Background information

- 5.1. Cabinet on 16 October 2012 approved the disposal of the site of Protheroe House to One Housing Group and authorised the Head of Corporate Property to agree final terms with One Housing Group.
- 5.2. One Housing Group, which is currently drawing up its scheme, has requested the Council to appropriate the land for planning purposes.
- 5.3. The effect of appropriating the land in this way is that, once planning permission is obtained, the rights (such as rights of light) of affected third parties can be overridden to the extent that they become an entitlement to compensation rather than a right to obtain an injunction to prevent the scheme.
- 5.4. **Proposals- Appropriation under section 122 of the Local Government Act 1972**
- 5.5. The Council holds property for various statutory purposes in order to provide its various functions. Such land is used only for the purpose of the function for which it was originally acquired, until such time as the land is disposed of or "appropriated" for another purpose.
- 5.6. Appropriation is the statutory procedure to change the purpose for which land is held from one statutory purpose to another provided that that land is no longer required for the purpose for which it was held immediately before the appropriation.
- 5.7. Protheroe House, Chesnut Road, Tottenham N17 was acquired by the Council using housing powers. The site is no longer required by the Council for general housing purposes.
- 5.8. The Council wishes to see the site redeveloped for the specific purpose of providing extra care supported housing. By appropriating the Site for planning purposes, the Council will be able to secure its redevelopment and future use by relying on the statutory provisions relating to the redevelopment and disposal of land held for planning purposes.
- 5.9. Following appropriation, any third party with rights that are affected by the proposed development will be eligible for compensation.

6. Comments of the Chief Finance Officer and financial implications

- 6.1. The financial implications of the decision to dispose of the site were considered by Cabinet on 16 October 2012 in making its initial decision to dispose. These included the:
- Disposal and demolition of existing building to provide 49 units of extra care housing
 - A capital receipt to the benefit of the HRA
 - 100% nomination rights

- Reduction in management and maintenance costs for these properties
- A loss of rental income of £197k per annum.

6.2. The appropriation to planning will facilitate the achievement of the Council's regeneration objectives including the above consequences. The developer will be required to indemnify the Council against any costs arising from compensation claims arising from the development, and therefore the appropriation itself has no financial consequences for the Council.

7. Head of Legal Services and legal implications

7.1 Power to appropriate land is provided for in section 122 of the Local Government Act 1972. The purpose of appropriating land to planning powers is to facilitate One Housing Group (the purchaser) benefiting from section 237 of the Town and Country Planning Act 1990 which overrides any third party interests that may threaten the development by transferring those rights into compensatory ones as opposed to injunctive ones.

Appropriation must take place prior to sale to enable the purchaser to acquire the land under planning rather than housing powers thus providing the overreaching described above.

7.2 Prior to appropriating, the Council must obtain the consent of the Secretary of State. The author of this report has confirmed that the Secretary of State is aware of the pending application and Cabinet approval will assist the Council's application in this regard.

7.3 Where land is appropriated, the Council is required under section 24 of the Town and Country Planning Act 1959 to make such adjustments in the accounts as is requisite in the circumstances: Such an adjustment will also be required as a result of the Cabinet decision to dispose on 16 October 2012 with regards the capital receipt.

7.4 Where appropriation takes place the Council must comply with the provisions of section 233 of the Town and Country Planning Act 1990 by securing the redevelopment or best use of the land and to obtain best consideration.

8. Equalities and Community Cohesion Comments

8.1. The proposed redevelopment will provide extra care housing benefiting the community in line with the Council's objectives.

9. Policy Implications

9.1. There are no policy implications.

10. Reasons for Decision

10.1. Appropriation of the site for planning purposes will facilitate the development of extra care housing in line with the Council's previous Cabinet decision of 16

October 2012 by ensuring that the redevelopment is not frustrated by third party rights.

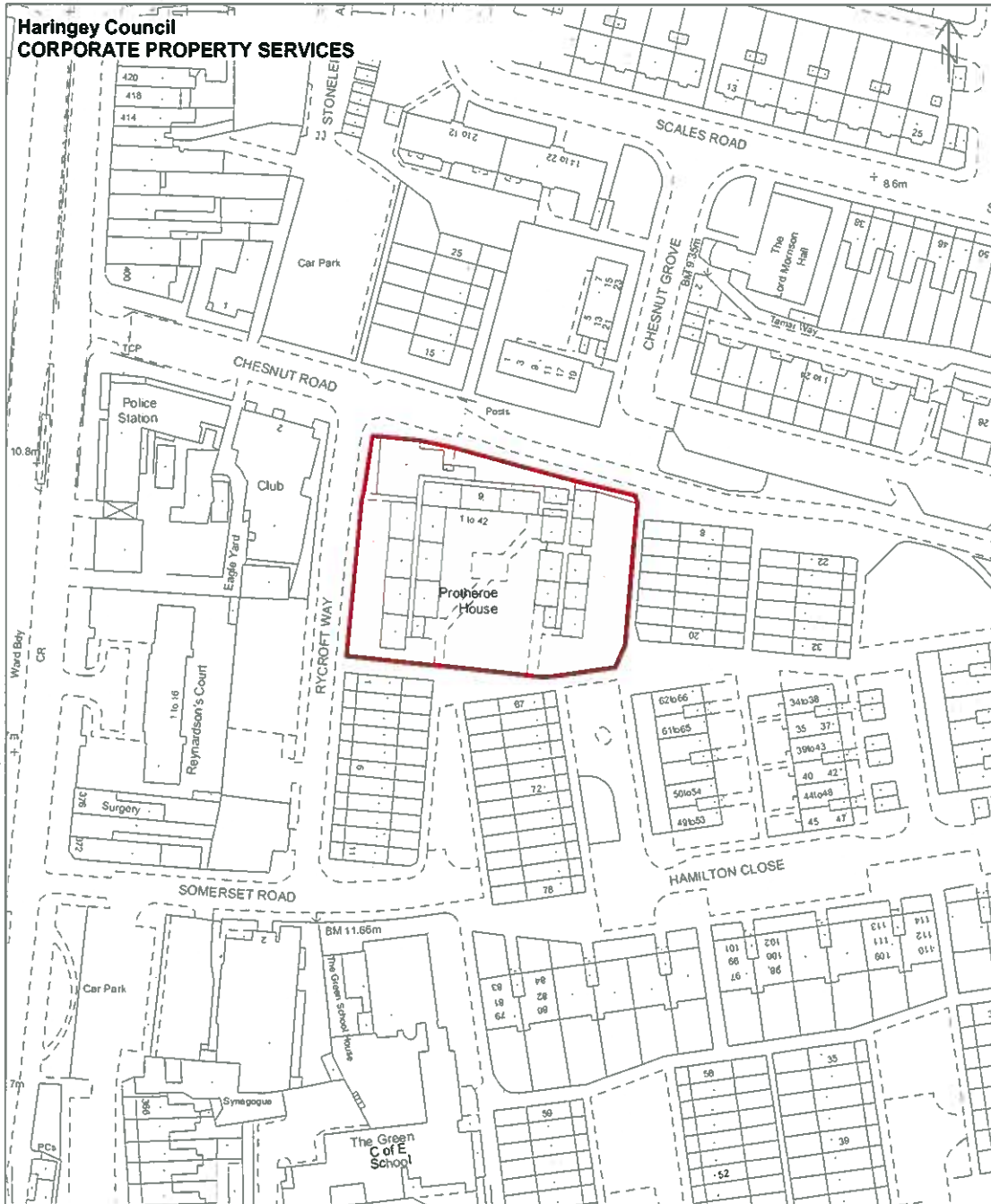
11. Use of Appendices

11.1. Appendix 1- OS Plan 2363a of land at Protheroe House, Chesnut Road, Tottenham N17 which is to be appropriated

12. Local Government (Access to Information) Act 1985

Background Information

12.1. Supported Housing Review- Protheroe House – Cabinet report 16. October 2012



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Protheroe House
Chesnut Road
Tottenham
LONDON
N17

CPM No. 1133
 Overlay : HSS - Miscellaneous
 Plan produced by Kevin Lincoln on 06/12/10

Deed Doc. No. : 5280
 LR title no. : freehold NGL298625
 Site Area (hectares) : 0.297
 Scale 1:1250
 Drawing No. BVES A4 2363a

