

Addendum Report for: Cabinet – November 10th 2015

Item Number: 13

Title: Seven Sisters Regeneration, Tottenham – Compulsory Purchase Order 2016 – “London Borough of Haringey (Wards Corner Regeneration Project) Compulsory Purchase Order 2016”.

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Ward(s) affected: Tottenham Green, Seven Sisters

Report for Key Decision

1. Why has this addendum been prepared?

1.1. This report forms an addendum to the Seven Sisters Regeneration, Tottenham – Compulsory Purchase Order 2016 – “London Borough of Haringey (Wards Corner Regeneration Project) Compulsory Purchase Order 2016” (“the Cabinet Report”) to inform the Cabinet of the changes to the compulsory purchase guidance to reflect legislative changes and case law since 2004.

1.2. The “Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” (“the Guidance”) was published by the Department for Communities and Local Government (DCLG) on 29th October 2015, which was after the date that the Cabinet Report was submitted for publication.

1.3. This report (“the Addendum”) is therefore to be read as an addendum to the Cabinet Report, alongside a revised Statement of Reasons which is at Appendix 1 hereof.

2. What does the Guidance say?

2.1. The original guidance entitled “Compulsory Purchase and the Crichel Down Rules” contained in ODPM Circular 06/2004 published on 31st October 2004 (“the Original Guidance”) has been cancelled by the Guidance and therefore the Cabinet Report, relevant considerations and associated recommendations and decisions must be read and made in light of the Guidance.

3. What is the impact on the Cabinet Report?

- 3.1. The Guidance has implications for section 7 of the Cabinet Report, in which the justification for the CPO is outlined. An updated version of this section is provided below, in light of the Guidance. The Cabinet should therefore read this section (3.4 - 3.17 of the Addendum) in place of section 7 in the Cabinet Report.
- 3.2. In addition the Cabinet are asked to consider the revised recommendations at section 4 of the Addendum.
- 3.3. The Statement of Reasons has also been updated to reflect the Guidance and is at Appendix 1 of the Addendum.

Justification for CPO

- 3.4. Section 226(1)(a) and (1A) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) requires the acquiring authority to “think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land” and “that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects— the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area”.

Statement of Reasons

- 3.5. The reasons for making the order must be submitted by the acquiring authority (in this case LB Haringey) as part of the Compulsory Purchase inquiry. This is known as the Statement of Reasons and a draft of the Statement of Reasons for the Wards Corner CPO is attached at Appendix 1 of this Addendum. This sets out in detail the purpose of acquiring the land, the justification for doing so and provides the context for the order, including relevant planning policy, equalities impact, resources for delivery and local engagement undertaken. The following paragraphs from (a) to (c) are a summary of section 8 of the Statement of Reasons, which provides the justification for the CPO (see Appendix 1 of the Addendum).

(a) the promotion or improvement of the economic well-being of their area

- 3.6. Tottenham suffers from some of the highest levels of economic deprivation in the UK. The area has experienced a long period of relative decline moving from being a prosperous working suburb to one of high unemployment. The proposed development would create a substantial number of jobs and provide an economic stimulus into the area, acting as a catalyst to draw in greater investment in Seven Sisters and Tottenham. A number of economic

benefits can be directly attributed to the development (as set out in detail in section 8 of the Statement of Reasons (Appendix 1 of this Addendum)), including¹:

- 360 jobs directly involved in the construction of the development;
 - 160 jobs (FTE) operational jobs supported by new employment space;
 - 545 jobs indirectly created or induced by the construction of the development;
 - 70 (FTE) operational jobs indirectly created or induced by the development;
 - £2.1 million/ annum of net additional resident expenditure within local shops or services; and
 - 15 new operational jobs created by this additional resident expenditure in the area.
- 3.7. Alternative proposals for the site focus on the refurbishment of the existing ground floor market, but do not offer the diversification of the retail offer provided through the comprehensive redevelopment of the site. Without this scale of development the diversity of retail units remains limited and a critical opportunity to strengthen and support the town centre will be missed. The Wards Corner S106 Agreement dated 11 July 2012 includes obligations that are intended to support the existing businesses and tenants on the development site to stay and thrive in the area, while helping to improve the retail offer and support the district centre to remain competitive.
- (b) the promotion or improvement of the social well-being of their area
- 3.8. The delivery of the economic benefits referred to above and the environmental improvements referred to below will themselves improve the social well-being of the area. However, further, the housing proposed will bring substantial social benefits.
- 3.9. There is a pressing need for new housing in Haringey, as in the rest of London, given high levels of population growth. Seven Sisters in particular has low levels of home ownership, as well as a significant demand for new housing. The range of housing tenures in the area is limited and has historically focused on social rented housing. The comprehensive development proposed for Wards Corner would deliver 196 new homes for sale with a range of 1-3 bed units, contributing to the delivery of much needed housing in Haringey and London by optimising residential densities in a town centre where there is good, existing and planned, public transport accessibility. Overall it would result in a net increase of 150 homes on the site. The housing delivered will all be built to London Plan standards, with Lifetime Homes standards also being applied and 10% of the housing designed to be wheelchair accessible. The new housing will therefore be of a

¹ Report by Nathaniel Lichfield & Partners, Seven Sisters Regeneration Project Economic Benefits Assessment dated October 2015.

high quality, with amenity and playspace provision which exceeded the (now revoked) Haringey Council Housing SPD (2008) requirements at the time of the application being made.

3.10. To deliver the scale of residential development which is proposed in the Wards Corner planning permission requires using the full footprint of the site. While the site could come forward in parcels, the optimum number of units can be delivered through comprehensive redevelopment because the site can be used more efficiently, for example through only having one building core and reducing conflicts which arise from adjacent landowners. Alternative proposals do not include providing any additional housing and the land assembly required to undertake comprehensive development has proven that some properties cannot be acquired through agreement. It is therefore considered that compulsory acquisition of the site is required in order to deliver the high number and quality of residential units which the site has capacity for. To ensure that the development does deliver positive social benefits to the area, a number of monitoring and mitigating obligations are set out in the S106 Agreement for the planning permission.

(c) the promotion or improvement of the environmental well-being of their area

3.11. The Wards Corner development site and immediate area has been shown to have the potential to deliver a sustainable development within a well-designed public realm, but is overcome by serious constraints at present. The site is in a prominent location, where the Seven Sisters Road meets the High Road, and at a significant transport interchange for the Victoria Line, the Overground and a number of bus routes. The Cycle Super Highway route is currently being extended through the development site, due for completion in July 2016. The site has also been identified as a potential location for a station on the Crossrail 2 line. While this makes it an important gateway site into Tottenham, it is also a very busy place, with strategic roads on two sides creating a potentially hostile environment. The public realm in front of the development site feels tired and a number of vacant units front onto the main space around the station. This makes the area feel unattractive and unsafe, with the Seven Sisters area recording a higher crime rate than the average for Haringey and London.

3.12. The permitted Wards Corner development provides an opportunity to comprehensively redevelop and improve the public realm around the whole of the development site and provides a high quality and inclusive design, which seeks to address the connections between people and places. The proposed mix of retail and residential uses together with improvements to the transport interchange and public realm will bring vibrancy to the area and give rise to additional footfall that would serve to encourage the economic and physical regeneration process to extend along Seven Sisters Road and High Road. The development achieves the standards in sustainable design and construction required to minimise its impact on the environment; and the S106 Agreement contains further measures to ensure that any other

environmental impacts are managed, as well as providing financial contributions towards the environmental improvement of the area.

- 3.13. Control of the entire site enables a redesign of the building footprint allowing the new development to deliver a new and expanded public square around the station. This will create a new focal point for the community and a new entrance point into Tottenham. With a mixed use development overlooking the new public square there should be a positive impact on the perception of and potentially the actual levels of crime and safety in the area. Alternative proposals do not include upgrades to the public realm and fragmented land ownership would make the expansion of the public space and any comprehensive improvements difficult to achieve.

Compelling case in the public interest

- 3.14. Paragraph 76 of the Guidance provides as follows: Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the Secretary of State can be expected to consider include:

- (i) whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up-to-date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework;
- (ii) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
- (iii) whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its re-use. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.

- 3.15. Dealing with each of these provisions in turn:

- (i) it is clear that the purpose for which the land is being acquired fits in with the adopted Local Plan for the area (see paragraphs 6.1 to 6.3 of the Cabinet Report);
- (ii) the contribution to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area will be significant (see paragraphs 3.5 to 3.13 of the Addendum);
- (iii) it is clear that any alternative proposals put forward have little prospect of delivering the required regeneration benefits (see section 5 of the Cabinet

Report and 8.69 – 8.76 in the Statement of Reasons at Appendix 1 to this Addendum).

- 3.16. While point (iii) of paragraph 16 of the Original Guidance (Appendix A to the Circular) has not been included in paragraph 76 of the Guidance, prospects of implementation and the potential viability of the scheme for which the land has been acquired are still important issues, as stated at Tier 1 of the Guidance, paragraphs 13-15, and have been addressed in the Cabinet Report. It should still be noted therefore that Grainger has confirmed in the letter attached at Appendix 6 (of the Cabinet Report) that sufficient funds are in place to finance the delivery of the development. Grainger have submitted a development appraisal confirming that, based on the current appraisal, the scheme is viable for delivery. The appraisal has been reviewed externally by the DVS and the outcome of this review is at paragraph 6.28 of the Cabinet Report.
- 3.17. Furthermore, it is considered that the purposes of the proposed acquisition justify any interference with the human rights of those affected, and that the proposed Order is also justified having regard to the provisions of the Equalities Act 2010.
- 3.18. All of these provisions are addressed in greater detail in the Statement of Reasons (see Appendix 1 to this Addendum). Further, appropriate steps have been taken to seek to acquire the land needed by agreement, and it is clear that compulsory acquisition is necessary to acquire the relevant land. In the circumstances, it is considered that a compelling case in the public interest is established for making the CPO recommended.

4. Revised recommendations for Cabinet

- 4.1. That Cabinet notes that the pre-conditions for the CPO as set out in the Cabinet Resolution of 12th July 2014 have been met and complied with and that Grainger has confirmed that the pre-conditions contained within the Development Agreement of the 3rd August 2007 (as varied) have either been met and complied with, or can be met and complied with (as set out in paragraphs 6.11 to 6.29 of the Cabinet Report).
- 4.2. That (whether or not the pre-conditions for the CPO as set out in the Cabinet Resolution of July 2014 have been complied with) Cabinet resolve (taking account of the Guidance and both the Cabinet Report and the Addendum) to make a Compulsory Purchase Order to acquire all land and rights within the Site shown edged red on the plan in Appendix 1 for planning purposes pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended), to enable Grainger to implement its planning permission on the basis that this will facilitate the redevelopment of the Site and promote or improve the economic, social and environmental well being of the area.
- 4.3. That Cabinet grant delegated authority to the Assistant Director of Corporate Governance, in consultation with the Chief Financial Officer and Assistant

Director of Property and Capital Projects (i) to make any necessary changes, if appropriate, to the draft Statement of Reasons consequent upon Full Council's consideration of the emerging planning policy papers and Regulation 19 approval for publication and submission thereof and (ii) on receipt of the Developer's Stage 2 Notice (as defined in the CPO indemnity agreement dated 23 January 2015) to make, serve and implement the London Borough of Haringey (Wards Corner Regeneration Project) Compulsory Purchase Order 2016, including dealing with consultation with landowners and objections to the CPO, and preparation for and representation at any public inquiry.

4.4. That Cabinet grant delegated authority to the Assistant Director of Property and Capital Projects to serve the requisite Demolition Notices as set out in paragraphs 8.9 to 8.11 of the Cabinet Report on 12 Suffield Road.

5. Appendices

Appendix 1 – Statement of Reasons (updated to reflect the Guidance on Compulsory purchase process, October 2015)

