

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”.

Report Authorised by: Lyn Garner - Director of Regeneration, Planning & Development

Lead Officer: Helen Fisher –Director, Tottenham Regeneration Programme

Ward(s) affected: Tottenham Green, Seven Sisters

Report for Key Decision

1. Describe the issue under consideration

- 1.1. This report seeks approval for the Council to use its Compulsory Purchase Order (CPO) powers to acquire the land required for the Wards Corner development. The Council has entered into a Development Agreement with Grainger Seven Sisters Ltd ('Grainger') on 3rd August 2007; planning permission for a redevelopment scheme at Wards Corner was granted to Grainger on 12th July 2012; and on 15th July 2014 Cabinet resolved to agree 'in principle' the use of the Council's compulsory purchase powers, if required to complete land assembly for the Wards Corner development.
- 1.2. Tottenham is a major regeneration area for Haringey and London. The Tottenham Strategic Regeneration Framework (SRF), approved by Cabinet on 18th March 2014, confirms that Seven Sisters is a key part of the regeneration vision, with the redevelopment of Wards Corner an objective of the SRF Delivery Plan agreed in 2014. The Wards Corner development is an opportunity for major new investment into the area, which has the potential to act as a catalyst for further transformational investment in Seven Sisters and Tottenham. It has support from the Greater London Authority (GLA) through the successful Tottenham Housing Zone bid in which Wards Corner is identified as a priority site, and the development has also been shortlisted for GLA Build to Rent funding.
- 1.3. The boundary of the CPO area is shown outlined in red on the draft Order Plan in Appendix 1.

2. Cabinet Member introduction

- 2.1. This is the latest in a series of reports I have brought to Cabinet to progress the Seven Sisters Regeneration Project. Seven Sisters is a major regeneration priority for the Council and it is important that this scheme moves ahead to secure the new jobs and homes, and the significant improvements to the area that this will bring.
- 2.2. This new building will bring significant benefits to the area including 360 new construction jobs and 160 jobs in the employment space created. In addition, the scheme will provide nearly 200 homes and a new, larger public space. Overall, the scheme will transform the look and feel of the Seven Sisters area of the High Road, bringing significant improvements to the high street.
- 2.3. Cabinet has previously agreed in principle to use the Council's Compulsory Purchase Powers to ensure this important new development can happen. This report seeks Cabinet approval for the next step towards this important new development coming forward; Cabinet is asked to approve these Compulsory Purchase Powers being used, where necessary.

3. Recommendations

- 3.1. 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 this Report).
- 3.2. 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 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.
- 3.3. 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.

- 3.4. That Cabinet grant delegated authority to the Assistant Director of Property and Capital Projects to serve the requisite Demolition Notices as set out in paragraph 8.9 to 8.11 of this report on 12 Suffield Road.

4. Reason for decision

Dealing with each recommendation in turn, the reasons for decision are as follows:

- 4.1. The Cabinet resolution of 15th July 2014 which agreed in principle to the use of compulsory purchase powers in regards to the Wards Corner development site was subject to Grainger complying with a number of pre-conditions which were set out in the same Cabinet Report. It is therefore required that the Cabinet note that Grainger have complied with these pre-conditions as set out in sections 6.8 – 6.9 of this Cabinet Report. This is the reason for the recommendation at 3.1 of this Report.
- 4.2. Grainger have been unable to acquire all of the outstanding third party land interests in the proposed Wards Corner development site through agreement and is unlikely to be able to without the use of a CPO. To enable the delivery of the Seven Sisters Regeneration Project and the economic, social and environmental benefits that this will bring to the area, the Cabinet is asked to resolve to make a Compulsory Purchase Order to acquire all land and rights within the Site. The Council is satisfied that there is a compelling reason in the public interest to make the CPO for the reasons set out in this Cabinet Report and the Statement of Reasons (see Appendix 3). This is the reason for the recommendation at 3.2 of this Report.
- 4.3. A number of further steps will need to be taken to issue, serve and implement this Compulsory Purchase Order. In order to expedite this process the Cabinet is also asked to grant delegated authority to the relevant officers to undertake the actions required. This is the reason for the recommendation at 3.3 and 3.4 of this Report.

5. Alternative options considered

- 5.1. Not to support the Wards Corner development with the use of Compulsory Purchase Powers (business as usual).
- 5.2. The implications of this option are that Grainger would be unlikely to be able to acquire the land needed through negotiation with individual land owners alone, and therefore will not be able to progress the development and the regeneration objectives for the Seven Sisters area will not be achieved. The additional houses

and jobs will not be provided and the opportunity to create a significant and landmark development at the Seven Sisters transport interchange will be missed.

- 5.3. The alternative planning permission for part of the site, obtained by the Wards Corner Coalition (WCC), could, with the necessary landowner consent and funding, come forward should the CPO not be made. This scheme does not provide any increase in housing or employment space on the site and is likely to compromise the comprehensive development of the rest of the wider site which makes up the Order Land (Appendix 1). As a result the capacity of the site to provide new houses, commercial space and jobs and to help to achieve the regeneration objectives for the Seven Sisters area would not be met.
- 5.4. There are also significant concerns about the deliverability of the WCC scheme, as there is no evidence that the development could be funded and the landowner, London Underground Limited, has entered into negotiations with Grainger regarding the disposal of their interest.

6. Background information

Planning Framework

- 6.1. The comprehensive redevelopment of Wards Corner has been a strategic objective for the Council since the Wards Corner/ Seven Sisters Underground Development Brief was published in 2004. It has been identified as a key site in every strategic planning policy document for the area following this, including the Haringey Local Plan Strategic Policies, the Upper Lee Valley OAPF and the emerging Tottenham AAP, as well as in the Tottenham SRF.
- 6.2. The following documents make up the planning policy framework for the Site and the surrounding area:
 - Haringey Local Plan: Strategic Policies 2013-2026
 - Haringey Unitary Development Plan (Saved Policies);
 - The London Plan 2015;
 - The National Planning Policy Framework 2012;
 - The Upper Lee Valley Opportunity Area Planning Framework 2013;
 - The Publication Draft of the Tottenham Area Action Plan 2015-2030;
 - Wards Corner/ Seven Sisters Underground Development Brief 2004.
- 6.3. The current planning policy framework promotes the comprehensive re-development of the Wards Corner site as a landmark building which will provide new housing and commercial development linked to existing or potential improvements to public transport accessibility. The framework requires District and Town Centres to continue to be supported and strengthened as important shopping and service centres, to meet people's day-to-day needs and be reinvigorated to

widen their role and offer and to develop their identities. This is covered in greater detail in section 7 of the Statement of Reasons (Appendix 3).

Wards Corner planning permission

- 6.4. Planning permission was granted to Grainger for the redevelopment of Wards Corner on 12th July 2012 for a mixed use development comprising 196 new homes and class A1/A2/A3/A4 uses, amounting in total to 3,693 sq metres of employment floorspace (ref. HGY/2012/0915). The proposed development would include improvements to the public realm on the High Road and other frontages. The proposal includes the provision of 44 basement car parking spaces (including 3 disabled) and 196 cycle spaces.
- 6.5. The new development will deliver new shops creating a continuous street level frontage to the High Road, Seven Sisters Road and the units along West Green Road. West Green Road will be principally aimed at smaller independent traders; the High Road units will be aimed at quality national stores; and Seven Sisters Road will contain space for a replacement market, with the entrance placed on the prominent High Road corner. A café-bar/restaurant at first floor overlooking the public square and the High Road is also proposed. Flats and family duplexes will be located at first floor and above around a new garden square over the shops, with family duplexes on Suffield Road. The public realm around the development will be transformed. The High Road frontage will be expanded and redesigned to create a new public square, corresponding to the Underground entrances and bus stops.
- 6.6. The relocation of the Seven Sisters Market is currently provided for within this planning permission for Wards Corner and the related section 106 agreement, as detailed at 6.7. A temporary location for the Market is required while works take place and discussions are ongoing as to where this will be. At present a number of options are being explored, including a temporary or permanent relocation to the adjacent Apex House site, dependent on the outcome of the planning application (ref. HGY/2015/2915) in respect thereof. These discussions will continue and are unlikely to be conclusive until closer to the commencement of the Wards Corner development.
- 6.7. A S106 agreement was entered into between the Council and Grainger on the 11th July 2012. This sets out a number of obligations for Grainger to comply with, including but not limited to:
 - Paying the Traders Financial Assistance Sum of £144,300 no later than six months before the market closure date, which the Council will then pay to the traders;
 - Not permanently closing the market unless and until the Temporary Market has been provided and is ready for occupation and additionally to appoint a market facilitator to work with traders to assist with this relocation and to

support the existing traders. The Traders Financial Assistance Sum is intended to be a contribution towards relocation costs to the Temporary Market;

- Complying with the New Market Area obligations which require the market operator to offer the traders a lease or a license of a stall in the new market area which is equivalent in size to their existing stall and at a rent or fee which is 30% less than would be chargeable based on an open market valuation for the first 18 months. Traders should also be consulted on the internal layout out of the New Market Area;
- Paying the £150,000 West Green Road Improvement Fund to the Council no later than six months after the commencement of the development;
- Developing a Marketing and Letting Strategy of the Residential Development which focuses initially on local residents to target potential future owner-occupiers and tenants;
- Developing a marketing and letting strategy for the Retail Units which is consistent with the promotion of West Green Road as a district centre, with a focus on independent trading and provides for rents which are consistent with the rents being paid for units of a similar size and nature in the vicinity of the site;
- Not letting the first Retail Unit without written approval of the Council (subject to exceptions) provided that the Council's approval shall not be required if letting is proposed to a person or organisation whose existing place of trading is within the Council's area;
- Not amalgamating retail units to form larger units;
- Monitoring which should involve updating the Baseline Study (June 2012), being a study of business owners, stallholders and other employees working at the market;
- Delivering Local Labour provisions which include employment and training provisions regarding opportunities for local employment, training and supply chains to benefit;
- Securing improvements to the Open Space including footways, public realm at the entrance to Seven Sisters Station and bus stops;
- Delivering Community Engagement through the submission of a community engagement strategy to the Council to deal with regular diversity monitoring, reporting on the engagement process and representations from third party stakeholders and any further mitigation measures identified as necessary; and,
- Prohibiting uses so that a hot food take-away, betting shop or pay-day loan shop are not permitted in the retail units (excluding the market and the new market area).

6.8. As part of his response to the Grainger planning application (ref. HGY/2012/0915), the Mayor of London agreed to enter into arrangements with the London Borough of Haringey to provide financial support to the small businesses in the existing market

during the regeneration period. This is expressly to support the Latin American market, recognising that it is a 'specific case, which provides a platform for small businesses and provides a specialist, culturally specific amenity for the local community, supporting the vitality and cultural diversity of the local Seven Sisters retail offer'. The Mayor of London has delegated authority to TfL to enter into this agreement with the Council to provide £284,500 to 'assist in resourcing the temporary relocation of Seven Sisters market following its temporary closure as planned to allow for the regeneration of Wards Corner'¹. This will be additional to the Traders Financial Assistance Sum agreed between Grainger and the Council in the S106 agreement.

Cabinet Resolution, 12 July 2014 – in principle CPO and pre-conditions associated

- 6.9. On 12th July 2014, Cabinet resolved, in respect of the Wards Corner development site to agree "in principle to the use of Section 226 Town and Country Planning Act 1990 compulsory purchase powers, if necessary, to acquire outstanding third party land interests in the proposed Wards Corner development site where acquisition by agreement (by Grainger as developer) is not possible, subject to Grainger complying with its obligations in the Development Agreement".
- 6.10. These pre-conditions were set out in the Cabinet Report at 3.1(j). In accordance with the Cabinet resolution, Grainger has now complied with these conditions as follows:

Pre-condition (i)

Grainger providing the Council with satisfactory details of the steps they have taken to seek to buy land by agreement;

Since December 2014 offers have been submitted to all remaining freehold and leasehold owners within the Site by Grainger. There are now a total of 17 freehold and leasehold acquisitions still to be made, three of which had accepted an offer but were yet to exchange contracts at the time of this Report being published. This previously stood at 24 freeholds and leaseholds still to be acquired at the time of the July 2014 Cabinet Report. It is therefore considered that Grainger has provided the Council with satisfactory details of the steps they have taken to seek to buy land by agreement and that this pre-condition is satisfied.

Pre-condition (ii)

¹ Request for Mayoral Decision, 'Wards Corner regeneration' dated 17 August 2012 GLA.

Confirmation by the Grainger plc Board, prior to Cabinet (at a future meeting) considering making a Compulsory Purchase Order, that all conditions (apart from the Site Assembly Condition) in the Wards Corner Development Agreement have been or can be satisfied on the basis of current scheme proposals;

Compliance with the conditions from the Development Agreement between Grainger (being a wholly-owned subsidiary of Grainger plc) and the Council is dealt with below. It is therefore considered that Grainger plc has confirmed, prior to Cabinet considering making a Compulsory Purchase Order that all conditions (apart from the Site Assembly Condition) in the Wards Corner Development Agreement have been or can be satisfied on the basis of current scheme proposals and that this pre-condition is satisfied.

Pre-condition (iii)

Grainger entering into a Costs Indemnity Agreement with the Council to cover the Council's costs & liabilities in relation to compulsory purchase action;

Grainger entered into a Costs Indemnity Agreement with the Council on the 23rd of January 2015. It is therefore considered that this pre-condition is satisfied.

Pre-condition (iv)

The preparation of an Equalities Impact Assessment of the impact of compulsory acquisition;

An Equalities Impact Assessment of the impact of the Wards Corner CPO has been prepared by AECOM on behalf of the Council and is at Appendix 5 of this Report. It is therefore considered that this pre-condition is satisfied.

Development Agreement (2007 as varied) – conditions for the CPO

- 6.11. On 3rd August 2007 the Council entered into a Development Agreement with Grainger Seven Sisters Limited and Northumberland & Durham Property Trust Limited (the Guarantor) and was subsequently varied on the 23rd January 2015, following a Cabinet decision on the 15th July 2014. The purpose of this Development Agreement is to secure a quality redevelopment of the Site, which promotes the regeneration objectives for the area. Under the terms of this agreement the Council and Grainger have to comply with a number of conditions before the CPO is made. The Conditions contained in the Development Agreement are set out below:
- 6.12. Secretary of State's Condition: The condition states that; "that within a period of 10 working days following the date of this Agreement, the Council shall apply for and

use reasonable endeavours to obtain the Secretary of State's Consent as soon as reasonably". The Secretary of State's Consent is defined as:

"the consent of the Secretary of State under and for the purpose of Section 32-34 of the Housing Act 1985 (and any other necessary consent of the Secretary of State) in each case: (a) Allowing the Council to enter into (and complete the sale of the Council's adjacent land pursuant to) the Call Option Agreement; and (b) Allowing this agreement to be given its full effect without the need for further consent except as provided for in the Agreement".

The Council has complied with this condition and the consent of the Secretary of State was given on the 17th July 2007 (a copy of the letter received from the Department of Communities and Local Government (DCLG) on 17th July 2007 is attached at Appendix 6). This condition has been satisfied

- 6.13. LUL Condition: This condition states: "The Developer agrees to use all reasonable endeavours to procure satisfaction of the LUL Condition as soon as reasonably practicable after the date of satisfaction of the Secretary of State Condition" The LUL Condition is defined as "the Developer entering into an agreement with LUL (with the Council as a party to the extent necessary), which agreement is unconditional, under which LUL grant development rights to the Developer and a 150 years (or longer) lease of the LUL airspace sufficient to enable the Developer to implement the Development and on terms that the Developer considers to be acceptable"
- 6.14. Grainger has provided a summary of its progress in complying with this condition in the Discharge of Conditions letter of 20th October 2015 at Appendix 6. This states that negotiations with LUL are continuing and it is expected that contractual terms of a disposal will be agreed by end of Dec 2015, with a subsequent exchange of contracts in early 2016. This condition is therefore capable of satisfaction. This condition has not as yet been satisfied for the purpose of the Development Agreement, but is capable of satisfaction for the purpose of Pre-condition (ii).

Asset of Community Value

- 6.15. Since the Development Agreement was entered into the ground floor of the Wards Corner building (occupied by the Market) and part of the Site has been designated by the Council as an Asset of Community Value (ACV) pursuant to the Localism Act 2011 in May 2014, following an application by the Wards Corner Community Coalition.
- 6.16. Under the Localism Act 2011 if the owner of the asset (in this case, London Underground Ltd) wishes to sell the land or building, it may be required to notify the Council which will trigger a six week interim moratorium period in which the building cannot be sold. There is a clause in the Localism Act which lists situations in which

the conditions which must be satisfied before a relevant disposal do not apply. An exemption may apply to this particular ACV (in accordance with section 95(5)(e) relating to part-listed disposal) and LUL, as owner of the asset, will assess what is the correct procedure that it should follow to comply with the legislation. If it is the case that an exemption does apply for this case, the owner would not be required to notify the local authority or comply with either of the moratorium periods.

- 6.17. Should the six week interim moratorium period apply, then in this period a community interest group may register interest to be considered as a potential bidder. This would then trigger the full six month moratorium period, during which the owner may not sell to anyone other than a community interest group. However this would not prevent LUL from negotiating with Grainger with a view to selling the ACV to Grainger. Once the moratorium period is completed, the owner is free to sell the asset to whomever it chooses and a bid from a community interest group will receive no preference.
- 6.18. Design Condition: This condition states: “As soon as reasonably practicable after the date of satisfaction of the Secretary of State's Consent Condition and the LUL Condition the Developer shall prepare and submit to the Council a set of plans, drawings, elevations, a schedule of intended areas (which in relation to Residential Units shall be consistent with the Schedule of Habitable Rooms or as otherwise approved by the Council, such approval not unreasonably to be withheld) and uses and such other information appropriate to an application for detailed planning permission as the Council shall reasonably require in respect of the proposed Development (which shall comply with the LUL Agreement where applicable) for approval by the Council as the Detailed Design.” Grainger has complied with this condition as it has received planning permission for the Development (see below). This condition has been satisfied.
- 6.19. Planning Condition: This condition states “Following satisfaction of the Secretary of State's Consent Condition, the LUL Condition and the Design Condition the Developer shall:
- prepare the Planning Application and any other relevant and necessary supporting documentation which, to the extent not already approved pursuant to clause 6, shall be approved by the Council using the procedures set out in clause 6 (such approval not to be unreasonably withheld or delayed but subject always to clause 6.3);
 - submit the Planning Application to the Local Planning Authority as soon as reasonably practicable thereafter;
 - diligently pursue the grant of Planning Permission pursuant to the Planning Application and shall use its reasonable endeavours (subject as set out in this clause 7) to obtain at its own expense Satisfactory Permission as soon as reasonably practicable”.

- 6.20. Grainger received planning permission and conservation area consent on 12th July 2012 for mixed use development comprising class C3 residential, class A1/A2/A3/A4 uses (HGY/2012/0915 and HGY/2012/0921). A Section 106 Agreement was entered into on 11th July 2012. This condition has been satisfied.
- 6.21. Site Assembly Condition: This conditions states: "The Developer shall (subject as provided below) use its reasonable endeavours at its own cost to procure satisfaction of the Site Assembly Condition as soon as reasonably practicable after the date of this Agreement having regard to the need to minimise site assembly costs" The Site Assembly Condition is defined as:
- (a) the Developer completing the acquisition of and/or exchanging Unconditional agreement(s) (or such agreement(s) becoming Unconditional) for the acquisition of the freehold and/or leasehold interest in all Third Party Properties; and
 - (b) the Developer completing the acquisition of and/or exchanging Unconditional agreement(s) (or such agreement(s) becoming Unconditional) for the acquisition, release, termination or variation of all Adverse Interests so as to enable the Development to be carried out retained or used (including the provision of full vacant possession of the entirety of the Development Land); and
 - (c) the Developer completing the acquisition and/or exchanging Unconditional agreement(s) (or such agreement(s) becoming Unconditional) for the grant of any consent, waiver or approval in respect of or under any Adverse Interests so as to enable the Development to be carried out, retained and used; and
 - (d) a confirmed CPO being obtained in respect of any Third Party Property and any Adverse Interests to the extent not so acquired or released (as the case may be) or the subject of any Unconditional agreement in the manner provided in (a) to (c) above and a General Vesting Declaration being made pursuant to the provisions of the Compulsory Purchase (Vesting Declarations) Act 1981 ("Vesting Declaration") in relation to all of the interests comprised in such Third Party Property and/or in relation to such Adverse Interests vesting the same in the Council."
- 6.22. Grainger has been acquiring land within the Site boundary and has provided a summary of its progress in the Discharge of Conditions letter of 20th October 2015 attached at Appendix 6. This states that Grainger, the Council and LUL own 72% of the development site and at the date of this letter terms have been agreed to acquire three further freehold interests. This condition has not been satisfied for the purpose of the Development Agreement, but is capable of being satisfied. The purpose of this Cabinet Report is to enable this condition to be able to be satisfied by agreeing to make the CPO which clause (d) refers to (as set out at 6.21). Pre-condition (ii) does not require this condition to be satisfied at this point in time.

- 6.23. Stopping up Order Condition: This Condition states “The Stopping Up Order Condition shall be satisfied by the Developer obtaining the necessary road closure orders and/or diversion/stopping up orders in respect of any roads, footpaths and other public highways within and/or serving the Development Land and required for the carrying out of the Development and the use thereof following completion of the Development and shall be taken as satisfied on the expiry of any period during which such order or orders may be challenged without any challenge having been made, or if made any such challenge has been finally determined leaving in place such order or orders. The Developer agrees with the Council to use its reasonable endeavours at its own cost to procure satisfaction of the Stopping Up Order Condition as soon as reasonably practicable after the date of grant of the Satisfactory Permission.

The Stopping Up Order Condition is defined as: “the Developer securing the appropriate orders for the legal closure of all roads footpaths and other public highways and the diversion and/or stopping up of public utility apparatus within any road footpath right of way or other public highway to be so closed in accordance with clause 8 and in each case to the extent required in order to carry out and complete the Development in accordance with this Agreement”.

- 6.24. Grainger has provided a summary of its progress in complying with this condition in the Discharge of Conditions letter of 20th October 2015 at Appendix 6; and a plan showing the area of highway required to be stopped up in order to facilitate the carrying out of the development which is also at Appendix 6. Grainger state that it is their intention to submit an application for the stopping up of this road/ footpath and when received this will be dealt with by the Council under delegated authority as is standard procedure. This condition has not been satisfied for the purpose of the Development Agreement, but is capable of satisfaction for the purpose of Pre-condition (ii).

- 6.25. Necessary Consents Condition: This Condition states “The Developer agrees with the Council to use its reasonable endeavours to procure satisfaction of the Necessary Consents Condition as soon as reasonably practicable after the date of grant of the Satisfactory Permission.” The Necessary Consents Condition is defined as “those of the Consents apart from and excluding Satisfactory Permission to the extent required to enable commencement of the Development” The Consents are in turn defined as: “the Satisfactory Permission, all Planning Agreements, all other consents, permissions, agreements, licences and approvals under the Planning Act (and all other statutes containing provisions relating to town and country planning) (including the approval of any matters reserved by any such) building regulations and any other statute, by law or regulation of any Authority from time to time necessary for the Developer to undertake, complete and operate the Development in accordance with the provisions of this Agreement including (if they are destroyed or damaged) the reinstatement of the Works.”. Grainger have confirmed that this condition is capable of satisfaction in the Discharge of Conditions letter of 20th

October 2015 at Appendix 6 and it is considered there is sufficient time for their satisfaction before the commencement of the development, which is expected in 2017. This condition has not been satisfied for the purpose of the Development Agreement but is capable of satisfaction for the purpose of Pre-condition (ii).

- 6.26. Funding Condition: This Condition states “The Developer (acting reasonably and in good faith) agrees with the Council following satisfaction of the Planning Condition, the LUL Condition and the Site Assembly Condition to use reasonable endeavours to obtain sufficient funding on terms which are commercially acceptable to the Developer acting reasonably so as to enable the Development to be undertaken and completed in accordance with the provisions of this Agreement and in order to satisfy the Funding Condition. The Funding Condition shall be satisfied upon the Council’s receipt of notice by the Developer to the effect that funding for the Development has been secured by means of an unconditional agreement to provide such funding in a form which is acceptable to the Developer (acting reasonably).”
- 6.27. Grainger has provided a summary of its progress in complying with this condition in the Discharge of Conditions letter of 20th October 2015 at Appendix 6 with a letter from the Financial Director of Grainger and a letter from Barclays Bank, confirming that sufficient funds are in place to deliver the development. These letters are also at Appendix 6. This condition has not been satisfied for the purpose of the Development Agreement, however it should be noted that it is not required to be satisfied until the LUL and Site Assembly conditions have been satisfied. For the purpose of Pre-condition (ii) it is capable of being satisfied.
- 6.28. Viability Condition: This Condition states “As soon as reasonably practicable following satisfaction of the Planning Condition, the LUL Condition and the Site Assembly Condition the Developer agrees with the Council to prepare an appraisal for the Development utilising the pro-forma Appraisal in order to determine if the Viability Condition has been satisfied.”
- 6.29. Grainger has provided a summary of its progress in complying with this condition in the Discharge of Conditions letter of 20th October 2015 at Appendix 6. This condition is not required to be satisfied at this point in time, however the District Valuer Service (DVS), commissioned by the Council to review the Grainger appraisal, have undertaken a review and have confirmed that it is ‘of the view that the Viability Condition is capable of being satisfied’. It should be noted that it is not required to be satisfied until the LUL and Site Assembly conditions have been satisfied. Grainger have submitted a revised appraisal document which confirms that the viability condition is capable of being satisfied.

Overall position in relation to the Cabinet Resolution of 12 July 2014, and the making of a CPO

6.30. Overall, for the reasons given above, it is considered that the pre-conditions set out in the Cabinet Report of 12 July 2014 have been satisfied. However, even if any of those pre-conditions has not been satisfied, it is considered that the making of a CPO is still justified, having regard to the compelling case in the public interest which is set out in the following section of this report.

7. Justification for CPO

7.1. 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

7.2. 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 3. 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 3).

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

7.3. 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 3)), including²:

² Report by Nathaniel Lichfield & Partners, Seven Sisters Regeneration Project Economic Benefits Assessment dated October 2015.

- 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.

7.4. 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

7.5. 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.

7.6. 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 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.

7.7. 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

- 7.8. 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.
- 7.9. 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.
- 7.10. 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

7.11. Paragraph 16 of Appendix A to the Government's Circular Guidance on the use of CPO powers in s226(1)(a) cases provides as follows:

Any decision about whether to confirm an order made under section 226(1)(a) of the 1990 Act 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 planning framework for the area or, where no such up-to-date framework exists, with the core strategy and any relevant Area Action Plans in the process of preparation in full consultation with the community;
- (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) the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitments from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time-limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position;
- (iv) 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.

7.12. 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 planning framework for the area (see paragraphs 6.1 to 6.3 above);
- (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 7.3 to 7.9 above);
- (iii) Grainger has confirmed in the letter attached at Appendix 6 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 above.
- (iv) it is clear that any alternative proposals put forward have little prospect of delivering the required regeneration benefits (see section 5 above and 8.76 – 8.83 in the Statement of Reasons at Appendix 3).

7.13. These provisions are addressed in greater detail in the Statement of Reasons (see Appendix 3). Accordingly, it is considered that the matters set out in paragraph 16 of Appendix A to the Circular are satisfied. 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.

8. Local engagement

8.1. Grainger has undertaken local engagement, beginning in June 2007 and continuing to date. A detailed chronology of engagement is set out at section 7 and Appendix D of the Statement of Reasons, at Appendix 3, which outlines:

- Consultation and engagement through all of the planning applications exceeding the statutory requirements;
- A specific focus on engagement with the Seven Sisters Market traders including an open meeting with all of the market traders and a series of meetings held with market representatives in 2008;
- In December 2014, following the granting of planning permission and the Cabinet resolution to agree in principle to using CPO powers, Grainger's agents were instructed to engage with all affected property owners and lessees on an individual basis in order to begin to agree terms for Grainger to acquire their interest;
- In 2015 these individual negotiations continued and Grainger continued to provide general updates through newsletters and a project website and held invite-only drop-in events in June 2015 for affected property owners and

tenants who are not in active negotiations with Grainger about the sale of their interests; and

- On-going engagement which includes further drop-in events, quarterly newsletters and project website updates, as well as continuing to engage and negotiate with affected property owners and lessees.

8.2. The Council and Grainger have jointly issued a newsletter, the purpose of which is to keep the community informed of process on the Seven Sisters Regeneration project. The newsletter was sent in June 2015 to approximately 9000 properties, including businesses and residential homes. A copy can be found on the Seven Sisters Regeneration website.

8.3. The Council have undertaken several public consultations on the Wards Corner development and the Seven Sisters area including:

- Council-led consultation for the planning application submitted by Grainger for the Wards Corner site (HGY/2012/0915). This consultation complied with the statutory 21 days period. The scheme was presented to a Development Management Forum on the 30th May 2012, which was attended by approximately 230 local people and businesses, and was also presented to the Haringey Design Panel on the 31st May 2012. Responses received at both of these events were considered as part of the Wards Corner Officers Report for Planning Committee on 25th June 2012.
- The emerging Tottenham Area Action Plan (AAP) includes the Seven Sisters area and specifically allocates the Wards Corner site for redevelopment. A period of public consultation was held on the Preferred Options Draft Tottenham AAP from 9th February 2015 to 27th March 2015. The responses received through the consultation have been considered and have informed the Proposed Submission Tottenham AAP which was considered by Cabinet on 20th October 2015 and will be considered by Full Council on 23rd November 2015.
- Various documents which have informed the planning framework for the Seven Sisters area and the site have undergone periods of public consultation, including the Upper Lee Valley Opportunity Area Planning Framework (2013) and the Wards Corner/ Seven Sisters Underground Development Brief (2004).

Council-owned properties

8.4. The Council owns one property, 12 Suffield Road, within the development site which is subject to a secure tenancy. A Right to Buy (RTB) application was received for that property in January 2014 but has since been withdrawn.

8.5. On the 2nd April 2012 the regulations on RTB changed the level of this discount that a secure tenant can claim when exercising their RTB. Secure tenants who

have lived in their property for at least five years have the right to claim a current maximum discount of £103,900 on the purchase of their properties through RTB.

- 8.6. Once a RTB application has been made the Council must proceed with the transfer if the secure tenant complies with all of the statutory conditions. If a transfer was to be completed the Council would then have to buy back the property or use its compulsory purchase powers as set out in this report to acquire it back.
- 8.7. In relation to 12 Suffield Road, the Council has carried out a consultation under section 105 of the Housing Act 1985 in compliance with its statutory duty to “consult its secure tenants on matters of housing management such as changes to the management, maintenance, improvement or demolition of houses let by them, or changes in the provision of amenities”. This consultation ran from Monday 5th October 2015 to Monday 2nd November 2015.
- 8.8. Consultation responses are awaited but relevant Council officers have met with the affected tenant. Once any consultation comments have been considered (and assuming demolition is still to go ahead) the Council will assess the needs of the tenant and take steps to enable the tenant to be re-housed with as little inconvenience as is possible, taking into account any housing needs which have been identified. The Council will also pay any compensation due to the tenant owing to ‘home loss and disturbance’.

Initial Demolition Notices

- 8.9. The Council can suspend a right to buy by serving a Demolition Notice under Sections 138A and 138B of the Housing Act 1985. A demolition notice is used to tell tenants and leaseholders that the Council plans to demolish their home in the future. It also details the reasons why this is necessary. Demolition notices come in two stages:
 - **Initial Demolition Notices (IDNs)** are usually issued when the local authority intends to demolish the property but has not yet planned when it will take place. A Final Demolition Notice must be issued before the demolition can take place.
 - **Final Demolition Notices (FDNs)** replace Initial Demolition Notices and are usually issued when the local authority has set a date for the demolition to take place.
- 8.10. An Initial Demolition Notice will expire seven years after the date of service of the notice. If a Final Demolition Notice has not been issued in that time then

everybody affected will have to be informed that the Initial Demolition Notice has ceased to be in force, and the reason why. Once an IDN has ceased to be in force then another one cannot be issued for five years (unless the Secretary of State consents). Final Demolition Notices are valid for two years.

- 8.11. In order to expedite the process for the Council in securing vacant possession of 12 Suffield Road it is recommended that the Council's Cabinet give approval for Officers to serve Initial Demolition Notices and Final Demolition Notices (when appropriate). It is believed that 12 Suffield Road can be demolished within the timescales set by the IDN and FDN periods.

9. Next steps

- 9.1. If the Cabinet agrees to the use of CPO powers then notice of the Council's resolution to use these powers will be sent to the landowners who are affected by this decision and the statutory CPO process for the preparation and making of the Order will be followed.
- 9.2. The CPO itself will not be sealed, issued and served until such time as the Developer has served the relevant Developer's Stage 2 Notice as set out in the Indemnity Agreement. The Stage 2 Notice requests that the Council comply with a number of provisions which are detailed in the Indemnity Agreements at clause 6.2, including taking all necessary steps to enable the CPO to be made and other specific actions relating to the making of the CPO. The Developer is entitled to serve the Stage 2 Notice within six months after the Council has resolved to make the CPO.

10. Contribution to strategic outcomes

- 10.1. The resolutions outlined in this report will contribute towards the following strategic priority outcomes in the Corporate Plan:
- Priority 3 – Clean and Safe: A clean, well maintained and safe borough where people are proud to live and work;
 - Priority 4 – Sustainable housing, growth and employment: Drive growth and employment from which everyone can benefit. (Transport, broadband, skills, carbon reduction, strategic development); and
 - Priority 5 – Sustainable housing, growth and employment: Create homes and communities where people choose to live and are able to thrive. (Housing).

11. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Comments of the Chief Finance Officer and financial implications



- 11.1 Within the Development Agreement there are 2 conditions that are primarily financial in nature, the Funding condition as outlined at 6.26 and the Viability condition as outlined at 6.28. With regard to the Funding condition the information supplied by both Grainger's and Barclays Bank demonstrates that this condition is capable of being satisfied as they show both the existing funding Grainger have available and evidence of their ability to acquire additional funding where necessary. With regard to the Viability condition, the Council commissioned the District Valuation Service (DVS) to review the information provided by Grainger and they have concluded that 'the Viability Condition is capable of being satisfied.'
- 11.2 As the Development Agreement just requires the relevant conditions to be capable of being satisfied at this point, then it is appropriate for the Council to proceed to the CPO stage, however progress against these conditions will need to be closely monitored as the project progresses.
- 11.3 The wider Seven Sisters Regeneration project is expected to contribute positively to Council priorities around Economic Growth, particularly with regard to additional housing and employment opportunities.
- 11.4 It is expected that the costs of the CPO process will be covered by Grainger under the indemnity agreement, the Council will need to assure itself that all risks have been fully mitigated before commencing with the CPO process.

Comments of the Assistant Director of Corporate Governance and legal implications

- 11.5. The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.
- 11.6. The Council is being asked to use its Town and Country Planning Act 1990 (the Planning Act) compulsory purchase powers to help implement this regeneration scheme.
- 11.7. The CPO would therefore be made using planning powers pursuant to Section 226(1) (a) of the Town and Country Planning Act 1990. Section 226(1)(a) of the Planning Act enables authorities with planning powers to exercise their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on or in relation to land. It would not be reasonable to make a CPO if it were clear that all interests could be acquired by agreement. Section 226(1A) provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area. In deciding whether to make a CPO using planning powers, the Council would

be required to demonstrate that there is sufficient justification for acquiring the land compulsorily and that there is a compelling case in the public interest for a CPO. This is set out in the draft statement of reasons attached in Appendix 3 to this report.

- 11.8. In addition, the relevant government guidance (Circular 06/2004) states that any programme of land assembly must be set within a clear strategic framework. The guidance goes on to state that such a framework will need to be founded on an appropriate evidence base and to have been subject to consultation processes, including with those whose property is directly affected. Cabinet when making the CPO, and the Secretary of State, when considering whether to confirm it, would be required to have regard in particular to whether the purpose for which the land is being acquired fits with the adopted planning framework for the area.
- 11.9. The Human Rights Act 1998 effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making decisions Members therefore need to have regard to the Convention. The rights that are of particular significance to Cabinet's decision are those contained in Articles 8 (right to home life) and Article 1 of Protocol 1 (peaceful enjoyment of possessions). It is considered that the process of making of a CPO and confirmation after consideration of objections complies with Article 6 of the Convention.
- 11.10. Article 8 provides that there should be no interference with the existence of the right except in accordance with the law and, as necessary in a democratic society in the interest of the economic well-being of the country, protection of health and the protection of the rights and freedoms of others. Article 1 of the 1st Protocol provides that no-one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law although it is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.
- 11.11. In determining the level of permissible interference with enjoyment the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.
- 11.12. Therefore, in deciding whether to proceed with the recommendations, Cabinet needs to consider the extent to which the decision may impact upon the Human Rights of the landowners and residents and to balance these against the overall benefits to the community, which the redevelopment will bring. Members will wish to be satisfied that interference with the rights under Article 8 and Article 1 of Protocol 1 is justified in all the circumstances and that a fair balance would be

struck in the present case between the protection of the rights of individuals and the public interest.

- 11.13. Overall, it is considered that the use of compulsory purchase powers in this case is justifiable in the light of the relevant provisions of the Convention.
- 11.14. Right to Buy can be exercised by secure tenants and will affect one property within the development site in the Council's ownership and known as 12 Suffield Road. In order to suspend the Right to Buy the Council must serve an Initial Demolition Notice and in order to stop the Right to Buy the Council must serve a Final Demolition Notice as set out in paragraph 8.9 - 8.11 of this report. Members should note the time limits.
- 11.15. The Council must carry out a consultation with the Council's secure tenant at 12 Suffield Road pursuant to Section 105 of the Housing Act 1985. Under this provision the Council must and thereafter maintain such arrangements as it considers appropriate to consult with its secure tenants (including demoted ones). The arrangements must enable the secure tenant to be informed of the Council's proposals and to make their views known to the Council within a specified period of time and for the council to consider any representations.

Equalities and Community Cohesion Comments

- 11.16. The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - advance equality of opportunity between people who share those protected characteristics and people who do not;
 - foster good relations between people who share those characteristics and people who do not
- 11.17. A full Equalities Impact Assessment ('EQIA') was commissioned by the Council in 2012 as part of its consideration of the planning application that resulted in Grainger's planning permission for the Wards Corner site. That EQIA demonstrated overall that:

'the planning application proposal is unlikely to give rise to major negative equality impacts provided all the measures set out in the S106 agreement are honoured in full and in a timely manner, as well as other recommended mitigation measures set out in this report.'

11.18. A further EQIA was commissioned by the Council in 2015 for the Wards Corner CPO and can be seen at Appendix 5. This EQIA finds that the Wards Corner CPO would bring about the following positive outcomes:

- an improved public realm in terms of safety, crime and accessibility. People sharing equality protected characteristics are likely to be able to share in these benefits;
- increased provision of additional family housing. However, it remains the responsibility of LB Haringey to enable equal access to housing in the borough;
- transport infrastructure improvements, including benefits for inclusive travel;
- employment benefits, though it is noted that there may be some residual risks concerning the sharing of benefits amongst some BAME employees of the existing market stalls and shops;
- business opportunities, particularly in the retail sector.'

11.19. The EQIA identifies a number of equality issues which could potentially arise from the development plans and CPO. The Council needs to be aware of these issues and put in place mitigating measures to limit adverse impacts where appropriate. Potential equality issues identified by the EQIA include:

- The impact and disruption on those households and tenants who will have to relocate as a result of the CPO.
- The impact on those businesses and stall holders who will be affected by the redevelopment of the market. Concerns have been raised by market stall holders over uncertainty regarding the viability of existing businesses both during the redevelopment period and as part of the future completed development. The EqIA identified that there is a high concentration of businesses/stall holders who are ethnically part of the Hispanic/Latin American community, and that the Wards Corner market has strong ties to this particular ethnic group.

11.20. Mitigating actions included in the Section 106 agreement to help address these issues include:

- A temporary location for the market will be found whilst the redevelopment takes place, and a Traders Financial Assistance Sum will contribute to relocation costs;
- Requirement that the new market operator will offer all existing traders a stall in the new market of an equivalent size and at a rent or fee which is 30% less than would be chargeable on the open market for the first 18 months;
- As part of his response to the Grainger planning application (ref. HGY/2012/0915), the Mayor of London agreed to enter into arrangements with the London Borough of Haringey to provide financial support to the small

businesses in the existing market during the regeneration period. The Mayor of London has delegated to TfL to enter into this agreement with the Council to provide £284,500 to assist in resourcing the temporary relocation of Seven Sisters market following its temporary closure as planned to allow for the regeneration of Wards Corner. This is additional to the Traders Financial Assistance Sum agreed between Grainger and the Council in the S106 agreement;

- Monitoring involving updating a study of business owners, stallholders and other employees working at the market;
- To help mitigate adverse impacts of using a CPO it is recommended that Grainger continues to seek to secure private purchase prior to a CPO inquiry stage;
- In the case of residents of housing association homes the housing authority (LB Haringey) should brief the housing association with the objective of identifying suitable alternative provision for affected tenants;
- In the case of short hold residents of council housing LB Haringey should engage with existing tenants regarding their requirements and possible alternative accommodation choices within the local area;
- A consultation exercise has been carried out and discussions are underway with the secure tenanted household;
- The developer is required to develop a Marketing and Letting Strategy for the Residential Development which focuses initially on local residents.

11.21. The EQIA states that 'suitable mitigation measures are in place to prevent negative equality effects as a direct result of the CPO'. It goes on to recommend that the Council should ensure that all stakeholders are kept informed in relation to the compulsory purchase process and that next steps regarding the CPO and the S106 Agreement are clearly communicated to them and that Grainger should seek to secure private purchase of remaining freeholder and leaseholder interests prior to CPO resolution. If this is unsuccessful it should then seek to secure private purchase prior to CPO inquiry stage. The EQIA concludes that 'It is not considered that residual negative equality effects of the proposed development, as realised by the CPO, will amount to illegal discrimination. The positive benefits of the development for promoting the economic wellbeing of the area are considered to outweigh any residual negative equality effects.'

Head of Procurement Comments

11.22. There are no procurement implications arising from this Report.

12. Appendices

Appendix 1 – Order Plan

Appendix 2 – Ownership Plan

Appendix 3 – Statement of Reasons



Appendix 4 – Schedule of Interests (exempt)

Appendix 5 – Equalities Impact Assessment of the CPO

Appendix 6 – Evidence of compliance with the Cabinet and Development Agreement Pre-conditions (part exempt)

Appendix 7 – Cabinet minute from 15 July 2014

Appendix 8 – Section 106 agreement between the Council, Grainger and NDPT dated 11 July 2012

Appendix 9 – Development Agreement between the Council, Grainger Seven Sisters Ltd and NDPT dated 3 August 2007 and revised 23 January 2015 (exempt)

13. Local Government (Access to Information) Act 1985

- a. Cabinet Report dated 15 July 2014.
- b. Request for Mayoral Decision, 'Wards Corner regeneration' dated 17 August 2012 GLA.
- c. Report by Nathaniel Lichfield & Partners, Seven Sisters Regeneration Project Economic Benefits Assessment dated October 2015.
- d. Development Appraisal submitted by Grainger dated 29 September 2015.

Exempt information

- e. Schedule of interests (Appendix 4)
- f. Letters from Grainger plc dated 20th October 2015 (part of Appendix 6)
- g. Northumberland and Durham Property Trust Ltd (NDPT) Financial Statements dated 30 September 2014 (part of Appendix 6)
- h. Development Agreement between the Council, Grainger Seven Sisters Ltd and NDPT dated 3 August 2007 and revised 23rd January 2015. (Appendix 9)

This information is exempt by virtue of one or all of the following paragraphs of Schedule 12A to the Local Government Act 1972 (as amended) namely:

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).