

**THE LONDON BOROUGH OF BARKING AND DAGENHAM  
(GASCOIGNE ESTATE (WEST) PHASE 2, BARKING)  
COMPULSORY PURCHASE ORDER 2020**

**THE HOUSING ACT 1985  
AND  
THE ACQUISITION OF LAND ACT 1981**

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**STATEMENT OF REASONS  
FOR MAKING THE ORDER**

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# 1 INTRODUCTION

- 1.1 On the 9<sup>th</sup> December 2020 the London Borough of Barking and Dagenham (“**the Council**” or “**the Acquiring Authority**”) made the London Borough of Barking and Dagenham (Gascoigne Estate (West) Phase 2, Barking) Compulsory Purchase Order 2020 (“**the Order**”) pursuant to section 17 of the Housing Act 1985. The Council resolved to make the Compulsory Purchase Order through the Council’s Cabinet on 27<sup>th</sup> January 2015, a decision updated on the 16<sup>th</sup> July 2019 due to the period of time since the original resolution.
- 1.2 This document is the Statement of Reasons for the Order, the purpose of which is to justify and clearly set out the reasons for making the Order. This Statement of Reasons has been prepared in compliance with both paragraphs 21 and 154 of the Ministry of Housing, Communities and Local Government’s Guidance on Compulsory Purchase Process and The Crichel Down Rules (July 2019) (“**the CPO Guidance**”).
- 1.3 This statement is not a statement under Rule 7 of the Compulsory Purchase by Non-ministerial Acquiring Authorities (Inquiries Procedure) Rules 2007 and the Acquiring Authority reserves the right to alter or expand it as necessary for the purposes of Rule 7.
- 1.4 In this document the land included within the Order is referred to as “**the Order Land**”.
- 1.5 The purpose in making the Order is to facilitate the delivery of housing led renewal of the Order Land, which forms phase 2 of the redevelopment of the western part of the Gascoigne Estate (“**the Estate**”) also known as Gascoigne Estate West. The wider development of the Gascoigne Estate West will deliver affordable and market housing together with flexible commercial / community floor space as part of a comprehensive redevelopment (“**the Scheme**”). The redevelopment has consent to deliver a maximum of 850 new homes and 350 sq. m. of flexible non-residential accommodation across three delivery phases.
- 1.6 The Order Land focuses on phase 2 of the redevelopment, which is referenced as development parcels 6A, 6B and 7 within the planning consent. Phase 2 relates to the highest density part of the redevelopment – the three development parcels together have the capacity under the planning consent to deliver up to 471 residential units subject to detailed design. A planning application was submitted in August 2020 for the delivery of 386 residential units and a 202 sq. m. residents hub.
- 1.7 The proposed redevelopment of the Gascoigne Estate West forms part of the Council’s programme of enhancing the entirety of the Gascoigne Estate. The Gascoigne Estate was developed during the 1960s and 1970s is divided into ‘East’ and ‘West’ by Gascoigne Road.
- 1.8 Gascoigne Estate East has, to date, been the focus of the Council’s regeneration efforts reflecting the higher priority of this estate for intervention. The redevelopment of large parts of the Gascoigne Estate East is underway with the Council having secured two Compulsory Purchase Orders to deliver

the project: The London Borough of Barking and Dagenham (Gascoigne East Phase 1 and 2, Barking) Compulsory Purchase Order 2015 was confirmed by the Secretary of State on 18 July 2016 and The London Borough of Barking and Dagenham (Gascoigne (East) Phase 3, Barking) Compulsory Purchase Order 2018 was confirmed by the Secretary of State on 5 September 2018. The first residential units within Phase 1 of the redevelopment of the Gascoigne Estate East were completed in 2018, Phase 2 commenced in March 2020 and is due for completion in 2023 and Phase 3 is to commence in January 2021.

- 1.9 With redevelopment of the eastern part of the Estate now underway, the Council is looking to deliver the same regenerative benefits to Gascoigne Estate West and the purpose of the Order is to enable the land assembly required to be completed so to advance the redevelopment.
- 1.10 The Order is required to secure those interests in the Order Land not already held by the Council so to ensure that the land comprising Phase 2 of the Gascoigne Estate West redevelopment can be delivered in order to deliver the benefits of the Scheme.
- 1.11 This Statement of Reasons explains the justification for the confirmation of the Order, heeding the advice provided in the Guidance on the use of its compulsory purchase powers in making the Order. The considerations that are to be considered by the Secretary of State in deciding whether or not to confirm a compulsory purchase order will be addressed within the Statement of Reasons using the following structure:
- (i) Power under which the Order has been made
  - (ii) The Order Land & interests to be acquired
  - (iii) The need for regeneration
  - (iv) The Proposals for Redevelopment
  - (v) The purpose for making the Order
  - (vi) The Planning Framework in respect of the Order Land
  - (vii) Relevant Corporate Policies
  - (viii) Justification for the use of Compulsory Purchase powers
    - (a) Consistency with the planning framework for the area
    - (b) Well-being benefits
    - (c) Financial viability/funding
    - (d) Alternatives
    - (e) No impediments to delivery
    - (f) Reasonable steps to acquire land by agreement
    - (g) Compelling case in the public interest

- (ix) Legal and Other regards
  - (a) Human rights
  - (b) Consultation
  - (c) Related Orders
  - (d) Conservation Areas and Listed Buildings
  - (e) Public sector equality duty
- (x) Conclusions

## 2 ENABLING POWER

- 2.1 The Council is exercising its powers pursuant to Section 17 of the Housing Act 1985 (“**the 1985 Act**”) for the purpose of the provision of housing accommodation that will achieve a qualitative and quantitative housing gain by carrying out the Scheme to develop and regenerate homes in the area.
- 2.2 The Council acknowledges that Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) (**‘TCPA 1990’**) provides a suitable alternative enabling power. The exercise of compulsory acquisition powers in respect of the Order Land, the redevelopment of which forms part of the Scheme which is being delivered in multiple phases, will facilitate the carrying out of development, redevelopment or improvement on, or in relation to the land being acquired. The Scheme will also achieve the promotion or improvement of the economic, social and environmental well-being of the area. However, whilst the Order could have been promoted under Section 226 TPCA 1990, the Council believes that Section 17 Housing Act 1985 is the most appropriate power given the development’s focus on the delivery of new housing.
- 2.3 The Council has had regard to paragraph 139 of Section 5 of the CPO Guidance which confirms that the Council’s use of its housing powers is appropriate even where the Order could have been made under planning powers instead. The CPO Guidance states *“Where an authority has a choice between the use of housing or planning compulsory purchase powers...the Secretary of State will not refuse to confirm the CPO solely on the grounds that it could have been made under another power.”*
- 2.4 When detailing its case for the justification for the use of compulsory purchase powers, as well as evidencing that the Scheme will achieve a quantitative and qualitative housing gain to be delivered within the requisite 10 years, this Statement of Reasons will also detail how the factors to be taken into account by the Secretary of State when deciding whether to confirm an order under section 226(1)(a) have been met (as listed in paragraph 106 of the CPO Guidance).

### **3 DESCRIPTION AND LOCATION OF THE ORDER LAND**

- 3.1 The Order Map shows the leasehold interests to be acquired compulsorily. The Order Map has been carefully delineated to ensure the land to be acquired is only what is required to facilitate the delivery of the Scheme.
- 3.2 The Order Land includes 3 leasehold interests in residential property situated within the Estate that fall outside of the Council's ownership having been sold originally under the Right to Buy scheme.
- 3.3 The properties included within this Order include all interests that are outside of the Council's ownership within the following properties:
- 3.3.1 30 Linsdell Road – a flat located within a residential block (Plot 1);
- 3.3.2 37 Linsdell Road – a flat located within a residential block (Plot 2);
- 3.3.3 2 Linsdell Road – a flat located within a residential block (Plot 3);
- 3.4 The Order Map identifies the land within which the leasehold interests to be acquired are situated. The individual plot boundaries and numbers correspond with the Schedule to the Order. This schedule has been prepared based upon information gathering through the Land Registry title documents, site inspections, enquiries and the responses to the notices issued under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

### **4 THE NEED FOR REGENERATION**

- 4.1 The Order Land is located within the Gascoigne West estate renewal area, part of Gascoigne Estate, one of the Council's largest housing estates. It was constructed between 1966 and 1971 following a slum clearance programme to demolish Victorian housing. Only two buildings remain from prior to the comprehensive estate development, the Hope Pub and the courtyard dwellings on Abbey Road.
- 4.2 The Gascoigne Estate has maintained for many decades a poor reputation within the Barking and Dagenham area. Prior to the Council implementing its regeneration strategy the Gascoigne Estate suffered from underinvestment. Neighbourhood facilities, such as community facilities, services and shops remain poor. Furthermore, the Gascoigne Estate remains low on many socio-economic indicators such as health, education attainment, proportion of adult residents with high skills, and suffers from high crime levels.
- 4.3 It is recognised that the physical environment can influence behaviour, with good design reducing antisocial behaviour, crime levels and also positively affecting residents' lifestyles through promoting pride, a sense of belonging and increasing prosperity through social mobility. Unfortunately the design and layout of the Gascoigne Estate promotes a poor urban environment and is a contributing factor to some of the Gascoigne Estate's problems, a matter that is further exacerbated by these

problems creating a negative perception of the Gascoigne Estate. This results in a comparatively low level of Right to Buy purchases on the estate meaning that the tenure and economic profile remains as existing.

- 4.4 The Estate's poor design issues are well established and understood. The layout of the Estate, which is based on distributor roads and cul-de-sacs, results in poor legibility and permeability across the Estate resulting in areas of poor natural surveillance which helps promote antisocial behaviour and crime. The Estate is also characterised by a number of small landscaped amenity areas and external parking courtyards. This creates a very open 'estate' feel with large residential blocks separated by large areas of hard-standing and amenity planting, but whilst functional, these areas offer very limited useable benefit, and create a layout which limits east-west pedestrian or vehicular movement, and lacks legibility.
- 4.5 Attempts to address issues on the Gascoigne Estate began in the early 1990s where the Council funded £8million of environmental improvements including: the installation of improved lighting; providing more car parking; undertaking landscaping works to improve the public urban realm; introducing new play facilities to enhance public open amenity space; creating defensible space around each block; and trying to reduce the perception of the size of the Estate by creating nine 'neighbourhood areas' within the Gascoigne Estate in an attempt to address poor legibility and permeability. These interventions were completed following full consultation with local residents and funded from the Council's Capital Works Programme.
- 4.6 Following on from these an evidence base was built up to explore further improvements. During 1997 and 1998 the Single Regeneration Board project outlined the opportunities for improvement and regeneration of the Gascoigne Estate recommending the demolition of three high rise blocks on the Gascoigne Estate (in the eastern part of the estate).
- 4.7 Following this an Estate Action Plan was developed in partnership with the community and adopted by the Council in 2000. The key objectives of this plan were to: undertake an evaluation of the future of all of the high rise blocks; achieve improvements to the low rise flats; tackle general estate conditions; and, promote social inclusion programmes.
- 4.8 The Estate Action Plan resulted in the demolition of three of the high rise blocks identified as being amongst the worst in the Gascoigne Estate (Curfew, Ardleigh and Gateway) and the redevelopment of the land which these blocks sat upon to create 150 units. This development was completed in 2004.
- 4.9 It was intended that the redevelopment of this area of land would form the catalyst for a longer term renewal of the Estate, but the lack of financial viability and options analysis for the Estate Action Plan's aspirations, together with the changes in grant criteria and cross subsidy arrangements,

resulted in a decision being made that the redevelopment of the Gascoigne Estate needed to be considered on a holistic and comprehensive basis.

- 4.10 This led to a collaborative report entitled the Gascoigne Regeneration Framework (2009) ('GRF') being undertaken by the Council and English Partnerships in which it was identified that a number of blocks in the Estate had reached the end of their projected lifespan and were in need of urgent action. An exercise was undertaken which evaluated the cost of maintaining and/or improving the properties against the potential to redevelop the entire estate, which concluded that the more cost-effective approach was to redevelop the Gascoigne Estate. It was also acknowledged that this option had the potential to deliver far wider reaching environmental, social and economic improvements, with the GRF highlighting that it was vital to lose the Gascoigne Estate's perception of being an 'estate' and for it instead to become a fully integrated part of an extended town centre. The GRF identified a number of shortcomings within the Estate, including: (i) the introverted nature of the Estate and its poor connectivity to its surroundings; (ii) the lack of natural surveillance over pedestrian areas and the illegibility of some pedestrian routes; and (iii) the underutilisation of public spaces, a function of poor design. While the GRF identified the western part of the Gascoigne Estate as having a less immediate need for regeneration, this part of the estate suffers from the same challenges.
- 4.11 Identifying that the public investment that had been made in the Gascoigne Estate in the 1990s had not addressed the core issues originally identified, and that the only method to address these was to tackle the fundamental issues in respect of the design and layout of the Estate, together with the quality of buildings so to rectify the poor perception of the Estate and the mono tenure environment, the Council followed the recommendation of the report and set out an ambition for the redevelopment of the entire Estate in the Council's Regeneration Strategy 2008 - 2013. The Regeneration Strategy established an objective for the comprehensive redevelopment of the Gascoigne Estate with an ambition to commence redevelopment by 2009.
- 4.12 In July 2010 the Cabinet agreed to an estate renewal programme for the Gascoigne Estate. This agreement and subsequent agreements made by Cabinet resulted in funding allocation for the Gascoigne Estate to be redeveloped.

## **5 THE PROPOSALS FOR THE DEVELOPMENT**

- 5.1 In June 2017 the Council submitted an outline planning application (with all matters reserved) (ref: 17/00977/OUT) to deliver a maximum of 850 homes and up to 350 square metres of flexible commercial/community floor space with associated means of access, car parking, landscaping, service infrastructure including an energy centre and associated works. Planning permission was granted on the 14<sup>th</sup> December 2018.
- 5.2 The wider proposals of the application are broken down into eight parameter plans which will control the reserved matters and be secured by condition. The parameter plans define seven development



parcels within which future development should be brought forward, namely 1 – 7 with (6 being split into 6a and 6b).

5.3 Details of the masterplan which forms the outline planning application are provided below.

#### Gascoigne West Masterplan

5.4 The Council and appointed architects Fraser Brown MacKenna (“FBM”) prepared a masterplan for the Gascoigne West renewal area, which comprises 3.76 hectares of land located on the northern and western edges of the larger 1960s Gascoigne West estate. The Masterplan will be delivered in three distinct phases with a set of parameters established to deliver:

- A maximum of 850 residential dwellings to be delivered across three development phases;
- Up to 350 square metres of flexible commercial/community floor space (Use Classes A1, A2, A3, D1, D2) at ground floor level within development parcels 3 and 4.
- Associated means of access, car parking, landscaping, service infrastructure including an energy centre and associated works.

5.5 The proposals seek the redevelopment of the western part of the Gascoigne West. The area proposed to be redevelopment comprises 179 residential units. Replacement of these units will provide up to 850 new dwellings, a potential uplift of 671 residential units. 97 of the existing properties are social rent units and these are proposed to be re-provided.

5.6 The reserve matters planning application provides an indicative tenure mix to be delivered as 489 private units (57.5%) and 361 sub-market housing units (42.5%). The sub-market housing units (subject to grant funding) provide: 78 affordable rent (22% of the sub-market housing), 109 target rent (30%) and 174 shared ownership (48%). As a whole the development will provide for 2,227 habitable rooms and will provide for a range of housing types comprising a mix of studios and flats with an indicative residential mix of studios to three bed flats.

#### Phasing of Proposals

5.7 The approved Scheme will be developed in three phases over an anticipated 8-year period between 2021 and 2029. The summary of the phases is outlined below:

- (i). **Phase One** (entirely outside the Order Land) will provide up to 211 residential units over development parcels 1, 2 and 3.
- (ii). **Phase Two** (entirely within Order Land) will deliver up to 471 residential units across development parcels 6A, 6B and 7. Reflecting the location of this phase the development is free from car parking spaces.
- (iii). **Phase Three** (entirely outside of the Order Land) will deliver up to 168 residential units across development parcels 4 and 5.

5.8 The Order Land relates to Phase 2 of the redevelopment focusing on development parcels 6A, 6B and 7 under the planning permission.

Planning Applications under Outline Consent

5.9 The Council has successfully purchased by agreement all the properties required to take forward the first phase (Parcels 1, 2 and 3) and submitted a Reserved Matters Planning Application (ref: 19/01321/REM) in August 2019 to deliver 201 residential units. This was approved in December 2019 and since this date a series of conditions have been discharged.

5.10 In August 2020 a slot-in planning application for phase 2 was submitted (ref: 20/01675/FULL) relating to development plots 6A, 6B and 7. The application proposes the delivery of 386 residential units and a 202 sq. m. residents hub (use classes D1/A1/A3/B1) in five blocks ranging from 3 to 20 storeys in height. The units proposed to be delivered are summarised in the table below:

	<b>Target Rent</b>	<b>London Affordable Rent</b>	<b>Affordable Rent</b>	<b>Market Rent</b>	<b>Total</b>
1 Bed	9	6	46	38	<b>99</b>
2 Bed	22	8	60	12	<b>210</b>
3 Bed	29	32	16	0	<b>77</b>
<b>Total</b>	<b>60</b>	<b>46</b>	<b>122</b>	<b>158</b>	<b>386</b>

5.11 The proposed development replaces 90 existing residential units, resulting in a net increase of 296 units on the Order Land.

5.12 The proposals deliver 228 affordable units, equating to an affordable housing provision of 59% by unit number (61% on a habitable room basis). Not only does the proposed scheme deliver additional units, it provides an range of affordable tenures and increases the provision of social rented (target rent) accommodation replacing 46 existing units which are currently let at target rents with 60 new units. The increase in units also relates to an increase in habitable rooms (+58 additional habitable rooms above existing) and floorspace (an additional 1,273 sq. m. of social rent floorspace is provided).

**6 THE PURPOSE FOR MAKING THE ORDER**

6.1 The Council is seeking to assemble under its ownership the land included in the Order to secure the carrying out of redevelopment, renewal and improvement by means of a comprehensive housing led redevelopment and renewal scheme. As outlined in **Section 5**, the consented Scheme provides for the development of up to 850 new homes, a neighbourhood centre including community uses, retail and other activities and landscaping (“the Scheme”) with Phase 2 of the development delivering up

to 471 new homes. A planning application has been submitted for the delivery of 386 residential units within phase 2.

- 6.2 The purpose of the Order is therefore to acquire all interest in land not in the Council's ownership, where agreement cannot be reached, in order to achieve delivery of the Scheme.
- 6.3 As outlined in the CPO Guidance acquiring authorities should seek to acquire the interests of property and land owners by agreement, relying on compulsory purchase as last resort. Negotiations have been pursued with those affected by the Order with success: the Council has purchased 41 properties by agreement and of the 3 properties included within the Order, agreement has reached with each of the property owners with transactions progressing through the conveyancing process. The purpose of the CPO is therefore to ensure that possession of the properties can be secured in the event that these acquisitions do not complete within a reasonable time period.
- 6.4 By making the Order, the Scheme can be delivered as intended and will contribute to achieving a number of key Council priorities and objectives as will be outlined in following sections.

## **7 THE PLANNING FRAMEWORK IN RESPECT OF THE ORDER LAND**

- 7.1 For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2014, the statutory Development Plan covering the Order Land comprises the London Plan (2016) and the Barking and Dagenham Local Plan which is made up of several Development Plan Documents ('**DPDs**') including the Core Strategy DPD (July 2010), the Site Specific Allocations DPD (December 2010), the Barking Town Centre Area Action Plan DPD (February 2011) and the Proposals Map DPD (February 2012).
- 7.2 Relevant material considerations include the National Planning Policy Framework (the "**NPPF**"), the Mayor's Housing SPG (March 2016) the Town Centres SPG (July 2014) and the Draft London Plan (Intend to Publish Version December 2019) (the "**Draft London Plan**").

### **The London Plan (2016) and the Draft London Plan (Intend to Publish Version December 2019)**

- 7.3 The London Plan and the Draft London Plan support the provision of additional housing in London and strengthening the vitality and viability of designated town centres. Therefore, the London Plan and the Draft London Plan provides strong support for the redevelopment of the Estate to provide new and additional quality dwellings.
- 7.4 Barking Town Centre is classified in the London Plan as a Major town centre and is referenced as having scope for intensification as part of the London Riverside Opportunity Area (Opportunity Area 22) with the Opportunity Area identified as having the potential to deliver a minimum of 26,500 new homes. In the Draft London Plan this figure is increased to 44,000 new homes.

- 7.5 The London Plan set a target of 1,236 new homes per year for Barking and Dagenham with a 5% buffer increasing this figure to 1,298. The Draft London Plan increases this figure to 1,944 new homes per year (19,440 over 10 years)
- 7.6 London Plan Policy 3.14 resists the loss of housing including social housing, unless it is replaced at existing or higher density with at least an equivalent floorspace re-provided. Meanwhile Policy H8 of the Draft London Plan resists the loss of housing including affordable housing, unless it is replaced with at least an equivalent floorspace re-provided.
- 7.7 At paragraph 3.82 the London Plan sets out that estate renewal should take into account benefits to the local community and that affordable housing should not be replaced unless it is replaced by better quality affordable housing, albeit it acknowledges that the proportion of affordable housing in the surrounding area should also be considered, aligned to Policy 3.9 which states:
- (a) Communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment.
  - (b) A more balanced mix of tenures should be sought in all parts of London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation.
- 7.8 Paragraph 4.8.4 of the Draft London Plan states that regardless of whether the project includes the demolition and replacement of affordable homes, it is important that all such schemes are delivered with existing and new residents and communities in mind.
- 7.9 Paragraph 4.8.5 states that estate regeneration that involves the loss and replacement of affordable housing should deliver an uplift in affordable housing wherever possible. Even where this is not viable, all development proposals that include the demolition and replacement of affordable housing are required to follow the viability tested route.
- 7.10 The Mayor's Housing SPG (March 2016) recognises that to achieve no net loss in affordable housing, it may be necessary for redevelopment to be at higher densities to generate sufficient value from market housing (para 5.1.16). In respect of calculating whether there is a loss of affordable or overall housing, para 5.1.14 of the Housing SPG states that calculations can be made on the basis of habitable rooms rather than dwellings where the redevelopment of the estate is providing a housing mix more appropriate to the needs of both existing and prospective future residents – for example where there is increased provision of dwellings for larger households. The Mayor of London's Housing Strategy (May 2018) promotes that there is no loss of affordable housing on estate regeneration projects and that these should be replaced on a like-for-like basis (Policy 4.3(D)) but

considers it appropriate to undertake the calculation on the basis of floorspace rather than on unit numbers (para 4.70).

### **Barking and Dagenham Local Plan (2010 - 2025)**

- 7.11 The Barking and Dagenham Local Plan 2010 - 2025 (formerly called the Local Development Framework) sets out policies for economic growth whilst ensuring those things which make the borough special are preserved or enhanced. It has been prepared over a number of years and now includes a range of DPDs including: the Core Strategy, the Borough Wide Development Policies (otherwise known as Development Management Policies), Site Specific Allocations, Barking Town Centre Area Action Plan, the Joint Waste Development Document, the Local Development Scheme and the Statement for Community Involvement. Supporting the Local Plan is a number of Supplementary Planning Documents.
- 7.12 At the heart of the Local Plan is the emphasis on place making through regeneration and renewal which will help to achieve sustainable communities. There is significant alignment between the objectives and policies outlined through the various documents in the Local Plan and vision and objectives for the Scheme as a whole. They share a common aspiration for economic, environmental and social regeneration of the area being generated and sustainable and that local people are able to derive maximum benefit from the development and regeneration process. To explore this point in more detail the relevant parts of the Local Plan are outlined below starting with the Core Strategy.

### **Core Strategy (2010)**

- 7.13 The Core Strategy provides the overarching development framework for growth in the Borough, setting out the strategic locations for growth. It sets overarching policies for development and sets out the overall scope, scale and principle for growth in the borough over the next fifteen years.
- 7.14 At the heart of the Core Strategy is the vision statement; at its centre is the raising of the quality of life for all residents and future population through social, economic and environmental changes. The vision is for a new community home to 60,000 new residents with 12,000 new jobs focused at Barking Riverside, South Dagenham, Dagenham Dock and Barking Town, combined with excellent transport links, improved wellbeing and a healthy community.
- 7.15 The Core Strategy identifies that 13% of the Council's housing stock is within high rise blocks, many of which do not meet Decent Homes standards and will need to be improved or redeveloped (para 2.7 and 2.30). Aligned with this is the need to deliver new affordable housing to meet both the existing and arising need (para 2.8).
- 7.16 The Core Strategy recognises that whilst the London Riverside Opportunity Area will deliver significant economic investment, employment opportunities, new housing and amenities, it will also have an inevitable impact on services that are already stretched and place pressure on the need to

build or expand existing schools, social and health care services so to ensure that the social infrastructure is provided to support growth (para 2.11).

7.17 The Core Strategy includes a number of strategic objectives which will help deliver the vision. The ones that relate to the Scheme are outlined below:

7.17.1 SO.1 - Meeting the housing needs of existing and future residents in new balanced communities, most significantly within Barking Town Centre with an appropriate amount of housing and mix of types and size of dwellings including an increase provision of high quality family homes.

7.17.2 SO.2 - Ensuring development and growth helps to reduce inequalities and promotes community cohesion by provision high quality, accessible, inclusive and integrated social infrastructure.

7.17.3 SO.5 - Ensuring development and growth helps to reduce inequalities and promote community cohesion by providing high quality, accessible, inclusive and integrated social infrastructure.

7.17.4 SO.7 - Promoting a vibrant Barking Town Centre and District Centres which offer a mix of uses including retail, leisure, culture and entertainment, housing, community facilities and food and drink, and making sure residents throughout the Borough and beyond have access to them.

7.17.5 SO.9 - Rising to the challenge of climate change and maintaining the Council's pioneering work in this area by demanding high levels of sustainable design and construction, especially in relation to water and waste management, resource efficiency and emission control, and by encouraging the efficient use of existing buildings and previously developed land.

7.17.6 SO.11 - Requiring high quality design for both buildings and the public realm, which protects and creates local distinctiveness and raises the Borough's visual attractiveness, accessibility and public safety.

7.18 Core Strategy Policy CM1 sets three main spatial locations for housing growth within the Borough:

- Barking Town Centre (the area within which the Scheme is located);
- Barking Riverside;
- South Dagenham.

7.19 The amount of growth over the plan period is also outlined. Over the plan period the Council will plan for a minimum of 1,236 additional homes per annum. The target for new homes for the Barking Town Centre (where the Gascoigne East Estate Renewal Area is located) is set out in Policy CM2 which channels 6,000 homes to be built within the Town Centre as defined by the Proposals Map over the plan period.

### **Barking Town Centre Area Action Plan (2011)**

- 7.20 The Area Action Plan ('AAP') defines the Council's vision for how Barking town centre will develop, regenerate and function by 2025. It sets out the policies and the site specific allocations that will stimulate the regeneration of the defined town centre whilst, at the same time, protecting the quality of the environment and improving the quality of life and the life chances of the local community.
- 7.21 In line with the spatial policies in the Core Strategy, policies within the AAP plan for 6,000 additional homes over plan period and Barking Town Centre is identified as having the potential to make a significant contribution towards meeting this target (para 4.37).
- 7.22 The lack of affordable housing and the need for more family homes are identified by the AAP as further issues, particularly since the AAP area comprises wards which are within the top 10% of most deprived in England and most of the new housing units being built in the AAP area are one and two bedroom flats. However, the AAP notes the need for affordable housing has to be balanced against the relatively high levels of Council owned homes in the Plan area and the desire to create more balanced communities and give greater housing choice (para 4.40) and to also ensure financial viability (para 6.14.4). Accordingly, Policy BTC14 seeks a net gain of social housing in the Gascoigne Estate renewal scheme.
- 7.23 The Gascoigne Estate is designated with a Site Specific Allocation (BTCSSA6) which provides the guidelines for any further renewal and regeneration on the Estate. Proposed uses for the Gascoigne renewal scheme are set out within the site allocation, with an indicative capacity for the mainly infill schemes in west Gascoigne to provide a net gain of some 280 homes.
- 7.24 The allocation sets the inclusion of small scale commercial and/or community uses along the St Paul's Road frontages to provide vitality to the area, active frontages and an area of transition between the Gascoigne and the town centre. Additional primary educational facilities are to be created on the site of the Council Depot on the north side of The Shaftsbury's to address the severe pressure for pupil spaces experienced at the existing Gascoigne Primary school, which has insufficient capacity against demand and which is accommodating many more pupils than it was designed and intended to teach. This is supported by Policy BTC15 which seeks to enable the provision of suitable health, educational and community facilities to meet existing and future demand.
- 7.25 In addition to the above, the allocation details the following proposed uses across the entire Gascoigne Estate:
- 7.25.1 That any new development provides varying housing densities throughout the site, with the highest densities at the northern end closest to the town centre;
- 7.25.2 Redevelopment should provide 40 per cent family housing and no loss of social housing;

- 7.25.3 That any development improves pedestrian permeability;
- 7.25.4 That tall buildings are of the highest design and quality and create safe and attractive spaces around their entrances;
- 7.25.5 Children's play spaces are created to serve the community;
- 7.25.6 That any development should create smaller neighbourhoods and deliver a sustainable community through a more diverse housing mix;
- 7.25.7 The development should provide an opportunity to existing residents for them to return to new homes within the area;
- 7.25.8 The development should address community safety and designing out crime;
- 7.25.9 The development should facilitate better bus services including making provision for the Barking to Royal Docks Bus Corridor and ensuring traffic management measures are designed to enable effective bus access and usage.
- 7.26 Proposals should downgrade the traffic function of St Paul's Road in order to reduce severance and provide better integration between the Gascoigne and town centres. Community safety should be addressed and also the design principles should aim to design out crime.
- 7.27 Redevelopment proposals will need to provide a better relationship with the employment land at the southern end of the Estate. In addition the redevelopment will look to facilitate better bus services including making provision for the Barking to Royal Docks Bus Corridor and ensures traffic management measures and designed to enable effective bus access and usage. Finally, that the Scheme will reduce the flood risk and the potential intensity both within the Scheme and in the local area.
- 7.28 As outlined in Core policy BTC20 of the AAP, a large central public open space should be provided within East Gascoigne and this should be connected by green streets to a network of smaller local area play spaces and public spaces and to the wider network of larger area wide open spaces.
- 7.29 Additionally, the allocation states that in line with BTC8, the Council will require the Gascoigne Estate to become a place where pedestrians and cyclists have priority over the private car. In line with policy BTC10 development will need to seek to improve the pedestrian environment by ensuring that pedestrian routes and pavements are:
- Well-lit and maintained;
  - Safe and accessible to all;
  - Constructed to improve the legibility of the Estate
- 7.30 In line with the AAP, the Adopted Proposals Map 2011 outlines the allocation for the Estate.



### **National Planning Policy Framework (2019)**

- 7.31 The NPPF published in February 2019 is a revision of the National Planning Policy Framework published in March 2012. The NPPF has been updated to incorporate proposals previously consulted on in the Housing White Paper and the '*Planning for right homes in the right places*' consultation.
- 7.32 The NPPF sets out the Government's planning policies for England and how these should be applied. Its purpose is to provide a framework within which locally-prepared plans for housing and other development can be produced. The NPPF continues to not form part of the Development Plan, but as it must be taken into account in the preparation of development plans, it is a material consideration in planning decisions.
- 7.33 The NPPF maintains the presumption in favour of sustainable development at its heart, setting out the three overarching objectives of the planning system:
- (i) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - (ii) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - (iii) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.
- 7.34 In respect of the delivery of a sufficient supply of new homes, the NPPF states that to support the Government's objective of significantly boosting the supply of new homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (Paragraph 59).
- 7.35 The NPPF acknowledges that inadequate housing can be a potential barrier to investment and that planning policies should address this (paragraph 81).

7.36 Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The NPPF states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites (paragraph 85).

7.37 Paragraph 91 provides that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

7.38 The NPPF states that:

*“planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land” (paragraph 117)*

7.39 Paragraph 118 provides that policies and decision should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively, with paragraph 123 advising that developments should make optimal use of the potential of each site.

7.40 The NPPF states that planning policies and decisions should support the creation of high quality buildings and places (paragraph 124) and in paragraph 127 that developments should:

- (i) function well and add to the overall quality of an area;
- (ii) be visually attractive as a result of good architecture, layout and effective landscaping

- (iii) be sympathetic to local character and history, including the surrounding built environment and landscape setting,
- (iv) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (v) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (vi) create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

## **8 RELEVANT GUIDANCE ON ESTATE REGENERATION**

### **Estate Regeneration National Strategy (December 2016)**

- 8.1 In December 2016 the Department for Communities and Local Government published the Estate Regeneration National Strategy ('**ERNS**'). The purpose of the ERNS is to provide practical advice and guidance to local authorities and those involved in estate regeneration with the aim to improve and accelerate estate regeneration schemes, to deliver more and better quality housing, drive local growth and improve outcomes for residents. The ERNS recognises that a 'one size fits all' national approach is not appropriate but sets out guidance on a number of key areas including: Resident Engagement and Protection; the Role of the Local Authority; Financing and Delivering Estate Regeneration; a Good Practice Guide; and Delivering Better Social Outcomes.
- 8.2 In relation to Resident Engagement and Protection the guidance promotes transparency, choice and opportunity for residents recommending that residents are actively engaged throughout the process, that they are properly compensated in accordance with the compensation regime, that provisions are put in place to allow residents to stay on the estate or close by, and that disruption to residents should be kept to a minimum i.e. though one move.
- 8.3 In setting out the role of local authorities, the ERNS recognises that local authorities play a key leadership role, having the ability to co-ordinate engagement with the community and stakeholders, promote the optimum utilisation of land by bringing together land owners, ensuring that supportive planning policy exists for development, and securing well-designed buildings and high quality spaces through the regeneration and development management process.

- 8.4 The ERNS's chapter on Financing and Delivering Estate Regeneration recognises the challenges that estate regeneration schemes have to address which can impact financial viability. These include the project length, the timescales between expenditure being incurred and receipts being generated, and the risks associated with planning, land assembly and tenant decanting which can create an overall risk profile which is difficult to finance. With the ambition that estate regeneration projects are not overly reliant on government grants, the ERNS promotes that those delivering estate regeneration should maximise the use of land through achieving higher densities and delivering a mix of tenures, including units for sale or private rent to help create mixed communities and assist in schemes being self-sufficient to a greater degree. Those delivering estate regeneration are advised of the need to establish a clear delivery strategy and structure which covers all regulatory, legal and funding matters with advice, where needed, taken from appropriately qualified professionals.
- 8.5 The 'Good Practice Guide' chapter details stage-by-stage the estate regeneration process identifying key issues, considerations and participants for each step of the project. The guide acts as a checklist for those delivering an estate regeneration project starting with the need to establish the project's objectives and aims, assessing the current estate, and ensuring resident engagement. Having gone through these early stages of the delivery process, the guide thereafter covers the need to establish viability, gaining residents support for the proposals, securing planning consent and adopting an appropriate delivery structure, finishing at how the new development will be managed so this can be considered in the design of the development.
- 8.6 The ERNS 'Better Social Outcomes' chapter recognises that poor quality housing can have a negative impact on health and educational attainment and that badly designed and maintained public realm can increase crime and reduce social cohesion. It advises that Estate Regeneration can increase skills, enterprise and innovation at a local level and help attract investment with government research also showing that significant savings to out-of-work benefits, health and crime spending can result from regeneration interventions. The chapter advises that to succeed in transforming social outcomes, estate regeneration schemes should form part of a broader place-based approach to improve the life chances of residents which includes the provision of local services and use of other initiatives to tackle social issues.

**Better Homes for Local People – The Mayor's Good Practice Guide to Estate Regeneration (February 2018)**

- 8.7 The Mayor's Good Practice Guide to Estate Regeneration (**'the Mayor's Good Practice Guide'**) forms Mayoral policy and sets out the Mayor's expectations of Estate Regeneration schemes in respect of housing delivery, resident engagement, the loss of affordable housing and the commitments which should be made to residents so they directly benefit from the regeneration process.

- 8.8 The Mayor's Good Practice Guide sets out that when undertaken successfully, estate regeneration can bring genuine benefits to Londoners, with better homes for local people living on the estate, more homes of all tenures, improvements to neighbourhoods, new opportunities for training and employment and new community facilities. However, alongside these potential benefits, estate regeneration can involve disruption and change to established communities. As such, estate regeneration needs to be treated carefully and sensitively, and carried out with the close involvement of residents. The Mayor believes that for estate regeneration to be a success, there must be residents support for proposals based on full and transparent consultation from the very start of the process and meaningful ongoing involvement of those affected.
- 8.9 The key tenets of the Mayor's Good Practice Guide are:
- (i) That estate regeneration plans should be developed through full and transparent consultation and resident involvement;
  - (ii) That proposals should include the right of return for social tenants and a fair deal for leaseholders and freeholders;
  - (iii) The level of affordable housing should be maintained and, wherever possible, increased through estate regeneration schemes;
- 8.10 It is recognised that there is no 'one size fits all' approach to estate regeneration but the Mayor's Good Practice Guide advises that local authorities, housing associations and their partners should always consider alternative options to demolition first, balancing the potential benefits of demolition and rebuilding against the wider social and environmental impacts of this option.
- 8.11 The Mayor's Good Practice Guide states that residents should be the primary consultee in estate regeneration projects with residents engaged through the whole process. Engagement may include surveys to identify issues, resident concerns and priorities; forums and workshops to discuss options, design proposals and obtain input/feedback from residents; and newsletter updates and drop-in meetings to provide regular updates on progress.
- 8.12 Where an estate regeneration scheme involves the demolition of existing homes, the Mayor's Good Practice Guide advises that wherever possible, projects should be phased so that social tenants can remain on the estate by moving no more than once. There should be a full right of return to all social tenants with households relocated based on their housing need: the re-provision of accommodation should not result in either overcrowding or under-occupancy. Social tenants should be paid compensation in accordance with the statutory provision, including statutory Home Loss Payments and disturbance compensation to meet relocation costs.

8.13 The Mayor's Good Practice Guide says resident leaseholders and freeholders should be offered the opportunity to continue to live on the regenerated estate through either a shared equity or shared ownership basis.

8.14 Estate Regeneration should aim to increase the provision of affordable housing by building at higher densities wherever possible. As a minimum, there should be no net loss of affordable housing, measured on a like-for-like basis with replacement affordable homes measured on the basis of floorspace rather than number of units and the replacement accommodation provided on the same tenure type. The Mayor's Good Practice Guide acknowledges that the mix of homes can be altered so to better address the needs of local residents.

## 9 CORPORATE POLICY

9.1 By making the Order, the Scheme can be delivered as intended and will contribute to achieving a number of key Council priorities and objectives.

### **The Council's Corporate Plan 2018-2022: 'No One Left Behind'**

9.2 The Council published its vision and priorities for 2018-2022 that outlined the Council's aims for the coming years and what it aims to achieve within the parameters of the Council's budget. This framework is designed to guide the specification, prioritisation, performance and delivery of Council services under the single overarching objective of "One Borough; One community; No one left behind" with the following four key themes:

9.2.1 *A New Kind of Council* – This *theme* has the following set of priorities which define the areas of focus for the Council, partners and community:

- Build a well-run organisation
- Ensure relentlessly reliable services
- Develop place-based partnerships

9.2.2 *Empowering People* – This *theme* has the following set of priorities which define the areas of focus for the Council, partners and community:

- Enable greater independence & protect the most vulnerable
- Strengthen our services for all
- Intervene earlier

9.2.3 *Inclusive Growth* – This *theme* has the following set of priorities which define the areas of focus for the Council, partners and community:

- Develop our aspirational and affordable housing offer
- Shape great places and strong communities through regeneration
- Encourage enterprise and enable employment

9.2.4 *Citizenship and Participation* – This *theme* has the following set of priorities which define the areas of focus for the Council, partners and community:

- Harness culture and increase opportunity
- Encourage civic pride and social responsibility
- Strengthen partnerships, participation and a place-based approach

9.3 The Council recognises that their priority for '*Inclusive Growth*' enables advances in regeneration while delivering affordable housing and shaping inclusive, sustainable and healthy communities for the future. By 2037 that Council has the potential to deliver 50,000 new homes that will cater for local people on a range of incomes to ensure support of genuinely mixed communities. The launch of BeFirst, the council-owned regeneration company, benefits from working with the flexibility of the private sector and the ethos of the public sector to accelerate the pace and scale of regeneration while ensuring it remains inclusive. The success of BeFirst is measured not only in the number of homes built but the social value it generates.

9.4 The Council recognises that it will take time to deliver 50,000 new homes but it is seeking to accelerate regeneration and making it more inclusive. This means delivering new homes which cater for local people on a range of incomes to ensure that genuinely mixed communities are supported. To achieve this the Council has created two private vehicles, BeFirst to deliver new development and Reside to manage a range of housing stock.

9.5 The focus of the Council's regeneration plans is to shape great places and strong communities. To achieve this BeFirst's focus is not just on the creation of additional homes, through delivering on housing and regeneration opportunities to meet the borough's manifesto target of 25,000 new homes by 2042, but in place-shaping through improving local infrastructure, promoting green and healthy development and ensuring that local residents have a strong voice and say in how the borough changes.

Better Homes Housing Asset Management Strategy (2015-2020)

9.6 The Housing Asset Management Strategy ('**HAMS**') has been prepared to complement the Housing Revenue Account Business Plan. It is intended to assist the Council meet its vision and strategic objectives for the housing stock the Council owns and the stock managed on behalf of third parties. Taking the objectives contained within the overall housing strategy these documents will drive the delivery of decent homes and provide the financial resources for estate renewal to continue.

9.7 The HAMS sets out the proposals to ensure that housing owned assets are well maintained to a good standard and future decisions about investment of refurbishment secure good quality housing stock into the future. The Council owns over 18,500 tenanted homes and a further 3,300 leasehold properties. In the period 2015-2025 the Housing Revenue Account will invest over £340 million in these homes and a further £182 million in planned and responsive repairs and maintenance. This is

based on a balanced approach to providing a housing service alongside delivering new build homes and estate renewal.

- 9.8 The HAMS supports the HRA Business Plan by providing the framework for delivery of programmes of repair, maintenance and improvement, as well as setting the framework enabling the redevelopment of some of the most uneconomic stock. The HRA Business Plan is committed to achieving 100% compliance against the government's Decent Homes Standard by 2018/19. The investment in existing stock is to be delivered in conjunction with an estate renewal programme and a significant new affordable housing building programme. The role of the HRA Business Plan is to balance investment across the entire housing service so that the Council's capital and revenue spend is complementary and so that residents receive best value services.

Barking and Dagenham Growth Strategy 2013 – 2023

- 9.9 The Barking and Dagenham Growth Strategy 2013-2023 aims to address growing the local economy, attracting investment, developing a highly skilled workforce able to access jobs in the wider sub-region, regenerating places and delivering housing growth. It identifies the economic regeneration ambitions in the short, medium and long term. The Scheme underpins objectives for creating an attractive, sustainable borough which promotes pride, a sense of belonging, increases prosperity with social mobility and improves the quality of life for all people in our community.
- 9.10 The Council's overarching vision is encouraging growth and unlocking the potential of Barking and Dagenham and its residents. The strategy has four objectives covering the broad agenda required to deliver the Council's overarching vision and the three overarching priorities outlined in the Corporate Plan. The strategy sets the following objectives: (1) attracting investment, (2) creating a higher skilled workforce, (3) building businesses, and (4) widening the housing choice.
- 9.11 A lack of housing is identified as a key barrier to London's economic growth. The housing growth proposed in Barking and Dagenham, as well as delivering wider economic objectives, will also to be a source of additional employment in the borough. This will be through construction and supply chain jobs, but also from permanent employment. GLA research suggests for every 1,000 additional residents, 230 jobs will be created.
- 9.12 Under the objective of widening the housing choice the Council aims to provide housing opportunities for the growing number of households that are in employment but because of the dysfunctional housing market, cannot access home ownership. This "constituency" of predominantly younger people are finding their housing options restricted to the London wide expanding private rented sector, where housing conditions can be poor and tenancy security is limited.
- 9.13 Because of the capacity for new house building in Barking & Dagenham, together with the Council prioritising housing supply and its acknowledged track record for successful innovation in new homes delivery, the Council has the potential to facilitate the range and quality of homes for this economically



active population alongside meeting other pressing housing needs. Delivering new housing can help retain residents looking for more aspirational housing as their incomes rise as well as attracting new residents to the borough to support a widening of the range of shops and services.

- 9.14 Estate renewal can remove mono-tenure estates with worklessness issues and provide places which improve health, well-being and support employment. It is also a means to help working households struggling to find suitable accommodation in a convenient location. The strategy recognises estate renewal at Gascoigne East as an important component in creating further housing choice in the borough.
- 9.15 Housing renewal is an integral part of the borough's regeneration ambitions. Barking and Dagenham is an identified Thames Gateway Growth Zone and the London Riverside Opportunity area and is expected to deliver 19,440 new homes in the next 10 years in the draft London Plan..

#### Cabinet Commitments

- 9.16 The delivery of a comprehensive renewal of the Estate has been a priority of the Council for some time as illustrated by the decisions made by the Council's Cabinet summarised below.

#### ***Estate Renewal Programme 2015 - 2021 and Delivery of Existing Estate Renewal and Infill Site Projects – Cabinet Report January 2015***

- 9.17 Between 6 July 2010 and 24 April 2012 Cabinet approved the implementation of a programme of estate renewal across Gascoigne (East), Goresbrook Village, the Leys, Althorne way and the inclusion of later phases of Gascoigne East as part of the Councils Housing Asset Management Strategy.
- 9.18 Following a high-level review of Estates across the Borough a list of sites were drawn up, for approval for additional Estate Renewal activity between 2015 and 2021. Dependant on the announcement of the GLA Housing Zone Funding bid a number of homes on Gascoigne West could be added to the overall programme but with no impact on the HRA in terms of up-front costs for tenant decants and Leasehold buybacks.
- 9.19 The Cabinet decision of 27 January 2015 agreed to implement a programme of estate renewal across Gascoigne West subject to the confirmation of securing London Housing Zone funding. The Cabinet also approved the following resolutions in regards to Gascoigne West and other identified sites:
- I. The commencement of the decant of tenants and purchase of leasehold interests whilst following a programme of community consultation and engagement with the affected residents.

- II. The serving of Initial Demolition Notices on all secure tenants within the programme at the appropriate time, in order to suspend the requirement for the Council to complete Right to Buy applications for as long as the notices remain in force.
- III. To authorise the use by the Council of its Compulsory Purchase Order (CPO) making powers pursuant to Section 17 of the Housing Act 1985 for the acquisition of the leasehold interests in the properties set out in the report, for the purposes of securing land needed to allow the redevelopment of those areas.
- IV. To authorise the Chief Finance Officer, in consultation with the Head of Legal and Democratic Services, to take all necessary steps to secure the making, confirmation and implementation of a CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.

## **10 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS**

- 10.1 The Council considers that there is a compelling case in the public interest for the making of the Order. The principle of the Scheme is supported by planning policy at both a national and local level. It is not considered that there are any planning or viability impediments to the implementation of the Scheme; outline planning permission was secured in December 2018 for the entirety of the Scheme) and the detailed design of individual buildings will be advanced through the RMAs will conform with the parameters of the outline planning application, or where there is necessary deviation from the parameter plans, an application for a Non-Material Amendment or a 'Slot-in' application will be advanced. The Council considers the Scheme will make a positive contribution to the promotion of achievement of the economic, social and environmental wellbeing of the area.
- 10.2 Single ownership and control of the Order Land is required to enable the Scheme to proceed. The Council is satisfied that it has made reasonable attempts to acquire outstanding interests by private agreement. The Council has attempted, and will continue to attempt, to purchase the outstanding interests by private agreement. However, given the number of third party interests identified in the Schedule to the Order, the Council considers it unlikely that the Council will be able to acquire all of these interests by agreement within a reasonable time period. The exercise of compulsory purchase powers will enable redevelopment to take place at an earlier date by providing certainty in respect of site assembly.
- 10.3 The Council has carefully considered the need to include each parcel of land and each new right in the Order Land and is satisfied that these interests are required for the delivery of the Scheme.
- 10.4 In respect of an Order made under s.17 Housing Act 1985, the CPO Guidance requires the Council to demonstrate that there is a qualitative or quantitative housing gain and that the development will be brought forward and the land required within 10 years of the date of confirmation. Specifically, paragraph 137 requires that information should be provided in respect of:

- (a) The number of dwellings in the district;

- (b) The total number of substandard dwellings;
- (c) The total number of households and the number for which, in the authority's view, provision needs to be made;
- (d) Details of the authority's housing stock by type;
- (e) Details of who is delivering the housing, when this will materialise and whether any other consents are required.

10.5 Each of these matters is addressed in turn.

10.6 **The number of dwellings in the district**

10.6.1 As at 1<sup>st</sup> April 2019 the borough had 72,829 dwellings.

10.7 **The total number of substandard dwellings**

10.7.1 At the beginning of April 2018 the Council had 4,921 properties failing to meet decent homes standards.

10.8 **The total number of households and the number for which, in the authority's view, provision needs to be made;**

10.8.1 The London Plan (March 2016) set the London Borough of Barking and Dagenham a minimum housing target of 12,355 new dwellings in the period 2015 – 2025, requiring that individual boroughs demonstrate how they will meet and exceed that target through their Local Plans. In the Draft London Plan, this housing target is increased to 19,440 over a 10 year period. In contrast, in 2017/18 there was 591 net additional units built in the borough against the current London Plan target of 1,236 and proposed target of 1,944. In 2016/17 there was 596 net additional units, in 2015/16 there was 789 net additional dwellings built and in 2014/15 there was 512 net additional dwellings delivered illustrating that there is a need for additional housing development to be brought forward in order to meet both demand and housing targets. The Scheme is identified in the Council's Local Plan as making a contribution towards meeting the Council's housing targets and there is a clear requirement for new housing to be delivered, with the Authority Monitoring Report 2017/18 explaining that the failure to meet the London Plan's housing target is on account of the slow rate of delivery due to development viability. This issue makes the delivery of a fully funded scheme all the more important.

10.8.2 The London Borough of Barking and Dagenham's population is increasing significantly. The Office of National Statistics reports that the population of the borough stood at 185,900 in 2011 (an increase of 22,000 since 2001) and its mid-year estimate for 2019 was 212,906. This growth in population necessitates the provision of new housing to meet the needs of both

existing and new residents; in contrast the number of new households between 2001 and 2011 increased from 67,273 to 69,681, an increase of by 2,408. At present the Council has 75,829 households an increase of 6,148 compared to a increase in population of 27,006 during the same period. At an average of 2.8 occupants per dwelling, the Council has one of the highest occupancy rates in London.

## 10.9 Details of the authority's housing stock by type;

10.9.1 The Authority Monitoring Report reports the following breakdown of the authority's housing stock as calculated in 2011:

Type of Tenure	Dwellings
<b>Social Rent</b>	<b>23,459</b>
Local Authority	19,782
Registered Social Landlord	3,677
<b>Private Rented</b>	<b>12,328</b>
<b>Owned</b>	<b>32,324</b>
Owned Outright	11,908
Owned with Mortgage	20,416
<b>Shared Ownership</b>	<b>906</b>
<b>Other of living rent free</b>	<b>664</b>
<b>Total number of households</b>	<b>69,681</b>

10.9.2 The Ministry of Housing, Communities and Local Government's dwelling stock figures as at 1<sup>st</sup> April 2019 (the most up to date figures publicly available) report:

Type	Dwellings
Local Authority Owned	17,077
Private Registered Provider	5,063
Private Sector	53,689
Total number of households	75,829

## 10.10 Details of who is delivering the housing, when this will materialise and whether any other consents are required.

10.10.1 The Council will be delivering the Scheme through its regeneration delivery vehicle, BeFirst that was incorporated in October 2017. Detail as to the creation and purpose of BeFirst is provided in **Section 10**.

10.10.2 As explained in Section 4, the Scheme has outline planning consent to deliver a maximum of 850 homes, in addition to up to 350 square metres of flexible commercial/community floor space with associated means of access, car parking, landscaping and service infrastructure. Phase 2 of the redevelopment will deliver up to 471 new homes and is expected to be onsite in early 2021.

10.10.3 In respect of an Order made under s.226 TCPA 1990, the overarching consideration for the Secretary of State in deciding when an Order should be confirmed, and which is of equal relevance to the Council in reaching its decision, is set out in paragraphs 13, 15 and 106 of the CPO Guidance which identifies the following issues be considered:

- (a) whether the purpose for which the land is being acquired fits with the adopted planning framework for the area;
- (b) the extent to which the Scheme would contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or improvement of environmental well-being of the Council's area.
- (c) the potential financial viability of the Scheme, general funding intentions and the timing of available funding and that there is a reasonable prospect of the Scheme going ahead;
- (d) whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means.

10.10.4 Whilst this Order is made under s.17 Housing Act 1985, it is recognised that the Order could have been made under s.226 TCPA 1990 and as such, for comprehensiveness each of these matters is addressed in turn.

**10.11 Whether the purpose for which the land is being acquired fits with the adopted planning framework for the area**

10.11.1 There is significant alignment between local, regional and national planning policy and the principles of the Scheme. In terms of the main spatial policies the development will see the renewal of town centre area which is a key priority for new development. Additionally, given that one of the key policies is the creation of sustainable communities the Scheme will help to achieve this. Furthermore, the connected principle running through the local plan of rebalancing neighbourhoods through rebalancing the housing stock and tenure will also be promoted in this Scheme.

10.11.2 The Local Plan also explores creating cohesive and well-designed developments. The aspiration in the Local Plan is for the development to integrate into the wider context. This is one of the central aspirations of the development. The regeneration provides the Council with the opportunity to significantly improve the townscape and better integrate the Estate into the town centre through the disposition of uses and scale, massing and height of the development. The Scheme will respect these principles.

10.11.3 The Scheme also aligns to the broad objectives and policies of the local development policies within the Core Strategy. It will help to meet the housing needs of existing and future residents. It will do this within Barking Town Centre and, in alignment, provide significant amount of housing and a mix of types and size of dwellings including an increase of provision family sized homes. Furthermore, it will help reinforce the integrity and viability of the town centre by

providing a mixed community in the town centre. The Scheme will provide a high quality provision of new dwellings in a high quality Scheme that will be in line with the Local Plan's design and urban design principles. The public realm will be integrated in the context and local distinctiveness of the surrounding area. The development will also align to the development plan's sustainable design policies.

- 10.11.4 The proposed redevelopment of the Gascoigne Estate West is to deliver a maximum of 850 new homes, it currently comprises 179 residential units and the new dwellings will provide a potential uplift of 671 residential units. This is a net gain of 391 dwellings compared of the additional housing that the AAP sought, with the expectation that the regenerated Estate would deliver an additional 280 units. Despite this, the overall uplift in housing across the entire Gascoigne Estate does not exceed the indicative uplift of 850 residential units proposed in the AAP reflecting the new schools that have been created which has reduced the quantum of land available for residential development.
- 10.11.5 The residential development will provide for a range of housing types comprising a mix of studios and flats with an indicative residential mix of studios to three bed flats. With a total of 2,343 habitable rooms being provided the proposed development is otherwise generally designed to accord with the broad objectives set out within Site Specific Allocation BTCSSA6 with the exception that 40% family housing across the entire Gascoigne Estate (i.e. East and West) is not achieved.
- 10.11.6 It is recognised that redevelopment of Gascoigne East which is currently under construction already provides a large number of family-sized units in the local area (556 units (35.3%) comprising 3, 4 and 5 bedrooms).
- 10.11.7 The social rented accommodation for Gascoigne West is being re-provided on a better than one-for-one basis. At present there are 97 properties within the redevelopment area which are social rented and the outline consent improves upon this, providing 109 social rent units together with 78 affordable rent units and 174 shared ownership (48%). This provision exceeds the Mayor of London's Housing Strategy (May 2018) which seeks no net loss of affordable units. but with an increased percentage of larger, family-sized units being provided (28% are 3-bedroom, up from the existing 11% provision). In addition, almost all the 2-bedroom units for social rent are 4-person in size, making allowance for smaller families to live within the new development. This is mirrored across the wider development where 81% of all 2-bedroom units (340 out of 420) are designed to 4-person space standards. The ambition for increasing the number of social rented units is reflected in the Phase 2 application which provides for 14 additional units let at target rents.

10.11.8 Whilst only 13.3% of the Gascoigne West redevelopment will comprise 3-bedroom units, the indicative mix is based on current demand and will support the Council's aim to widen housing choices for local residents, as outlined in the Council's Growth Strategy.

10.11.9 The promotion of the development has been advanced adhering to the Mayor's Good Practice Guide to Estate Regeneration (2018). In accordance with the guide:

- Residents have been fully consulted since 2016, with focus groups and public consultations held;
- Affordable homes are being replaced on a better than like-for like basis. The development provides as much affordable housing as possible and there is no net loss in affordable homes;
- All tenants and leaseholders have been offered compensation in accordance with the statutory provisions;
- Gap funding has been offered so leaseholders can continue to remain in the local area.

**The extent to which the Scheme would contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or improvement of environmental well-being of the Council's area**

10.11.10 The Gascoigne West Estate suffers from physical, economic and social problems typically associated with similar estates of its era. Many of the residential units within the Order Land are in poor state of repair. Neither the buildings that form the Estate, nor the services provided are in line with modern standards. Furthermore, the Estate remains low on many socioeconomic indicators such as skills, employment levels and health, where crime and unemployment remain high. It is recognised that the physical environment can influence behaviour, with good design reducing antisocial behaviour, crime levels and also positively affecting residents' lifestyles through promoting pride, a sense of belonging and increasing prosperity through social mobility.

10.11.11 The Estate's urban design and layout, which features a series of cul-de-sacs, has resulted in its disconnect from the surrounding Barking Town Centre and other adjoining areas and helps promote crime as a consequence of being inward looking and providing little overlooking of many public areas. Improving the design of residential buildings and the layout of the Estate will increase natural surveillance through improving the permeability of the Estate through implementing a more traditional street pattern comprising of streets and squares defined by blocks. A more traditional street pattern will be easier to navigate, provides a clear definition of private and public space, in turn helping to reduce crime.

- 10.11.12 The Estate has a poor reputation which is somewhat reflected in the poor levels of private investment into the housing stock which has resulted in a mono-tenure being maintained where a significant amount of the homes within the Estate remain Council-owned. The need to create a more balanced community is an important one, and whilst the number of affordable dwellings will reduce as a consequence of the redevelopment, the Council's long term strategy is to reduce the dominance of social rented homes in Barking so to create a greater diversity of housing tenures which will raise the aspirational perception of Barking and underpin the future vitality and viability of Barking Town Centre.
- 10.11.13 The changes that are needed to improve wellbeing require a comprehensive redevelopment which can tackle the issues in a strategic way. An illustration of the poor design of the existing accommodation is that none of the existing residential units have any private amenity space, a matter that is being addressed within the design of the proposed development which will ensure all units have some private amenity space, either in the form of a garden, terrace or balcony. The scheme also delivers significant amounts of public open space with the street pattern designed to be cyclist and pedestrian friendly by minimising the amount of road space for vehicles.
- 10.11.14 The development will deliver new housing built to modern standards and provide a mixture of tenures, rebalancing the existing housing tenure, creating new vibrant spaces and adhering to proven urban design principles that will integrate the new Scheme into the wider area.
- 10.11.15 New housing stock will help to accommodate the requirements of families and individuals for generations to come. Rebalancing the tenure split on the Estate will allow for a mixed and balanced community which will in turn help to create a viable neighbourhood. This mix of tenure provides will help to serve the needs of the local population, for example; those in housing need will benefit from the low rents in the council housing, those in need or on low incomes who are in work will benefit from the affordable rent properties. Also, those on moderate incomes who are still locked out of homeownership in Barking will benefit from shared ownership and those on higher incomes will have the opportunity to buy homes outright.
- 10.11.16 Also, it must be emphasised that the Gascoigne East estate renewal project will have significant regeneration benefits for Barking Town Centre. The Core Strategy states that "*the Council wishes to build a mixed community, with a variety of tenures living in high quality homes of different sizes and type providing long term social economic change.*" Key to the Council's vision is that the perception of Gascoigne as an estate should disappear, with the area becoming simply integrated, as a largely residential area, within the overall regeneration of the Town Centre.



10.11.17 The Council is satisfied that development on this scale represents a significant investment in the area, the benefits of which will be considerable to the economic, social and environmental wellbeing of the Borough, in terms of:

**Economic**

- (i) Delivering modern, well designed homes to the Estate, including an increase in the number of privately owned homes which will enhance spending in the local economy promoting and strengthening the town centre;
- (ii) Creating better linkages through the Estate resulting in greater connectivity between properties within the Estate and Gascoigne Road thereby improving pedestrian access to the town centre and promoting the local economy;

**Social**

- (iii) The delivery of a range of housing typologies and accommodation sizes to meet the needs of residents
- (iv) A net increase in the number of affordable homes, including those let at social rents;
- (v) Improving the security of the Estate through the creation of new buildings which offer natural surveillance over roads and other public areas and designed in accordance with 'secured by design' and 'design out crime' guidance;
- (vi) Greater opportunities for young children to enjoy public open space through the better organisation of public and private amenity areas;
- (vii) Creating an attractive, well located and secure public realm for local residents and communities to socialise;

**Environmental**

- (viii) Traffic calming measures incorporated into design to help promote safe pedestrian movements and cycling;
- (ix) Removing aged and poorly designed existing housing and replacing it with new dwellings that meet life time homes, wheelchair access and London housing standards as set out in the London Plan, the draft London Plan the Mayor Housing SPDs, Core Strategy and Development Management DPDs;
- (x) Providing new high quality housing in a sustainable town centre location and on a brownfield site;
- (xi) Delivering new housing blocks with Green Roofs, roofs with photovoltaic panels and mounted bird and bat boxes to provide bio-diversity enhancements.

10.11.18 The regeneration well-being benefits reflect the objectives set out in the planning policy framework for the area and will be delivered by and are satisfied by the Scheme

**10.12 The potential financial viability of the Scheme, general funding intentions and the timing of available funding and that there is a reasonable prospect of the Scheme going ahead**

10.12.1 The Council has made commitments to the purchase of properties on the Estate and agreed to implement a programme of estate renewal across Gascoigne West. They have ensured the delivery of the new development utilising its own funds and securing funding.

10.12.2 The redevelopment of the Gascoigne Estate has been a corporate priority for the Council since 2010 when the Council identified that the comprehensive regeneration of the Estate was the most appropriate route to achieving its aims of modernising the housing stock and addressing the social problems within the Estate, and an ambition that the Council's Cabinet endorsed in their resolution on the 6<sup>th</sup> July 2010.

10.12.3 Prior to this this decision the Council has been proactive in advancing the delivery of the project and was awarded Housing Zone status by the Greater London Authority (GLA) with funding of £42.3 million awarded to the Council of which £8.6 million is grant funding in relation to 10 initial schemes totalling 2,295 homes. Gascoigne West is one of these schemes and the Council was awarded GLA Housing Zone funding in April 2017 towards land assembly.

10.12.4 All phases of the development of the Estate will be delivered by the Council's regeneration vehicle, BeFirst. BeFirst has been established with an objective to deliver 50,000 new homes and 20,000 new jobs in the borough over the next 20 years. The company was incorporated in October 2017. It is committed to delivering high quality, socially inclusive and environmentally friendly development whilst putting local residents at the heart of its business plan. This includes delivering a range of housing tenures, types and styles but making affordable housing truly affordable.

10.12.5 Outline planning consent has been secured, with phase 2 proposed to deliver up to 481 units. A slot-in application was submitted in August 2020 proposing 386 residential units and 202 sq. m. of non-residential accommodation. Whilst the application is still proceeding through the determination process, the Council is confident that permission will be granted.

**10.13 Whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe.**

10.13.1 In light of the multiple ownerships on site, it is considered that the only sure way of securing development of both the Estate within a reasonable time and in accordance with the relevant policies, is for a Compulsory Purchase Order to be made. This approach is supported by the planning policy framework of the area, the potential to deliver the regeneration well-being benefits, and the fact that alternatives that are not comprehensive would not deliver the range of regeneration benefits that are required.

- 10.13.2 Although significant parts of the Estate are already in the ownership or control of the Council, the implementation of the Scheme requires the acquisition of a number of further land interests currently owned by third parties.
- 10.13.3 The Council has been negotiating with the holders of the interests for their acquisition by agreement, but a significant number of interests still need to be acquired. Details of the negotiations to date are set out in Section 11.
- 10.13.4 The Council needs to acquire all of the buildings within the Order Lands so to deliver the required improvements to the design and layout of the existing Estate as well as increase the density of housing. An identified contributory factor to the high level of crime and antisocial behaviour on the Estate is the lack of natural surveillance caused by the cul-de-sac layout of significant parts of the Estate and resultant lack of permeability and connectivity. The scheme can only address this through the demolition of existing blocks.
- 10.13.5 Single ownership and control of the Order Land is necessary to enable the Scheme to proceed. Given the number of third party interests identified in the Schedule to the Order it is unlikely that the Council or the Developer will be able to acquire all of the necessary interests by agreement within a reasonable timescale.
- 10.13.6 The Council has therefore made the Order to ensure that the significant benefits of the Scheme can be brought forward in a reasonable timescale. Whilst the Council's approach is to negotiate the purchase of all interests wherever possible by agreement, given the fragmented nature of the Order Land, confirmation of the Order is required in order to use compulsory purchase powers where necessary.
- 10.13.7 For the reasons explained above, the Council therefore considers there to be a compelling case in the public interest to proceed with Order.

#### 10.14 **Negotiations with those owning interests in the order land**

- 10.14.1 In an effort to acquire those properties outside of the Council's ownership by agreement, all leaseholders have directly been contacted by the Council advising of the Council's ambitions for the redevelopment of the next phase of the development and that the Council would like to purchase the property by agreement, extending an offer for the Council's valuation surveyor to inspect the property, undertake an valuation and provide a formal offer. The owners were also given the opportunity to appoint a surveyor of their choosing to carry out a valuation at no cost to themselves so to inform discussions in respect of an appropriate value.
- 10.14.2 In making compensation offers to affected owners, the Council has applied a consistent approach which exemplifies the general principles of the compulsory purchase 'Compensation Code' and the principle of equivalence. Affected parties have been paid disturbance

compensation and received payments in line with the statutory loss payments to which they would have been entitled to if the property was acquired under a confirmed Compulsory Purchase Order. This is in line with paragraph 2 of the CPO Guidance.

- 10.14.3 The Council recognises the importance of retaining existing residents in the community and providing a financially viable solution to enable them to stay within the new development or the local area. Offers for the purchase of properties required for the redevelopment have been made in accordance with the compensation code, with statutory loss payments and disturbance compensation paid. Leaseholders have been presented with the following choices in respect of their new home: (i) purchasing an alternative property on the open market; (ii) moving into a new home through a shared ownership/equity transfer/discount sale scheme or, (iii) where owner occupiers have not been able to secure suitable accommodation in the open market and can't afford the shared ownership/equity transfer/discount sale option, gap funding has been made available. This offer accords with the best practice as set out in the ERNS and Mayor's Good Practice Guidance.
- 10.14.4 The Council's gap funding scheme allows leaseholders who are having their interest acquired to purchase a property either within or outside the borough that meets their family needs, subject to the tests of reasonableness. Where the property to be purchased has a value higher than the proceeds available to the leaseholder from the purchase of their existing property by the Council (the Market Value and Home Loss Payment), the Council will fund the difference, placing a charge on the new property allowing the Council to re-coup its investment when it is sold in the future. No rent is charged on the unowned share, with the Council achieving best value through its share of any appreciation in the value of the new property through growth in the housing market.
- 10.14.5 The Council has acquired 41 leasehold interests to date with 3 interests currently outside of the Council's ownership. Of these 3 interests, agreement has been reached with each of the property owners and the purchase of those properties is being progressed by the Council's conveyancing team. The inclusion of these properties in the Order is on account of the purchases having not completed at the date of making the Order and is a protective measure only..
- 10.14.6 Prior to the availability of compulsory purchase powers, discussions will continue with the owners of the relevant interests who are willing to sell their interest by agreement. This approach of making the Order and, in parallel, conducting negotiations to acquire land by agreement is in accordance with the Guidance
- 10.14.7 The Council remains committed to acquiring outstanding interests, wherever practicable, by way of agreement. The Council is continuing with its attempts to secure outstanding land interests by private treaty discussions, but there is no guarantee that these attempts will be

successful and accordingly, without the Order, there is no certain prospect of the Scheme proceeding.

10.14.8 The remaining property and land holdings are required to undertake the comprehensive redevelopment of the Estate and without the acquisition of the remaining third party interests within the Order Land, the Scheme cannot be fully realised and the Council's objectives of the area cannot be delivered.

10.14.9 The Council accordingly considers that the use of its compulsory purchase powers to acquire all outstanding interests in the Order Land is warranted as it has not been possible to achieve this by agreement and it is highly unlikely that it would be able to do so within an acceptable timescale without the Order. The Scheme cannot proceed unless these interests are acquired.

## **11 LEGAL AND OTHER REGARDS**

### **11.1 Human rights**

11.1.1 The Human Rights 1998 came into force on the 2 October 2000. This incorporated the European Convention on Human Rights into English Law. Human Rights must be considered by acquiring authorities when considering utilising compulsory purchase powers. As outlined in the Human Rights Act, public authorities are prohibited from acting in a way which is incompatible with the European Convention in Human Rights.

11.1.2 The Council has duly considered the rights of property owners under Article 1 of the First Protocol of the Convention, which provides for the peaceful enjoyment of possessions. Article 1 further provides that no one shall be deprived of possessions except as provided for by law or where it is in the public interest. It is considered that the Order will strike a fair balance between the private loss of property and the public interest in securing the implementation of the Scheme.

11.1.3 Article 6 of the Convention provides that everyone is entitled to a fair and public hearing in the determination of their civil rights and obligations. It is considered that the statutory procedures, which give the right to object and provide for judicial review, are sufficient to satisfy the requirements of this Article.

11.1.4 The Council has also considered the rights contained in Article 8 of the Convention. This provides that everyone has the right to respect for their private and family life and that there shall be no interference by a public authority with the exercise of this right except in accordance with the law, where there is a legitimate aim and where it is fair and proportionate in the public interest. It is considered that any interference caused by the Order will fall within these exceptions having regard to the public benefit which will accrue from the Scheme.

- 11.1.5 The Council have been conscious of the need to strike a balance between the rights of the individual and the interest of the public. The Council acknowledge that the effect of the Order will be to dispossess persons of their rights in the Order Land, but the Council has concluded that there is a wider compelling case in the public interest for the acquisition of the land as this will bring benefits to both residents and businesses of the borough that could not be achieved by agreement or without the exercise of compulsory purchase order making powers.
- 11.1.6 In considered the effect of the Articles the Council has decided that on balance, and in light of the significant public benefit that would arise from the Scheme and the nature of the Order Land, it is in the interest of the wider community to make the Order over and above the interests of any individuals affected. Any interference with the Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.
- 11.1.7 This compulsory purchase order follows existing legislative provision in respect of the making and confirming of Compulsory Purchase Order and the payment of compensation and, as such the Council considers these to be compatible with the convention.

## 11.2 **Consultation**

- 11.2.1 Three specific types of consultation relate to the Scheme's proposals. First, consultation which has taken place as part of the decanting consultation. Second, consultation which has taken place as part of the proposed redevelopment of Gascoigne West. Finally, consultation has taken place in line with planning regulations through the preparation of the Development Plan Documents which makes up the local plan.

### **Decanting Consultation**

- 11.2.2 The proposals as they have evolved have included consultation with stakeholders and the public at every stage in the process thus far regarding the estate renewal and decant process. When the Council's Cabinet gave approval to the estate renewal programme in 2010 a series of consultations were undertaken. Residents have been kept regularly informed of any programme changes that may affect them through a combination of letters and newsletters. In addition, open meetings were held as well as surgeries for residents to book appointments to discuss the estate renewal process as well as the impact on stakeholders.
- 11.2.3 Tenants of Council properties within the Estate have been rehoused to suitable alternative accommodation based on their housing need. The Council has sought to achieve best practice through managing the relocation of tenants so they have only a single move and paying compensation in accordance with the statutory provisions (qualifying tenants were paid a Home Loss Payment and a lump sum disturbance payment for relocation costs).

### **Consultation in respect of redevelopment of Gascoigne West**

- 11.2.4 Due to the scale of proposed development and the number of residents directly affected, the Council has engaged in extensive consultation with the local community. A focus group was established consisting of representatives of the project team, local residents, the local business community and local schools and a meeting of those representatives was held at The Granary on Abbey Road on 21 July 2016 to discuss the proposals. This was followed by an estate walk around was held on 31 August 2016 where the project team led residents and businesses on a site visit to gain their views on how the existing spaces were used, what worked and what did not work and to determine how the residents navigate through the existing estate. A meeting was also held at The Boathouse on 15 May 2017 in order to open dialogue with the nearby existing arts community to explore future possibilities for collaboration with the project team after the outline scheme has been approved.
- 11.2.5 Two separate public consultation meetings were held in The Boathouse, Barking one in November 2016 and the next in March 2017.
- 11.2.6 Emerging development proposals were also presented at pre-application meetings to Council officers on three separate occasions in July 2016, November 2016 and January 2017 and on each occasion the design team set out the background and key aspirations of the project taking on board any comments made or feedback made.
- 11.2.7 The project team also consulted with the Greater London Authority ('GLA') at a meeting held in January 2017. The proposals received a positive response from the GLA officers offering useful feedback and advice on a number of key matters.

### **Planning Policy Consultation**

- 11.2.8 Furthermore, all documents constructed as part of the Local Plan portfolio of documents have been consulted on at all the required points in their development. In line with the planning regulations and planning legislation.

### **11.3 Related Orders**

- 11.3.1 The London Borough of Barking and Dagenham (Gascoigne Estate, Barking Phase 1 and 2) Compulsory Purchase Order 2015 was confirmed by the Secretary of State on the 18th July 2016 without modification.
- 11.3.2 The London Borough of The London Borough of Barking and Dagenham (Gascoigne Estate (East) Phase 3, Barking) Compulsory Purchase Order 2018 was confirmed by the Secretary of State on the 5<sup>th</sup> September 2018.

11.3.3 The majority of the new buildings sit around the existing highways but there may be some encroachment on to small areas of Hardwicke Street, Linsdell Road and Tomlins Orchard as well as some of the public footpaths that extend through the site. The extent of any stopping up will be confirmed through the detailed design process, and if required, Stopping Up Orders under s.247 and s.257 TCPA 1990 (as amended) will be made in respect of the roads and footpaths contained in the Scheme.

11.3.4 There are no further related orders, applications or appeals that need to be considered.

#### 11.4 **Conservation area and listed buildings**

11.4.1 There are no listed buildings or Scheduled Ancient Monuments within the Order Land or it falls outside the Conservation Area. There is a nil return certificate for protected assets.

11.4.2 It is considered the impact of the proposed development on the two adjacent conservation areas and nearby heritage assets would result in less than substantial harm to the conservation areas and listed heritage assets.

#### 11.5 **Public Sector Equalities duty**

11.5.1 In formulating and promoting the Order, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 and in particular its obligations under Sections 149 and 150 of the said Act in taking into account the differential impact the Order will have on various groups of persons with different characteristics.

11.5.2 An Equalities Impact Assessment has been undertaken. The assessment has not identified any adverse equalities impacts from exercising the Council's CPO powers in order to facilitate the development scheme.

## 12 **CONCLUSION**

12.1 The CPO Guidance sets out guidance for acquiring authorities regarding the making and confirmation of CPOs. This includes key policy tests which the Secretary of State will expect to be satisfied before a CPO is confirmed.

12.2 The Order is made under section 17 Housing Act 1985 to enable the acquisition of land for the provision of housing accommodation. The Council considers that the Scheme will deliver both a qualitative and quantitative housing gain: the scheme delivers an increase in the number of habitable rooms from the pre-existing level and will replace dwellings that do not meet the Decent Homes standard with modern homes. Furthermore, the redevelopment of the Estate will address the design and layout issues of the Estate, creating an environment that meets the needs of its residents and helps reduce anti-social behaviour. The development which forms phase 2 of the Scheme, and to



which this Order specifically relates, will be delivered within 5 years of the confirmation of the Order, inside the 10 year delivery requirement of the s.17 Housing Act 1985.

- 12.3 It is acknowledged that this Order could have been made under s.226 TCPA 1990 and accordingly the factors to be considered by the Secretary of State when deciding whether or not to confirm a CPO, as outlined in paragraph 76 of the CPO guidance have also been addressed, specifically:
- 12.3.1 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 framework exists, with the draft Local Plan and the NPPF;
- 12.3.2 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; and
- 12.3.3 whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.
- 12.4 As to the first factor (the planning framework for the area), the planning permission for the regeneration of the Estate is significantly aligned with local, regional and national planning policy. The proposal provides a surplus of additional housing that the AAP originally sought, this is due to the nature of the site, the regeneration aspirations and the approach to optimising development and density on the site. The Local Planning Authority, the GLA and the Inspector making a recommendation in respect to the previous CPOs required for the Gascoigne Estate have each reached a conclusion that the respective schemes accorded with the planning framework.
- 12.5 As to the second factor (contribution to well-being), as explained above, the use of CPO powers to facilitate the redevelopment and regeneration of the Order Land will contribute very significantly towards the economic, social and environmental well-being of the area, and to the achievement of the Council's regeneration and planning objectives and will also result in substantial public benefits being realised, both within the Order Land and the wider Barking Town Centre area.
- 12.6 As to the third factor (other means of achieving the Council's purpose in acquiring the land), the purposes for which the land is to be acquired could not be achieved by any alternative means. All of the Order Land is required for the proposed development. The regeneration of the Order Land will not be achieved without the use of compulsory purchase powers, but the powers will only be used where the required land and interests cannot be acquired by negotiation. As such, the use of compulsory purchase powers is proportionate.
- 12.7 Paragraph 13 of the CPO Guidance advises that it will be difficult to show conclusively that the compulsory acquisition of land is justified in the public interest if the acquiring authority cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable

time-scale. The Council has secured the necessary funding and will be delivering the new residential accommodation itself, through its regeneration vehicle, BeFirst.

- 12.8 Whilst property owners have been contacted, and negotiations have taken place and are ongoing, it is clear that, unless the Order is confirmed, the Council would be unlikely to be able to assemble the land and interests needed within a reasonable timescale. Therefore, unless the Order is confirmed, the process of land assembly will inevitably delay the delivery and progression of the Scheme.
- 12.9 Accordingly, the Council considers that the tests in section 17 of the Housing Act 1985 and section 226(1)(a) and section 226(1)(A) of the TCPA are met, the criteria in the CPO Guidance is satisfied and that there is a compelling case in the public interest for the confirmation of the Order.

### 13 ADDITIONAL INFORMATION

- 13.1 Information about the Scheme is available at the Council's website [www.lbbd.gov.uk](http://www.lbbd.gov.uk)
- 13.2 Copies of the Order, Order Map and this Statement of Reasons, are available for public inspection at BeFirst, Maritime House, 1 Linton Road, Barking, IG11 8HG by prior appointment which can be arranged via Mr Ademolake (0203 372 0707). The documents are also available for inspection on the Acquiring Authority's website at: [www.lbbd.gov.uk/estates-renewal](http://www.lbbd.gov.uk/estates-renewal)

### 14 LIST OF DOCUMENTS IN THE EVENT OF AN INQUIRY

- 14.1 In the event of a public inquiry, the Council would intend to refer to or put in evidence the following documents

No	Document Name
1	Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion" issued by the Department for Communities and Local Government
2	Estate Renewal Programme 2015 - 2021 and Delivery of Existing Estate Renewal and Infill Site Projects, London Borough of Barking and Dagenham Cabinet Report and minutes, 27 <sup>th</sup> January 2015
3	Gascoigne West and Sebastian Court Development Proposals – Use of CPO and Appropriation Powers London Borough of Barking and Dagenham Cabinet Report and minutes, 16 <sup>th</sup> July 2019
4	London Borough of Barking and Dagenham Core Strategy DPD (July 2010)
5	London Borough of Barking and Dagenham Barking Town Centre Area Action Plan DPD (February 2011)

No	Document Name
6	London Borough of Barking and Dagenham Proposals Map DPD (February 2012)
7	London Borough of Barking and Dagenham Site Allocations DPD (December 2010)
8	Gascoigne Regeneration Framework (Levitt Bernstein, 2009)
9	Draft London Plan (December 2019)
10	The London Plan 2016
11	National Planning Policy Framework (NPPF) (July 2018)
12	London Borough of Barking and Dagenham: No One Left Behind Corporate Plan 2018-2022
13	London Borough of Barking and Dagenham Housing Strategy 2012-2017
14	Better Homes Housing Asset Management Strategy 2015-2020
15	Barking and Dagenham Growth Strategy 2013 – 2023
16	The Barking and Dagenham Housing Needs Survey 2011
17	Planning Consent Granted by London Borough of Barking and Dagenham
18	Estate Regeneration National Strategy (December 2016)
19	Better Homes for Local People – The Mayor’s Good Practice Guide to Estate Regeneration (February 2019)

14.2 The Council reserves the right to introduce such additional documents as may be relevant to any public inquiry in respect of the Order and will endeavour to notify the public inquiry and any statutory third parties of any such documents as soon as possible prior to the opening of such public inquiry