

**THE LONDON BOROUGH OF BARKING AND DAGENHAM  
(GASCOIGNE ESTATE (EAST) PHASE 3, BARKING)  
COMPULSORY PURCHASE ORDER 2018**

**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 21<sup>st</sup> June 2018 the London Borough of Barking and Dagenham (“**the Council**” or “**the Acquiring Authority**”) made the London Borough of Barking and Dagenham (Gascoigne Estate (East) Phase 3, Barking) Compulsory Purchase Order 2018 (“**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 24 July 2012.
- 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 “Guidance on Compulsory purchase process and The Crichel Down Rules” issued by the Department for Communities and Local Government in February 2018 (“**the CPO Guidance**”).
- 1.3 In this document the land included within the Order is referred to as “**the Order Land**”.
- 1.4 The purpose in making the Order is to facilitate the delivery of housing led renewal of the Order Land, which forms phase 3 of the redevelopment of the Gascoigne East Estate (“**the Estate**”). Phase 3 of the development will deliver affordable and market housing together with a new primary school as part of the comprehensive redevelopment of the Estate that will deliver a minimum of 1,575 new homes once complete (expected 2023) together with a new primary and secondary schools, community centre, flexible non-residential accommodation which will be available for business space and, subject to demand, a new place of worship (“**the Scheme**”). A new design team is in the process of being appointed to review the existing masterplan and explore a scope to further increase number of units from the originally consented 1,575.
- 1.5 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 to enable the assembly of the necessary land for phases 1 and 2 of the Scheme. Construction of the accommodation within Phase 1 began in 2016, with completion of the first new units in March 2018, and phase 2 is due to commence in 2019.
- 1.6 The Order is therefore required to secure those interests in the Order Land not already held by the Council so to ensure that the land comprising Phase 3 of the development can be subsequently redeveloped in order to deliver the benefits of the Scheme.
- 1.7 Given the justifications which are outlined in this document the Council considers that there is a compelling case in the public interest for making the Order. Securing the outstanding land and property interests will enable the Council to deliver its comprehensive regeneration plan for the Order Land and the wider Estate.

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

- 2.1 The Order Maps shows the leasehold interests to be acquired compulsorily. The Order Maps have been carefully delineated to ensure the land to be acquired are only what is required to facilitate the delivery of the Scheme.
- 2.2 The properties included within this Order include all freehold and leasehold interests that are outside of the Council's ownership within the following:
- 2.2.1 1 – 70 Anderson House, The Coverdales – a 12 storey 'systems built' residential tower block constructed c. 1960 of reinforced concrete;
  - 2.2.2 2 – 79 The Coverdales – six individual 3 storey residential linear blocks of traditional construction with a mix of pitched and flat roofs;
  - 2.2.3 1 – 70 Crispe House, Dovehouse Mead – a 12 storey 'systems built' residential tower block constructed c. 1960 of reinforced concrete;
  - 2.2.4 1 – 122 St. Mary's - five individual 2/3 storey residential linear blocks of traditional construction with a mix of pitched and flat roofs. 79-97 St. Mary's comprised sheltered accommodation for older Council tenants but this block is currently vacant following the rehousing of the occupiers.
  - 2.2.5 96 – 134 Wheelers Cross – six individual 3 storey residential linear blocks of traditional construction with a mix of pitched and flat roofs;
- 2.3 The Order Land includes 62 leasehold interests in residential property within the Estate that fall outside of the Council's ownership having been sold originally under the Right to Buy scheme.
- 2.4 The Order Maps identify 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.

## **3 BACKGROUND**

- 3.1 The Order Land is located within Gascoigne East estate renewal area, part of Gascoigne Estate, the Council's largest housing estate. 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.
- 3.2 The Estate has maintained for many decades a poor reputation within the Barking and Dagenham area. Prior to the Council implementing its regeneration strategy the Estate suffered from

underinvestment. Neighbourhood facilities, such as community facilities, services and shops remain poor. Furthermore, the 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.

- 3.3 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 Estate promotes a poor urban environment and is a contributing factor to some of the Estate's problems, a matter that is further exacerbated by these problems creating a negative perception of the Estate. This results in a comparatively low level of Right to Buy purchases on the Estate meaning that the tenure and economic profile of the Estate remains as existing.
- 3.4 The Estate's poor design issues are well established and understood. The high rise buildings on the Estate are of a non-traditional construction (Bison Large Panel System Construction) and many of these buildings suffer (or where already demolished, did suffer) from water ingress and insulation issues. The layout of the Estate, which follows the "Radburn layout" 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.
- 3.5 Attempts to address issues on the 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 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.
- 3.6 Following on from these an evidence base was built up to explore further improvements. During 1997 and 1998 a Single Regeneration Board ('**SRB**') funded demolition of one high rise block at the northern part of the Estate that was replaced with low-rise residential accommodation. The SRB project outlined the opportunities for improvement and regeneration of the Estate recommending the demolition of the three high rise blocks on the Estate.

- 3.7 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.
- 3.8 The Estate Action Plan resulted in the demolition of three of the high rise blocks identified as being amongst the worst in the 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.
- 3.9 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 Estate needed to be considered on a holistic and comprehensive basis.
- 3.10 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 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 Estates 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.
- 3.11 Identifying that the public investment that had been made in the 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.
- 3.12 In July 2010 the Cabinet agreed to an estate renewal programme for the Estate. This agreement and subsequent agreements made by Cabinet resulted in funding allocation for the Estate to be redeveloped as well as commitment to tender for a delivery partner (see **Section 8** for more detail).

3.13 The Council recognised that the appointment of a partner experienced in delivering regeneration projects of a significant size and complexity was critical to the realisation of the proposals for the area. Following an OJEU procurement process in February 2013 the Council appointed East Thames Group ('**ETG**') as its development partner for the redevelopment of the Estate. ETG subsequently merged with L&Q, also a Registered Provider of Social Housing, in December 2016 and the redevelopment of phase 1 of the Gascoigne Estate is now undertaken under the L&Q brand.

#### **4 THE PROPOSALS FOR THE DEVELOPMENT**

4.1 In June 2014 the Council and ETG jointly submitted a hybrid (part detailed/part outline) planning application (ref:14/00703/OUT) to deliver 1,575 new homes, in addition to a range of ancillary/complementary commercial and community uses including a new primary school, a new secondary school, a medical facility and a community centre. In addition, flexible commercial floorspace was proposed that will deliver a range of local retail and business uses and potentially a new place of worship.

4.2 The wider proposals of the masterplan were broken down into a number of phases, with Phase 1 presented in detail and the remainder (Phases 2, 3 and 4) in outline. The general form and layout of the latter phases is established by a number of development parameters set out on the Parameter Plans that were submitted for approval.

4.3 The planning application was approved at the Council's Committee on the 6th October 2014. Further details of both the outline ("Masterplan") and detail (Phase 1) elements of the planning application are provided below.

##### Gascoigne East Masterplan

4.4 The Council and ETG appointed architects Allies and Morrison to prepare a masterplan for the entire Gascoigne East renewal area comprising 16.36 hectares. The Masterplan will be delivered in four distinct phases with a set of parameters established to deliver 1,575 new homes, a secondary school capable of accommodating 1,850 pupils, a three-form entry primary school (c. 690 pupils) an improved/replacement health facility, a community centre; energy centre and ancillary local retail and commercial uses.

4.5 Of the entire 16.36 hectares of the Masterplan area, 2.77 hectares are submitted in detail (Phase 1), with the remaining 13.59 hectares submitted in outline. Outline planning permission was obtained for a maximum of:

- 1,154 residential dwellings to be delivered across Phases 2, 3, and 4 (as part of an overall total of 1,575 dwellings that will be delivered by the hybrid planning application);

- A secondary school with a capacity for up to 1,850 students comprising to be delivered in Phase 2;
- A three-form entry primary school with a capacity for up to 690 students to be delivered within Phase 3;
- A new Community Centre of up to 1,400 sq. m. which will be delivered within Phase 2;
- A range of commercial accommodation to provide for the immediate convenience shopping needs of the development and local business space which will be provided across the development, but principally across Phase 2 in the north part of the development across at ground floor to activate key frontages onto Ripple Road, and St Paul's Road. A maximum of 1,550 sq. m of commercial space will be provided, but parameters plans prevent this from being delivered as a single large unit;
- Up to 1,200 sq. m. of employment floorspace (restricted to Use Class B1) in order to protect residential amenity, but re-provide for commercial floorspace in the south part of the site, close to the A13;
- A new Place of Worship of up to 1,000 sq. m. However, flexibility is built into the development to allow for this area to alternatively be developed for employment uses falling within Use Class B1.

4.6 The residential development will be delivered as a tenure mix of 42.5% private housing; 32.5% intermediate; and 25% as affordable rent. On the basis of what was submitted in detail across Phase 1 the outline element will provide approximately 53.5% as private (market) accommodation; 28% as intermediate and 18.5% affordable rent. As a whole the development (taking account of the outline and detailed elements) will provide for 5,545 habitable rooms – of which 2,199 will be private (40%); 1,715 will be intermediate (31%) and 1,631 will be provided as affordable rent (29%). The residential development will provide for a range of housing types comprising a mix of flats; maisonettes; stacked maisonettes; terraced houses and mews houses.

#### Phasing of Proposals

4.7 The approved Scheme will be developed in four phases over an anticipated 8-year period between 2015 and 2023. The summary of the phases is outlined below:

- (i). **Phase One** will provide 421 residential units over 2.77 hectares at a density of 152 dwellings per hectare, and 239 car parking spaces at a ratio of 0.57 spaces per dwellings.
- (ii). **Phase Two** will provide 494 residential units and 218 car parking spaces at ratio 0.44 spaces per dwellings.
- (iii). **Phase Three** (entirely within Order Land) will provide 274 residential units and 221 car parking spaces at a ratio of 0.81 spaces per dwelling.
- (iv). **Phase Four** (entirely outside the Order Land) will provide 386 residential units and 265 car parking spaces at a ratio of 0.7 spaces per dwelling.



### Gascoigne East Phase 1

- 4.8 The Council and ETG appointed Levitt Bernstein Architects to develop detailed proposal for Phase 1. Phase 1 has a site area of 2.39 Ha which will provide for the delivery of 421 new residential units, 300 sq. m. of flexible commercial ground floor space, new medical centre, an energy centre and the creation of a large public open space. The plans to develop new medical centre as part of phase 1 have since been changed as the medical centre is privately owned and the owners decided to pursue an independent redevelopment route.
- 4.9 Phase 1, marketed under name Weavers Quarter, delivers a high percentage (88%) of new affordable homes (mix of affordable rent and intermediate provision), which provide a platform for future re-housing of residents awaiting to be re-located from the latter phases. The development of Phase 1 will then act as the catalyst for the provision of new schools to the south and a wider range of housing tenures that will diversify the population consistent with the Mayor's approach to Estate renewal and the aspirations of LBBD.
- 4.10 Quality of the design was recognised by being awarded a prestigious Housing Design Award in July 2015. More recently, the development has been shortlisted for the Evening Standard New Homes 2018 award.
- 4.11 Phase 1 of the redevelopment began in 2016 and the first homes were completed in March 2018. Development of the last residential block commences in Autumn 2018 and will deliver the last of the 421 new homes that form part of this phase.

### Gascoigne East Phase 2

- 4.12 Phase 2 of the redevelopment is being actively progressed, with the Council going through an OJEU procurement exercise to secure a design team to prepare the detailed design for phase 2 of the redevelopment which will inform the Reserved Matters Application to be advanced. The expectation is that demolition of the existing blocks will begin in late 2018 and construction of the new accommodation shortly thereafter.

### Gascoigne East Phase 3

- 4.13 The Council are in the process of commissioning a Design Team to progress with a review of that part of the outline consent relating to phases 3 and 4 of the redevelopment. The design of the proposed primary school that sits within phase 3 of development is being progressed, with a planning application schedule to be submitted in July 2018. A contractor has been appointed to deliver the new facility and it is expected to be completed in Summer 2020 in time for new pupils in September 2020.
- 4.14 The programme for the residential elements of phase 3 is as follows:

Construction Start Date November 2019

Completion of first units February 2021

- 4.15 The Scheme will build on the Council's reputation for high quality design and promote a 'sense of place' by creating a high quality development that provides a focus for community activity. This will compliment the nearby award winning schemes including the Barking Town Centre square development which has been widely acclaimed for its well designed buildings and a high quality public realm reflected in winning the prestigious European Prize for Urban Public Space of the Centre of Contemporary Culture of Barcelona (CCCB) in 2008. Other recently completed town centre projects are the Technical Skills Academy, residential developments at Tanner Street and William Street Quarter and a new London Road retail led redevelopment.

## 5 ENABLING POWER

- 5.1 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.
- 5.2 The Scheme also includes the provision of a new primary school within Phase 3 of the development along with other non-residential accommodation as part of the wider scheme. Section 17(1)(c) of the 1985 Act provides that a local housing authority may acquire land proposed to be used for facilities to be provided in connection with the housing accommodation, including for the provision of shops, laundrettes, recreation grounds and any other building or land which will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.
- 5.3 It is expected that the new school, as well as the other accommodation will primarily serve the residents of the Estate and as such reliance on Section 17 is appropriate, albeit it is recognised that the benefits and use of the new facilities will extend to those outside of the Estate.
- 5.4 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 in that the exercise of compulsory acquisition powers in respect of the Order Land will facilitate the carrying out of development, redevelopment or improvement on, or in relation to the land being acquired and that the Scheme, redevelopment or improvement is likely to achieve the promotion or improvement of the economic, social or environmental well-being of its area. However, it believes that Section 17 is the most appropriate power given the development's focus on the delivery of new housing and the supporting nature of the school and other land uses to both the new and existing resident population on the Estate.

- 5.5 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."*
- 5.6 The CPO for Phases 1 and 2 of the Scheme was made under Section 17 and whilst the Inspector identified that the Order could have been made under other compulsory purchase powers rather than the Housing Acts, he considered the school was an ancillary part of the project.
- 5.7 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).

## **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 4**, the consented Scheme will include the development of a minimum 1,575 new homes, a neighbourhood centre including community uses, retail and other activities and landscaping ("the Scheme") with Phase 3 of the development delivering 274 new homes and a new primary school.
- 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: agreements have been reached with 32 leaseholders, leaving 62 properties to acquire. All reasonable efforts will be made by the Council going forward to acquire property through negotiation and agreement. Nevertheless, it is clear that an Order is required to ensure that there is sufficient certainty that regeneration can come forward as envisioned by the Council, the community, key stakeholders and partners.
- 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 PLANNING POLICY 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) and the Town Centres SPG (July 2014).

### **The London Plan**

- 7.3 The London Plan supports the provision of additional housing in London and strengthening the vitality and viability of designated town centres. Therefore, the 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.
- 7.5 London Plan Policy 3.3 supports the provision of housing in London, stating that boroughs should seek to enable the development of brownfield land through intensification, the renewal of town centres, the delivery of mixed use developments and the sensitive renewal of existing residential areas, including housing estates owned by a local authority.
- 7.6 The London Plan sets a target of 1,236 new homes per year for Barking and Dagenham with a 5% buffer increasing this figure to 1,298.
- 7.7 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. 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 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. It is noted that the current Mayor of London's Draft Housing Strategy (published for consultation in September 2017) continues to promote that there is no loss of affordable housing on estate regeneration projects and that these should be replaced on a like-for-like basis, but considers it appropriate to undertake the calculation on the basis of floorspace rather than on unit numbers (para 4.68).
- 7.9 London Plan Policy 7.1 sets out an overarching set of urban design principles for development in London. Policy 7.5 requires high standards in public realm. New development (Policy 7.4) is also required to have regard to context and make a positive contribution to the local character within the neighbourhood.
- 7.10 London Plan Policy 2.15 sets out that the Mayor will, and boroughs and other stakeholders should, co-ordinate the development of London's network of town centres so they provide (inter alia) the main foci beyond the Central Activities Zone for commercial development and intensification, including residential development.
- 7.11 Policy 2.15 also notes that Development proposals in town centres should conform with London Plan policies 4.7 and 4.8 and sustain and enhance the vitality and viability of the centre. In addition the Mayor's Town Centres SPG gives practical guidance on implementing the London Plan policies and gives practical advice in preparing, scrutinising and contributing to planning policy, masterplans or planning applications relating to town centres.
- 7.12 Paragraph 3.102 identifies that access to a high quality school education is a fundamental determinant of the future opportunities and life chances of London's children and young people, referencing that with London's school age population projected to increase by 18% by 2036 there is a need for 4,000 extra primary classes by 2020.

- 7.13 Policy 3.16 states that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population and advises that development proposals which provide high quality social infrastructure will be supported in light of local and strategic infrastructure needs assessments.
- 7.14 Policy 3.18 details that the Mayor will support provision of childcare, primary and secondary school, and further and higher education facilities to meet the demands of a growing and changing population, with strong support for the establishment of new schools, particularly those which address the current and projected shortage of primary and secondary school places.
- 7.15 The London Plan (paragraph 3.86) acknowledges that social infrastructure has a major role to play in supporting London's expected growth, particularly in places where significant new housing is proposed, making residential areas more attractive and turning them into sustainable neighbourhoods and communities. In recognition of this the London Plan states it is essential to plan for high quality social infrastructure alongside development particularly in major new development and regeneration areas.

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

- 7.16 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.
- 7.17 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**

- 7.18 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.

- 7.19 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.
- 7.20 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).
- 7.21 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).
- 7.22 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:
- 7.22.1 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.
- 7.22.2 SO.2 - Ensuring development and growth helps to reduce inequalities and promotes community cohesion by provision high quality, accessible, inclusive and integrated social infrastructure.
- 7.22.3 SO.5 - Ensuring development and growth helps to reduce inequalities and promote community cohesion by providing high quality, accessible, inclusive and integrated social infrastructure.
- 7.22.4 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.
- 7.22.5 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.

- 7.22.6 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.
- 7.23 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.
- 7.24 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.
- 7.25 Policy CM5 retains Gascoigne as a Neighbourhood Centre. As outlined in policy CE1, the retention and improvement of neighbourhood centres will be encouraged over the plan period and accordingly within the Scheme retail will continue to be the predominant non-residential use within the Estate's neighbourhood centre aligning to the Core Strategy's commitment to re-provide retail provision as part of regeneration proposals (para 4.5.4).

#### **Barking Town Centre Area Action Plan**

- 7.26 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.
- 7.27 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).
- 7.28 The AAP records that the area's capacity to accommodate new homes is not the only housing issue, acknowledging that there are qualitative issues in respect of the high rise housing provided within the Gascoigne Estate which does not meet the Decent Homes standard and which suffers from the environmental and social problems common to flatted high rise social housing estates which need to be addressed (para 4.39).
- 7.29 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.

- 7.30 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 of 2,340 new homes with a net gain of some 570 at East Gascoigne established.
- 7.31 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 Shaftsburys 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.
- 7.32 In addition to the above, the allocation details the following proposed uses on the site :
- 7.32.1 That any new development provides varying housing densities throughout the site, with the highest densities at the northern end closest to the town centre;
- 7.32.2 Redevelopment should provide 40 per cent family housing and no loss of social housing;
- 7.32.3 That any development improves pedestrian permeability;
- 7.32.4 That tall buildings are of the highest design and quality and create safe and attractive spaces around their entrances;
- 7.32.5 Children's play spaces are created to serve the community;
- 7.32.6 That any development should create smaller neighbourhoods and deliver a sustainable community through a more diverse housing mix;
- 7.32.7 The development should provide an opportunity to existing residents for them to return to new homes within the area;
- 7.32.8 The development should address community safety and designing out crime;

- 7.32.9 The development should facilitate better bus services including making provision for the Barking to Royal Docks Bus Corridor and ensuring traffic management measure are designed to enable effective bus access and usage.
- 7.33 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.
- 7.34 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.
- 7.35 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.
- 7.36 Additionally, the allocation states that in line with BTC8, the Council will require the Gascoigne 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
- 7.37 In line with the AAP, the Adopted Proposals Map 2011 outlines the allocation for Gascoigne East.

### **National Planning Policy Framework**

- 7.38 Published in March 2012, the National Planning Policy Framework ('NPPF') sets out the Government's national planning policies for England. Its publication supersedes the previous Planning Policy Statements (PPS) and Planning Policy Guidance documents (PPGs).
- 7.39 The NPPF does not form part of the adopted Development Plan, it does however provide guidance on planning at a national level and is a material consideration for planning purposes.
- 7.40 At its core, the NPPF sets out a presumption in favour of sustainable development which is the golden thread running through both plan making and decision taking. The NPPF's purpose is to send a strong signal to all those involved in the planning process about the need to plan positively

for appropriate new development so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than frustrated by unnecessary barriers.

- 7.41 Paragraph 17 of the NPPF identifies twelve core planning principles of which the following are of particular relevance:
- 7.41.1 proactively drive and support sustainable economic development to deliver the homes, business units, infrastructure and thriving local places that the country needs. Every effort should be made to identify and meet housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
  - 7.41.2 encourage the effective use of land by reusing brownfield land;
  - 7.41.3 promote mixed use developments;
  - 7.41.4 actively manage patterns of growth to make the fullest possible use of public transport; and
  - 7.41.5 take account of land and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 7.42 The NPPF also specifically requires planning policies to be positive and plan for the management and growth of centres over the plan period to ensure the needs for retail, leisure and other main town centres are met in full.
- 7.43 The NPPF promotes the delivery of a wide choice of quality homes and recognises the need for opportunities for home ownership to be widened and for sustainable, inclusive and mixed communities to be created. Local authorities are required to pursue policies to ensure the delivery of their assessed needs for market and affordable housing in their area through the identification of not only key sites which are critical to the delivery of the housing strategy over the plan period but also specific deliverable sites sufficient to provide five years' worth of housing against their assessed housing requirements including an appropriate buffer of either 5% or 20% depending on past performance of housing delivery (paragraph 47).
- 7.44 In particular, the NPPF promotes the preference for "mixed use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity" (paragraph 69) and encourages the "effective use of land by re-using land that has previously been developed" (paragraph 111) .

7.45 The NPPF is strongly in favour of providing housing where it is needed, stating that applications should be considered in the "context of the presumption in favour of sustainable development" (paragraph 49).

## **8 CORPORATE POLICY**

8.1 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 Vision and Priorities 2017/2018**

8.2 The Council published its Vision and Priorities for 2017/2018 that outlined the Council's aims for the coming year and what it will aim 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; London's Growth Opportunity" with the following three priorities:

8.2.1 *Encouraging Civic Pride* – This priority has the following set of objectives which define the areas of focus for the Council, its partners and the local community:

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

8.2.2 *Enabling Social Responsibility* – This priority has the following set of objectives which define the areas of focus for the Council, partners and community:

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

8.2.3 *Growing the Borough* – This priority has the following set of objectives which define the areas of focus for the Council, partners and community:

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs

- Enhance the borough's image to attract investment and business growth

8.3 Under the priority "*Growing the Borough*" the Council recognises the opportunity presented by the five identified growth hubs – one of which is Barking Town Centre – to deliver a wide range of new jobs and housing across the borough. Barking Town Centre is identified as providing the opportunity to deliver a cultural hub in east London, with space for creative industries and the delivery of at least 4,000 new homes.

8.4 The detailed description of the "*Encouraging Civic Pride*" priority references the challenge faced by the Council in providing the social infrastructure for its growing population, referencing the significant rise (50%) in the population aged 0-4 between 2001 and 2011 and a subsequent 7.5% rise in 5-9 year olds between 2012 and 2013.

### **London Borough of Barking and Dagenham Housing Strategy (2012-2017)**

8.5 The adopted Housing Strategy for the Borough identifies a number of priorities that cover the categories of sustainable communities and community cohesion, decent homes and safer communities, promoting choice, design, energy efficiency, climate change, affordable housing as well as private housing. The strategy emphasises the importance of working in partnership with both public and private sector stakeholders in delivering the longer term objectives for the existing housing and new development.

8.6 This Housing Strategy sets out Barking and Dagenham's resolve to improve the quality of life for all residents and to create a thriving community where families and single people live in safe and healthy homes in attractive neighbourhoods. The strategy addresses the needs of residents living in different types of housing tenure including council homes, other social rented housing provided by housing associations, the private rented sector and private ownership.

8.7 The strategy sets the strategic direction for housing in the borough by setting a rigorous strategy development process. Four key objectives are set:

- (i) Delivering social and economic regeneration through building high quality homes and thriving communities;
- (ii) Investing in new council housing and establishing new ways to deliver affordable housing;
- (iii) Good quality services;
- (iv) Sustainable communities.

8.8 The strategy identified a number of outcome measures to be monitored including:

- Achieving a Resident satisfaction ratings in existing council homes and new built council homes of 90%

- New council homes and investment in the Council's housing stock leading to better health, employment, training and skill levels and community safety.

8.9 Redevelopment of the Estate forms an integral part of the delivery of two main strategic targets sitting behind the strategy outcomes:

- (i) An estate renewal programme removing 1,790 flats across three regeneration and renewal sites in the borough (one of which is the Gascoigne Estate) which don't meet Decent Homes standards and for which it is uneconomical for the Council to take the necessary refurbishment works required to reach the standard. The flats will be removed and replaced with mixed tenure high quality new homes.
- (ii) The delivery of 1,112 new affordable homes by 2015.

8.10 The Housing Strategy identifies that the demolition of existing housing stock through the estate renewal programme has allowed for the delivery of affordable and council-owned housing developments as well as supporting the diversification of tenure in places like Barking Town Centre, which have traditionally been dominated by high levels of social housing. The Strategy also records the Council's financial commitment to the estate renewal programme, with the Estate being identified as a priority, through the commitment of £23m of funds to enable progress to be made through the decanting of tenants, buyback of former Council owned properties and the demolition of identified blocks.

Better Homes Housing Asset Management Strategy (2015-2020)

8.11 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.

8.12 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 along side delivering new build homes and estate renewal.

- 8.13 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

- 8.14 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.
- 8.15 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.
- 8.16 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.
- 8.17 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.
- 8.18 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.

- 8.19 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.
- 8.20 Housing renewal is an integral part of the borough's regeneration ambitions. Barking and Dagenham is an identified Thames Gateway Growth Zone expected to deliver 15,000 new homes in the next 10 years with Barking Riverside and South Dagenham designated as Opportunity Areas in the London Plan.

#### The Barking and Dagenham Housing Needs Survey (2011)

- 8.21 The Barking and Dagenham Housing Needs Survey (2011) identifies a clear need for new affordable housing with a priority for family-sized (3+bed) affordable housing. Objective 1 of the Housing Strategy '*Delivering social and economic regeneration through building high quality homes and thriving communities*', highlights the provision of new social housing as a key Council priority. These findings are reflected in the Council's Statement of Priorities and the Council has established a clear set of objectives for the delivery of new housing.

#### Cabinet Commitments

- 8.22 The delivery of a comprehensive renewal of the Estate has been a priority of the Council for some time as illustrated by the decisions and financial commitments made by the Council's Cabinet in a series of decisions as summarised below.

#### ***Borough-wide Estate Renewal Programme - Phasing and Decant Options, Cabinet Report July 2010***

- 8.23 The Cabinet decision of 6 July 2010 agreed to implement a programme of estate renewal across the Gascoigne East as well as two other estates as part of the Council's Housing Asset Management Strategy. The report sets out the proposals for how the Council would fund the upfront costs to decant buyback leaseholders, demolish, masterplan and appoint delivery
- 8.24 The cabinet agreed that the Estate Renewal programme would decant and buy back the Gascoigne Estate 13 tower blocks and associated low-rise buildings within the Gascoigne Estate. It was agreed that initially £7.1m would be set aside for progressing the initial phase of the programme.



***Borough-wide Estate Renewal Programme - Phasing and Decant Options – Cabinet Report November 2010***

- 8.25 Cabinet further approved on 2 November 2010 the delivery of an extended programme of acquisitions and decanting to include four high-rise and two low-rise blocks at Gascoigne Estate as well as three high-rise blocks at Goresbrook Village and all flatted accommodation at Birdbrook Close and Wellington Drive (the Leys). This commitment related to a spend of approximately £23m over a four year period.
- 8.26 At this cabinet, members agreed seven recommendations including a commitment to undertake a programme of community and engagement with residents of the affected areas of Gascoigne, Goresbrook Village and the Leys estates and commence decant and the purchase of leasehold interests. As a result of this, letters were sent to every resident on the Gascoigne Estate advising of the indicative programme for the renewal of the Estate and their status within a phase.

***Gascoigne Estate Renewal - Site Delivery and Disposal Options Cabinet Report September 2011***

- 8.27 A further report was produced for Cabinet to explore the delivery of the new residential units. At this meeting it was agreed that a preferred delivery option for the Gascoigne Estate be to selected, through an OJEU competitive tender process, a Housing Association to enter into a partnership arrangement with the Council to regenerate the areas identified for redevelopment on the Estate.

***Housing Capital Investment Programme 2011-12 Update, Cabinet Report November 2011***

- 8.28 The Cabinet approved £4 million accelerated leaseholder buyback programme for inclusion of later phases of the Gascoigne East redevelopment.

***Housing Capital Investment Programme 2012 – 2017, Cabinet Report 24 July 2012***

- 8.29 This Cabinet report covered a range of issues including the progress of the interim housing investment programme as well as an update on the borough-wide estate renewal programme.
- 8.30 At this Cabinet, members agreed the serving of Initial Demolition Notices on all secure tenants in order to suspend the requirement for the Council to complete Right-to-Buy applications for as long as the Notices remain in force across the area of Gascoigne Estate within the Estate Renewal Programme areas.

- 8.31 Members agreed the acquisition of any leasehold interest in the extended Estate Renewal Programme where the owners are either willing or wanting to sell prior to the formal acquisition programme being in place and the making of Compulsory Purchase Orders.
- 8.32 Members authorised the use by the Council of its compulsory purchase powers pursuant to section 17 of the Housing Act 1985 (as amended) to secure the making, confirmation and implementation of a Compulsory Purchase Order to facilitate the acquisition of any outstanding leasehold interests and delivery of the Estate Renewal Programme.

***Gascoigne Estate East Regeneration Proposals - Site Masterplan and Phase 1, Cabinet Report June 2014***

- 8.33 At this Cabinet, members agreed to approve the draft masterplan and detailed Phase 1 proposal for the eastern side of Gascoigne Estate, including the location of the new secondary and primary school and agreed to the principle of establishing a Special Purpose Vehicle to develop, own and be responsible for procuring the management of the units to be developed. The Cabinet also agreed the principle of establishing an independent charity which shall own and control the Special Purpose Vehicle in accordance with the funding terms imposed by the Council.
- 8.34 The Cabinet also agreed to the principle of borrowing £62.86m within the General Fund to finance the development and ownership of the following tenures:
- Borrow £39.98m to fund development and ownership of 236 affordable rented units, social rent units and shared ownership units to be owned and managed by a Special Purpose Vehicle(s) controlled within the General Fund;
  - Borrow £3.75m to fund 50% of 51 private for sale units to be developed and sold jointly by the Council and East Thames Group via a limited company, and;
  - Borrow £19.13m to lend to East Thames Group to fund the development and ownership of 135 units shared ownership units which shall be owned by East Thames Group subject to agreement of satisfactory terms;

***Gascoigne (East) Phase 1 and Abbey Road Phase 2 Funding Proposals August 2014***

- 8.35 In this meeting the Cabinet confirmed the decisions made at the Cabinet meeting on 30 June 2014 including an agreement to borrow £66m from the European Investment Bank ('EIB') within the General Fund to finance the development and ownership of the shared ownership and affordable rent tenures in the redevelopment of Gascoigne East Phase 1. The Cabinet also agreed to borrow £4.5m from Public Works Loan Board to fund 50% of 51 private for sale units to be developed and sold jointly by the Council and East Thames Group via a limited company.

## **Gascoigne Estate (East) Regeneration Proposals - Phase 2 (July 2016)**

8.36 In this meeting the Cabinet resolved to:

- Create a Special Purpose Vehicle ('**SPV**') to develop, own and procure the construction of 100 affordable rent and 115 shared ownership units which fall within phase 2 of the development. The shared ownership units are to be sold to the Council's development partner on completion, with the affordable rent units retained by the Council through its SPV.
- Fund the construction of the affordable rent units and the Council's share (50%) of the shared ownership units through securing £49.51m through the Public Works Loan Board and/or the EIB.
- To fund 50% the construction costs relating to the development of 140 private units, with the Council's development partner funding the remainder, with the funding secured the Public Works Loan Board. If the joint venture structure is progressed, the funding would be repaid through the proceeds generated from the sale of the complete units.

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

9.1 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 2015 for the entirety of the Scheme and detailed consents for phases 2, 3 and 4 will be secured with Reserved Matters Applications ('**RMAs**'). The detailed design of individual buildings which will be advanced through the RMAs will conform with the parameters of the outline planning application. 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.

9.2 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.

9.3 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.

9.4 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.

9.5 Each of these matters is addressed in turn.

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

9.6.1 As at March 2017 the borough had 74,274 dwellings.

9.7 **The total number of substandard dwellings**

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

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

9.8.1 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 (December 2017), this housing target is increased to 22,640 new dwellings in the period 2019/20 – 2028/29. In contrast, in the period 2016/17 there was 596 net additional units built in the borough against the London Plan target of 1,236. In 2015/16 there was 789 net additional dwellings built and in 2014/15 there was 512 net additional dwellings delivered. 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 2016/17 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.

9.8.2 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 2016 was 206,460 (a further increase of 20,500 over a period of 5 years). 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 an average of 2.7 occupants per dwelling, the Council has one of the highest occupancy rates in London.

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

9.9.1 The Authority Monitoring Report (2016/17) reported the following breakdown of the authority's housing stock as calculated in 2011:

<b>Type of Tenure</b>	<b>Dwellings</b>
<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>

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

9.10.1 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**.

9.10.2 As explained in Section 4, the Scheme has outline planning consent and Reserved Matters Applications were submitted for the detailed design of phase 3 in early 2018. However, Phase 3 will be subject to a review by the design team that will be appointed shortly and this may lead to a submission of a new planning application. Construction of the Phase 3 residential units is due to commence in Autumn 2019 with the new primary school being delivered by Summer 2020. To deliver the school, vacant possession of the properties situated at 1-122 St Marys and 96-134 Wheelers Cross is required in early 2019 to allow for demolition and site preparation.

9.11 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.

9.12 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.

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

9.13.1 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.

9.13.2 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.

9.13.3 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 of high quality family houses. Furthermore, it will help reinforce the integrity and viability of town centre by providing a mixed community in the town centre. The Scheme will provide a high quality provision of new houses 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.

- 9.13.4 It is acknowledged that the proposed development does not deliver the additional housing that the AAP sought, with the expectation that the regenerated Estate would deliver an additional 570 units. Instead the development delivers a reduction of 152 units (the original Estate, prior to decanting provided 1,727 homes) but for two good reasons: the need to deliver two new schools and the introduction of larger dwelling sizes into the development. With the view of increasing the number of units that can be achieved within the redevelopment, phase 3 and 4 of the masterplan will be reviewed by a newly appointed design team.
- 9.13.5 The proposed development includes some four and five bedroom houses, and when calculated on a habitable room basis there is an overall increase in habitable rooms from 5,249 on the Estate (prior to decanting) to 5,545 habitable rooms; a rise of 296 (5.6%).
- 9.13.6 There is a reduction in the number of affordable units and habitable rooms - on a habitable room basis the total reduces from 3,399 to 3,346 (-1.9%) - which doesn't accord with the Mayor's Housing Strategy but in considering this minor fall it is important to reflect the provision of two new schools within the wider Scheme and the need to rebalance the tenure mix in the area given the Estate's high proportion of social housing, in line with London Plan Policy 3.9.
- 9.13.7 At the time the AAP was adopted and Policy BTCSSA6 drafted, it was not predicted that the pupil population would rise at the rate experienced. The consequence of this rapid rise was a requirement to deliver two additional schools to serve the growing child population within the Gascoigne and Abbey Wards. The delivery of the two new schools is supported by planning policy, with AAP Policy BTC15 and Policy 3.16 of the London Plan supporting the delivery of social infrastructure to ensure that the needs of its growing and diverse population and those communities can be formed.
- 9.13.8 The consequence of the delivery of two new schools is there is less available land for housing (the two schools occupy land totalling c. 3.6 Ha) and the reduction in dwellings cannot be made up by increasing density to the detriment of good design and maintaining the character of the area – the density of the consented development is maximised. A balance therefore needs to be struck between the competing requirements for land and in

consideration of the delivery of two much needed schools, the delivery of significant affordable housing in the town centre outside of those units delivered by way of section 106 agreements, and the wider benefits of the regeneration scheme, the Local Planning Authority considered the minor loss acceptable. This view was also shared by the GLA who considered that the delivery of additional habitable rooms, new homes of a much better standard and design, together with the new and enhanced community infrastructure meant the scheme was considered acceptable from a strategic planning perspective.

9.13.9 Furthermore, this matter was considered by the Inspector and Secretary of State when considering whether to confirm the CPO relating to Phase 1 and 2 in which the Inspector commented:

*“The Council has justified the overall reduction in housing numbers mainly on the basis that the land is also needed for both a secondary school and a primary school. This is against a background of sharply increasing demand for school places. The nearby Gascoigne Primary School is said to be the most over-prescribed facility in the UK [99]. Some additional community and employment facilities would also have public social and economic benefits [100]. The land remaining for housing would be developed at densities 18.5% higher than at present [98], resulting in overall growth in those areas and more efficient use of town centre land. The overall loss of housing numbers on-site is therefore justified. Provision of sufficient education places qualifies as necessary supporting infrastructure to housing development in any event.” (para 228)*

*“The proposed overall reduction in housing numbers and in affordable housing provision on this site is justified by the objective to create more mixed tenures and by the need to provide sites in this area for necessary school places. The loss of housing on this site has been mitigated by compensatory new provision elsewhere in the borough and the town centre, including affordable housing.” (para 236)*

9.13.10 The Council is of the opinion that the scheme accords with the planning framework of the area, a view supported by the Local Planning Authority, the GLA and the then Secretary of State.

9.14 **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**

9.14.1 The Gascoigne East 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. Whilst the redevelopment of the Estate itself will provide in itself a limited source of employment for residents out of work, the redevelopment of the Estate will deliver a new primary school to go alongside the secondary school delivered within phase 2 of the redevelopment, providing much needed local places alleviating the capacity issues at existing primary schools nearby. With quality of education recognised as a fundamental determinant of the future opportunities and life chances of children and young people, the additional provision, which will help reduce class sizes elsewhere, will provide an improved environment for learning and improve the level of education attainment of pupils. Furthermore, 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.

9.14.2 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.

9.14.3 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 over 80% 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.

9.14.4 The changes that are needed to improve wellbeing require a comprehensive redevelopment which can tackle the issues in a strategic way. The Scheme will deliver the investment needed to improve the issues identified, replacing a number of blocks that have been identified as not meeting Decent Homes standards and which for which it is uneconomic to meet this standard. 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 which is far in excess of policy

requirements with the street pattern designed to be cyclist and pedestrian friendly by minimising the amount of road space for vehicles.

- 9.14.5 The development will deliver new housing built to modern standards and providing 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.
- 9.14.6 Green roofs are proposed as well as an energy centre which incorporates a combined heat and power plant which will provide a heat network for Phases 1, 2 and 3 of the scheme including the new schools.
- 9.14.7 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.
- 9.14.8 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.
- 9.14.9 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) The delivery of a new primary school providing 630 pupil places, easing capacity issues at neighbouring schools and providing local facilities for existing and new residents to the redeveloped Estate;
- (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) Creation of a Combined Heat and Power Centre which will provide a low carbon heat network serving the new development;
- (ix) Traffic calming measures incorporated into design to help promote safe pedestrian movements and cycling;
- (x) 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 Mayor Housing SPDs, Core Strategy and Development Management DPDs;
- (xi) Providing new high quality housing in a sustainable town centre location and on a brownfield site;
- (xii) Delivering new housing blocks with Green Roofs, roofs with photovoltaic panels and mounted bird and bat boxes to provide bio-diversity enhancements.

9.14.10 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

9.15 **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**

9.15.1 As illustrated by the Council's cabinet decisions (detailed at paragraphs 8.22 – 8.36), the Council has made significant financial commitments to the purchase of properties on the

Estate and the delivery of the new development utilising its own funds and securing funding from institutions such as the European Investment Bank.

9.15.2 Following a procurement exercise, on the 1<sup>st</sup> February 2013 the Council appointed East Thames Group (ETG), a Registered Provider of social housing, as its development partner for the redevelopment of Phase 1 of the Estate. ETG have subsequently merged with London and Quadrant (L&Q), another Registered Provider. The Council is working with ETG/L&Q to bring forward the development, which has resulted in the first units within phase 1 of the development being completed in March 2018.

9.15.3 The Council is retaining the ownership of the Social Rent and Affordable Rent units within Phase 1 through a specially created Special Purpose Vehicle. ETG/L&G will deliver and retain all of the shared ownership units and together through a separate vehicle, the Council and ETG/L&G will fund, develop and sell the private accommodation.

9.15.4 Alongside its development partner, as at the time of writing, the Council has successfully delivered phase 1 of the redevelopment.

9.15.5 Phases 2, 3 and 4 of the development will be delivered by the Council's regeneration company, Be First, with phase 2 and phase 3 (in respect of the school) commencing in late 2018. The Council is satisfied with the financial viability of the phase 3 development, is able to secure the necessary finance to bring forward its development and is committed to its delivery.

9.15.6 In respect of the new primary school (named Greatfields Primary School), the new school has been approved by the Department for Education and funding for the facility has been secured from the Education and Skills Funding Agency. The management of the school will be undertaken by Partnership Learning Trust, who operate nine schools including the newly created Greatfields Secondary School which was developed within phase 1.

9.15.7 Accordingly, there is a reasonable prospect of the scheme going ahead.

9.16 **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.**

9.16.1 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.

- 9.16.2 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.
- 9.16.3 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.
- 9.16.4 The Council acknowledges that there are some buildings located on the perimeter of the Estate which are being refurbished as opposed to being demolished and replaced with new housing, but it is not possible to achieve this across the Estate on account of: (i) the construction of the high rise buildings which are of a non-traditional construction and have poor thermal retention, water ingress issues, etc. and do not meet the Decent Homes standard, and (ii) the retention of the buildings included within the Order Lands would curtail the ability of the Council to deliver the required improvements to the design and layout of the existing Estate as well as increase the density of the Estate and deliver the education facilities. 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.
- 9.16.5 Furthermore, the provision of two new schools within the redevelopment necessitates that the land available for housing is used more intensely so to maximise housing numbers. The scheme achieve this, increasing the density of the Estate to 437 habitable rooms per hectare (Hr/Ha) from an existing level of 328 Hr/Ha, a level that can only be achieved through comprehensive redevelopment.
- 9.16.6 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.
- 9.16.7 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.
- 9.16.8 For the reasons explained above, the Council therefore considers there to be a compelling case in the public interest to proceed with Order.

## 10 IMPLEMENTATION OF THE SCHEME

- 10.1 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 ambition that the Council's Cabinet endorsed in their resolution on the 6<sup>th</sup> July 2010.
- 10.2 Since this decision the Council has been proactive in advancing the delivery of the project, initially setting aside resources to acquire leasehold properties within the Estate which were in third party ownership and to also acquire properties in which to decant existing tenants within blocks identified for demolition. In respect of the borough-wide estate renewal programme, £7.1m was committed by Cabinet for the acquisition of properties in their decision of the 6<sup>th</sup> July 2010 with a further £16m approved on the 2<sup>nd</sup> November 2010. Of the total £23m, £8.6m was allocated to Gascoigne Estate East to cover cost of leaseholder buybacks (including disturbance payment), decants, demolition and estate management, planning procurement and staff costs.
- 10.3 Further to the early allocation of funds, the Council has undertaken a procurement exercise compliant with the EU regulations on the award of public contracts which culminated in the appointment of ETG in February 2013 as the Council's development partner for phase 1. Under the signed development agreement, the Council will fund the delivery of the affordable housing that is to be rented (which will be retained by the Council's Special Purpose Vehicle), ETG/L&G will sell/own the retained element of the Shared Ownership units, and the private units will be delivered and sold through a joint venture company created by both the Council and ETG/L&G. Following the execution of the Development Agreement and the details of the phase 1 unit and tenure mix, the Council's cabinet resolved on the 30<sup>th</sup> June 2014 to borrow c.£63m within the General Fund to finance the delivery of 235 affordable/social rented units, the delivery of 135 shared ownership units and contribute its 50% of the construction costs relating to the 51 private units.
- 10.4 Phases 2, 3 and 4 of the development of the Estate will be delivered by the Council's regeneration vehicle, BeFirst.
- 10.5 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.
- 10.6 The school will be delivered by the Council with funding from the Education and Skills Funding Agency. The construction of the school is fully funded and once complete, it will be operated by Partnership Learning Trust, who also operate the newly created secondary school on the Estate. Contractors for the construction of the new school have been procured.

## **11 NEGOTIATIONS WITH THOSE OWNING INTERESTS IN THE ORDER LAND**

- 11.1 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.
- 11.2 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.
- 11.3 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 home on the new development 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 cannot afford the shared ownership/equity transfer/discount sale option, gap funding has been made available.
- 11.4 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.
- 11.5 The Council has acquired 32 properties to date with 62 property interests currently outside of the Council's ownership.
- 11.6 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

- 11.7 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.
- 11.8 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.
- 11.9 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.

## **12 HUMAN RIGHTS AND EQUALITIES**

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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.

- 12.5 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.
- 12.6 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.
- 12.7 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.

### **13 CONSULTATION**

- 13.1 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 masterplan. Finally, consultation has taken place in line with planning regulations though the preparation of the Development Plan Documents which makes up the local plan.

#### **Decanting Consultation**

- 13.2 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. Letters were sent to every resident on the Gascoigne Estate in November 2010. These letters informed them of their status within the phases of the redevelopment and the programme of Estate Renewal. 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.

### **Masterplanning Consultation**

- 13.3 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 during the masterplanning process. Three separate consultation meetings were held in the Gascoigne Community Centre in summer 2013 with an all day event - Gascoigne Community Fun Day - held on 7<sup>th</sup> September. Each meeting had an attendance of over 100 residents with the community day attended by over 200 people.
- 13.4 Emerging development proposals were also presented at the Council's Residents led Urban Design Forum (RUDF) on 16th October 2013 and reviewed by the Urban Design London (UDL) design panel in November 2013. In addition to the above, residents preplanning briefing was held on 12<sup>th</sup> June 2014 to enable residents to view detailed proposals for Phase 1 and outline masterplan before the application was submitted to the Council.
- 13.5 The Cabinet Members for Housing, Regeneration, Finance, Community and the Gascoigne Ward members have been consulted on the Gascoigne regeneration Scheme. Three pre-application meetings with officers at the Greater London Authority ('GLA') were held in September and December 2013. The proposals received support from the GLA officers.

### **Planning Policy Consultation**

- 13.6 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.

## **14 RELATED ORDERS**

- 14.1 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 18<sup>th</sup> July 2016 without modification.
- 14.2 A Stopping Up Order will be required for Coverdales and St. Marys and for some of the public footpaths that extend through the site. At the appropriate time, A Stopping Up Order under s.247 TCPA 1990 (as amended) will be made in respect of the roads and footpaths contained in phase 3 of the Scheme.
- 14.3 There are no further related orders, applications or appeals that need to be considered.

## **15 CONSERVATION AREA AND LISTED BUILDINGS**

- 15.1 There are no listed buildings within the Order Land and it falls outside the Conservation Area. There is a nil return certificate for protected assets.

## **16 EQUALITIES STATEMENT**

- 16.1 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.
- 16.2 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.

## **17 COMPULSORY PURCHASE BY NON-MINISTERIAL ACQUIRING AUTHORITIES (INQUIRIES PROCEDURE) RULES 2007**

- 17.1 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.

## **18 CONCLUSION**

- 18.1 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.
- 18.2 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 3 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.
- 18.3 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.
- 18.3.1 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;
- 18.3.2 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

- 18.3.3 whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.
- 18.4 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. It is acknowledged that the proposed development does not deliver the additional housing that the AAP sought, but for two good reasons: the need to deliver two new schools and the introduction of larger dwelling sizes into the development. On a habitable room basis the wider scheme delivers an increase against that of the original Estate but the level of increase is moderated by the need to deliver two new schools as part of the redevelopment to meet the growing demand for school places and the consequential reduction in available land. The Local Planning Authority, the GLA and the Inspector making a recommendation in respect to the previous CPO for the scheme each reached a conclusion that the scheme accorded with the planning framework.
- 18.5 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.
- 18.6 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.
- 18.7 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 for the new primary school and will be delivering the new residential accommodation itself, through its regeneration vehicle, BeFirst.
- 18.8 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.
- 18.9 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.

## 19 ADDITIONAL INFORMATION

- 19.1 Information about the Scheme is available at the Council's website [www.lbbd.gov.uk](http://www.lbbd.gov.uk)
- 19.2 Copies of the Order, Order Maps and this Statement of Reasons, and the documents referred to in Section 15 below are available for public inspection at the Barking Town Hall, 1 Town Square, Barking, IG11 7LU and Barking Learning Centre, 2 Town Square, Barking IG11 7NB and may be seen during normal office hours 9am-5pm Monday to Friday (Barking Town Hall) and from 9am-9.30pm Monday to Thursday, 9am-5pm Friday, 9am-5pm Saturday and 10am-4pm Sunday (Barking Learning Centre)
- 19.3 The CPO documents are also available on the Council's website:
- [www.lbbd.gov.uk/residents/housing-and-tenancy/estate-renewal-programme/gascoigne-estate-compulsory-purchase-order-cpo/](http://www.lbbd.gov.uk/residents/housing-and-tenancy/estate-renewal-programme/gascoigne-estate-compulsory-purchase-order-cpo/)
  - [lbbd.gov.uk/gascoignecpo](http://lbbd.gov.uk/gascoignecpo)

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

- 20.1 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 on 29 October 2015
2	Boroughwide Estate Renewal Priorities 2010-14, LBBB Cabinet Minutes, 6th July 2010
3	Boroughwide Estate Renewal Programme – Phasing and Decant Options, LBBB Cabinet Minutes, 2 <sup>nd</sup> November 2010
4	Gascoigne Estate Renewal - Site Delivery and Disposal Options, LBBB Minutes 20 <sup>th</sup> September 2011
5	Housing Capital Investment Programme 2011-12 Update, Cabinet Report, LBBB Cabinet Minutes, 22 November 2011
6	Housing Capital Investment Programme 2012 – 2017, LBBB Cabinet Minutes 24 July 2012
7	Gascoigne Estate East Regeneration Proposals - Site Masterplan and Phase 1, Cabinet Minutes 30 June 2014

No	Document Name
8	Gascoigne East Phase 1 and Abbey Road Phase 2 Funding Proposals, Cabinet Minutes August 2014
9	Gascoigne Estate (East) Regeneration Proposals - Phase 2, Cabinet Minutes July 2016
10	London Borough of Barking and Dagenham Core Strategy DPD (July 2010)
11	London Borough of Barking and Dagenham Barking Town Centre Area Action Plan DPD (February 2011)
12	London Borough of Barking and Dagenham Proposals Map DPD (February 2012)
13	London Borough of Barking and Dagenham Site Allocations DPD (December 2010)
14	Gascoigne Regeneration Framework (Levitt Bernstein, 2009)
15	Gascoigne East Masterplan (Levitt Bernstein and Allies and Morrison Architects, 2014)
16	The London Plan 2016
17	National Planning Policy Framework (NPPF) (March 2012)
18	London Borough of Barking and Dagenham: Vision and Priorities
19	London Borough of Barking and Dagenham Housing Strategy 2012-2017
20	London Borough of Barking and Dagenham Housing Strategy 2012-2017
21	Better Homes Housing Asset Management Strategy 2015-2020
22	Barking and Dagenham Growth Strategy 2013 – 2023

<b>No</b>	<b>Document Name</b>
23	The Barking and Dagenham Housing Needs Survey 2011
24	Estate Renewal Decant Charter
25	Planning Consent Granted by London Borough of Barking and Dagenham

20.2 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