

	<h2>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
<b>Title</b>	<b>To consider objections to the appropriation for planning purposes of open public space land at Granville Road estate and to appropriate in accordance with the provision of s 122 of the Local Government Act 1972</b>
<b>Report of</b>	Cath Shaw Deputy Chief Executive
<b>Wards</b>	Childs Hill
<b>Status</b>	
<b>Enclosures</b>	None
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## Summary

1. The land tinted green on the attached plan is currently owned and held by the Council for the purpose of recreation, but is now required for planning purposes for development which is consistent with regeneration plans and the Overarching Development Agreement entered into by the Council in 2013.
2. An application for planning permission for housing development on land in Granville Road estate including the land tinted Green was approved by the Secretary of State on Appeal Planning Reference No APP/N5090/W/15/3132049. August 2016.
3. Section 122 of the Local Government Act 1972 allows the Council to appropriate land in its ownership for a purpose other than for which it is currently held. However, certain statutory procedures need to be followed in relation to that appropriation where the land includes Public Open Space, as it does in the case of the land at Granville Road.
4. Section 122 requires that, prior to any appropriation, the Council's intention to appropriate be advertised in the local press for two consecutive weeks and that it consider any objections received.
5. Notice of the Council's intention to appropriate the land and its intention to dispose of the land was advertised in the Barnet Times on 21 and 28<sup>th</sup> September 2017 and

a copy of that statutory advertisement is now attached as Appendix 2 The Council received [11] objections in response to the two statutory advertisement Appendix 3 and copies of those objections are set out in Appendix 4. Appendix 5 contains summary details of the 11 objections. The grounds for objection are generally that the objectors consider that the open space is still used for recreation by local residents, and that the proposed appropriation would result on loss of the mature trees, over development, and an insufficiency of social housing.

## **Decisions**

- 1. To consider each of the objections to the proposed appropriation for planning purposes of land at Granville Road estate shown tinted green on the attached plan Appendix 1 as is currently held as public open space, under section 122 of the Local government Act 1972**
  
- 2. That having given due considerations to each of the objectors, and for the reasons set out in this report, the Deputy Chief Executive authorises in accordance with the resolution of the Cabinet Resources Committee dated 7<sup>th</sup> November 2012, the appropriation in accordance with the provision of s 122 of the Local Government Act 1972 the land shown coloured hatched green on the attached plan from public open space to planning purposes.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Cabinet Resources Committee, 31 October 2007 (Decision Item 11) – approved in principle the sale of the specified lands on Granville Road estate, NW2 for residential development to fund works required to the tower blocks subject to marketing and tendering.
  
- 2.2 Cabinet, 23 January 2008 (Decision Item 7) – approved the Planning Brief for the Granville Road Estate, NW2 which included retention of the three taller tower blocks for major refurbishment and improvement assisted by unlocking new build potential on adjoining under-used land to provide new homes as part of a wider Estate regeneration scheme.
  
- 2.3 Cabinet Resources Committee 5 March 2009 (Decision Item 10) – approved the demolition of Garth House and connected buildings following a fire in 2008.

- 2.4 Cabinet Resources Committee, 23 April 2009 (Decision Item 6) – approved an initial allocation of £1 million of Growth Area Funding if necessary, to assist the financial business case for the refurbishment of the three tower blocks and the wider regeneration on the Granville Road Estate, NW2.
- 2.5 Cabinet Housing and Regeneration Committee, 27 May 2009 (Decision Item 7) – Informed members on Local Asset Backed Vehicles (LABV) model and how this may assist the Council in providing innovative funding solutions to delivering housing regeneration at locations such as Granville Road Estate, NW2.
- 2.6 Cabinet Resources Committee, 30 July 2009 (Decision item 18) – approved the formal acceptance of the award of funding of £7.011 million from the London Development Agency allocated from the London Mayor’s Targeted Funding Stream to improve the three tower blocks and upgrade 179 homes on the Granville Road Estate, NW2 and to undertake a parallel process for the wider estate regeneration and related procurement process.
- 2.7 Cabinet, 21 October 2009 (Decision item 10) – approved
- (i) that officers invite expressions of interest on the options for progression of the regeneration;
  - (ii) the commencement of a formal procurement and market testing of the options;
  - (iii) officers procure the production of a masterplan to guide the development and regeneration of the wider estate; and
  - (iv) that officers report back to Cabinet or Cabinet Resources Committee to commence phase 2 of the wider regeneration in accordance with the chosen financial and procurement model.
- 2.8 Cabinet, 21 October 2009 (Decision item 8) – approved the plans for implementing the Future Shape programme which sets out three key priorities being a new relationship with citizens, a one public sector approach and a relentless drive for efficiency whilst seeking to deliver new innovative models of funding and service delivery.
- 2.9 Cabinet Resources Committee, 23 February 2010 (Decision item 14) – approved
- (i) the commencement of the process to develop a Local Asset Backed Vehicle;
  - (ii) a formal LABV Board be constituted with Officers tasked with reporting back to CRC on the detail of the forming and operating of such a vehicle;
  - (iii) to undertake soft market testing with the potential to refine the LABV concept to a Barnet specific product; and
  - (iv) procure appropriate professional advisers to assist the Council in this process.
- 2.10 Cabinet, 12 April 2010 (Decision item 9) – approved the Barnet Housing Strategy and

- (i) to explore the Private Rented Sector Initiative, in 2010/11 linked to Future Shape;
- (ii) following such exploration, to develop further the Business Case for establishing a Barnet Private Rented Sector Initiative vehicle for future presentation to Cabinet; and
- (iii) to appoint relevant external advisors to advise on the Private Rented Sector Initiative and the Council's proposed participation in such a vehicle, and authority be given to the relevant Cabinet Member, through Delegated Powers, to approve external advisors.

2.11 Cabinet Resources Committee, 17 June 2010 (Agenda Item 9):  
Resolved –

(i) That having regard to the business case for Phase 2 of the regeneration of the Granville Road estate, NW2:

- (a) That the Director of Planning Housing and Regeneration be authorised to seek a development partner through a competitive tender to enter into a joint venture to take forward Phase 2 of the regeneration of the Granville Road Estate, NW2;
- (b) That the Director of Planning, Housing and Regeneration be authorised to approve through delegated powers, the appointment of any further external consultants, in accordance with the Council's Contract Procurement Rules to support the tender and contractual arrangements for the establishment of a joint venture agreement / local delivery vehicle for Granville Road, NW2; and
- (c) To authorise spend up to a maximum of £500,000 towards legal

and

for

consultancy services to support the tender arrangements required for the establishment of a joint venture agreement or other delivery vehicle for Granville Road.

2.12 Cabinet Resources committee, 18 October 2012 – approved the recommendations as set out in 1.1 to 1.11 above.

### **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

3.1 The regeneration of the Granville Road Estate, NW2 contributes to the delivery of the Corporate Plan 2012-2013 priority of a 'successful London Suburb' and the One Barnet - A Sustainable Community Strategy 2010-20. Strategic objectives under the above include to deliver sustainable housing growth, to support strong and cohesive communities and to ensure residents continue to feel that Barnet is a place where people from different communities get on together including through effective management of our regeneration programmes.

3.2 The Granville Road Estate, NW2 Regeneration also supports the corporate priority of 'sharing opportunities, sharing responsibilities'. The new development will offer more choice by providing a number of different housing

options such as shared equity, shared ownership etc to residents and those in the wider community.

- 3.3 The Granville Road Estate Planning Brief adopted by Cabinet, and issued on 23 January 2008 also outlines a vision for a high quality successful and sustainable community including well designed new homes. It sets out key principles and opportunities for new housing development in keeping with the character of the area

#### **4. EQUALITIES AND DIVERSITY ISSUES**

- 4.1 Barnet is committed to improving the quality of life and wider participation for all the economic, educational, cultural, and social and community life in the Borough. This is achieved by pursuing successful regeneration of the Borough's priority housing estates and where financially necessary to assist this by bringing sites to the market for residential use. This will benefit all sections of society and Barnet's diverse communities who are seeking housing and contribute to addressing the shortage of housing in the Borough across all tenures.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property Sustainability)**

###### **5.1.1 Finance**

- 5.1.1.2 There are no financial implications arising directly from this report to LBB. All costs are borne by our development partner New Granville LLP under the principal development agreement.

###### **5.1.2 Property**

- 5.1.2.1 The Council will retain the freehold for the majority of the land within the red line attached as Appendix 1 but will be granting a 999 year lease on various parcels of land within the red line for residential development. This will be subject to various consents. The land comprising of the houses that are proposed will be transferred on practical completion of the houses to the development partner or the registered provider (as appropriate) on a freehold basis.
- 5.1.2.2 The improved homes in the tower blocks at Granville Point, Harpenmead Point, Templewood Point, Nant Court and Mountfield will continue to be owned by the Council and managed by Barnet Homes (subject to individual leasehold acquisitions). Arrangements for designated parking and use of amenity space for the retained homes have also been agreed.

5.1.2.3 The land required to deliver the new housing development at Granville Road Estate, NW2 and which is within the Council's ownership is to be transferred in accordance with the terms which are set out in the Exempt Report.

## **6. LEGAL ISSUES**

6.1 The Council has the power to appropriate land which it owns from one of its functions to another, if, the said land is no longer required for the purpose for which it is held. This power is contained in Section 122 of the Local Government Act 1972. Section 2(A) of Section 122 of the Local Government Act 1972 provides that, if the land to be appropriated consists of or forms part of Open Space Land, then, the requirement to advertise the proposed appropriation for two consecutive weeks in a newspaper circulating in the area must be complied with. The Local Authority must also consider any representations or objections that it receives.

6.2 Section 203 of the Housing and Planning Act 2016 states that a person may carry out building or maintenance work [or use of land] to which this Section applies even if it involves interfering with a relevant right or interest or breaching a restriction as to the user of land arising by virtue of a contract. Section 203 applies to land on which there is planning consent for the building or maintenance work [or change of use]; the land was owned by a local authority on the date it was appropriated; the authority could [if it had not already owned the land] acquire it compulsorily for the proposed works; and that the proposed work is related to the purposes for which the land was acquired or appropriated.

6.3 Section 204 of the Housing and Planning Act 2016 provides a statutory right to compensation for anyone who suffers loss as a result of the extinguishment of their rights under Section 203.

6.4 Because the unilateral extinguishment of third party rights engages the First Protocol of the Human Rights Convention (no-one shall be deprived of his rights except in the public interest), and Article 8 to the Convention (the right to respect for private and family life, home and correspondence), the Human Rights Act 1998 requires appropriate regard to be had to those implications in any decision to appropriate. In this case it is not considered that the extinguishment of any third party rights will affect anyone's enjoyment of their home and that any extinguishment of other third party rights can be adequately compensated in financial terms.

6.5 As regards the matters contained in the objection letters themselves it is considered that all of the issues raised have already been fully addressed at the public inquiry into the planning appeal leading to the grant of planning permission for the proposed redevelopment. A copy of the Inspector's Decision Letter is attached as Appendix 6.

## **7. BACKGROUND INFORMATION**

- 7.1 The Granville Road Estate, NW2 is situated at the southern end of the Borough within Childs Hill Ward. This 1960s social housing estate is typical of its type and time resulting from clearance of traditional terraced streets within an area which is characterised by low rise suburban housing. It consists of three tall tower blocks, Templewood Point, Harpenmead Point and Granville Point, as well as three lower rise blocks Nant Court, Mountfield and Beech Court. Garth House, a sheltered housing block on the estate was severely damaged by fire on 5 October 2008 and has now been demolished. The estate is overwhelmingly single tenure social housing. The three tower blocks contain 179 properties with 44 owned by leaseholders. The quality of the estate is generally poor; reflective of the problems of 1960s council estate developments and subsequent need for upgrade and improvement in the estate environment. The majority of the improvements required to the tower blocks were not covered by the Council's Decent Homes Programme.
- 7.2 In October 2007, the Cabinet Resources Committee approved the regeneration of the estate, in principle, by upgrading the existing tower blocks, including over-cladding to improve their thermal performance and appearance as well as the sale of surplus land on the estate for development to contribute to the regeneration. Also, the public amenity space in the resulting development would be improved.
- 7.3 In April 2009, the Council received confirmation that a bid the Council had made to the London Development Agency (LDA) was successful and funding of £7,013,000 was awarded for 2010/11 to contribute towards the costs of the improvement works to the tower blocks. In order to comply with the funding criteria, it was necessary to commence with the over-cladding contract in 2010/11. Therefore, it was agreed to progress the regeneration in two phases as reported and approved by Cabinet Resources Committee in July 2009 to accept the funding and proceed with the procurement of the tower block improvement works. The contract for the works to the tower blocks was awarded to Apollo and completed in May 2012. Alongside this decent homes improvement works were also undertaken at Nant Court and Mountfield.
- 7.4 The Council has ensured that the quality and external design of the improvements to the existing tower blocks is closely aligned with the emerging wider estates regeneration and the new build homes.
- 7.5 Phase 2 of the estate regeneration involved an assessment of the opportunities to improve the quality of the public amenity space and to provide additional homes with improved tenure choice on the estate. Although some of the landscaping is of reasonable quality, the estate includes large areas of under-utilised and unstructured land including garage courts, undefined parking, unused amenity space, pram sheds and vacant land as a result of the afore-mentioned demolition of Garth House and Community Hall. Beech Court was identified as a site suitable for redevelopment. In addition, the estate does not offer a range of housing types or tenure options. It is not well integrated into the surrounding neighbourhood, and does little to enhance

Childs Hill as an attractive residential location. However, there is potential to radically improve the estate and transform it into a desirable residential location for all tenures.

7.6 The vision and underlying objectives for the estate regeneration includes the following:

- to create a cohesive sense of place;
- promotion of the supply of market, intermediate and affordable housing;
- achieve an integrated balanced community;
- deliver high quality design employing sustainable construction techniques;
- bring improvements to the public amenity space;
- enhance the local economy;
- reinforce local identity; and
- meet local demand for housing.

## 8. DECISION TAKER'S STATEMENT

8.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*



Signed Deputy Chief Executive

Date 13<sup>th</sup> December 2017

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## REPORT CLEARANCE CHECKLIST

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**AUTHOR TO COMPLETE TABLE BELOW:**

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