

Response and Recovery Committee

25 March 2021

Cambridge Road Estate Programme Delivery

Report by Naz Hussain - Director Of Place

Relevant Portfolio Holder Councillor Kerr - Leader Of The Council

Purpose of Report

To brief Members on the use of Compulsory Purchase powers and to seek a resolution to use these powers as a last resort to acquire land within the boundary of the proposed CPO1 area of the Cambridge Road Estate regeneration scheme.

Recommendation(s)

The Committee recommends Full Council to:

1. Subject to the Executive Director of Place being satisfied in relation to the progress of the planning application for the development, authorise the making of a CPO ("the Order") under Section 226(1)(a) of the Town and Country Planning Act 1990 ("the 1990 Act") to acquire the outstanding interests in the land shown edged red on the plan attached at Appendix 1 ("the Order Land") and the submission of the Order to the Secretary of State for confirmation, and authorise the confirmation of the Order if the Council is given the power to do so by the Secretary of State under Section 14A of the Acquisition of Land Act 1981.
2. Authorise the Executive Director of Place, after consultation with the Leader of the Council and the Portfolio Holder for Housing and Public Health, to make any minor changes considered necessary to the Order Land and to finalise the Statement of Reasons to support the Order.
3. Authorise the Executive Director of Place, after consultation with the Leader of the Council and the Portfolio Holder for Housing and Public Health, to issue notices and carry out actions under Section 172 of the Housing and Planning Act 2016 and where necessary, to enter on to land and carry out a survey of any land which the Council proposes to acquire compulsorily.
4. Authorise the Executive Director of Place, after consultation with the Leader of the Council and the Portfolio Holder for Housing and Public Health and following confirmation of the Order, to publish and serve notice of confirmation of the Order, together with notice of the Council's intention to make a General Vesting Declaration ("GVD"), and to make one or more GVDs (and to serve all appropriate notices in connection therewith) or to serve notices to treat and notices of entry (as appropriate) in respect of the Order Land.
5. Authorise the use of powers under the Town and Country Planning Act 1990 to secure the removal of any apparatus of statutory undertakers or communication code operators from the land shown coloured pink on the Map.

6. Authorise the acquisition by agreement of all third party interests in and over the Order Land under Section 227 of the 1990 Act before or after confirmation of the Order and in respect of any new rights required for the development or use of the Order Land.
7. Authorise the Executive Director of Place, after consultation with the Leader of the Council and the Portfolio Holder for Housing and Public Health, to enter into agreements and to make undertakings, contracts and transfers on behalf of the Council with third parties with interests in the Order Land.
8. Authorise Executive Director of Place, after consultation with the Leader of the Council and the Portfolio Holder for Housing and Public Health, to reach agreement with parties otherwise affected by the Order in order to secure the withdrawal of objections to the confirmation of the Order, including but not limited to the creation of new rights, or the removal of any land from the Order, and to defend any proceedings challenging the making or confirmation of the Order.

Benefits to the Community:

The making of a Compulsory Purchase Order (CPO) will facilitate the regeneration of the Cambridge Road Estate which provides a once in a generation opportunity to deliver new modern homes, green spaces, play areas and safer streets and neighbourhoods. The regeneration will provide:

- 2170 new homes, of which 767 will be council rent, 100 shared equity/ownership with 1303 for private sale
- Modern, safe, secure accessible homes
- A new community centre, designed with stakeholders (which is to be built in phase 1 of the redevelopment)
- Safer pedestrian prioritised streets, green spaces and play areas
- Improved parking arrangements
- More trees and planted areas
- A carbon-neutral energy centre to provide heating for the new development

Key Points

- A. The majority of the Cambridge Road Estate is already in the ownership of the Council. However there are a number of third party interests that still need to be acquired in order to enable the regeneration to be delivered. The majority of these are dwellings that have been acquired through use of the right to buy with some limited commercial interests.
- B. The Council intends to bring forward the regeneration of Cambridge Road Estate in phases. Although acquisition by agreement is clearly preferable to the use of CPO

it is evident that in order to secure the delivery of the Cambridge Road Estate regeneration scheme within a reasonable time frame, the Council will need compulsory purchase powers to ensure that all interests required can be secured.

- C. The Council has the power to make a Compulsory Purchase Order under Section 226 (1) (a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004). This provides that the Council may exercise its statutory powers to compulsorily acquire land where it believes that such acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. In order to exercise this power, the Council must also be satisfied that it thinks:

“that the development, redevelopment or improvement is likely to contribute to the achievement of one or more of the following objectives: (a) the promotion or improvement of the economic wellbeing of their area; (b) the promotion or improvement of the social wellbeing of their area; (c) the promotion or improvement of the environmental wellbeing of their area (Section 226 (1A).”

- D. Guidance on Compulsory Purchase Process and the Crichel Down Rules (Ministry of Housing, Communities and Local Government, February 2018 (“the CPO Guidance)) states the need to seek to acquire by private treaty and whilst compulsory purchase powers are an important tool for land assembly, sees a CPO as being used as ‘a last resort’ in the event that attempts to acquire by agreement fail. Under the CPO guidance, acquiring authorities are required to consider at what point the land they are seeking to acquire will be needed and should plan a compulsory purchase timetable at the same time as conducting negotiations.
- E. Having considered the project requirements, programme duration and phasing it is not considered appropriate to make a single CPO covering the whole Estate. Instead there will be a series of CPOs, the first of which will be CPO1 which will focus on the earlier phases. The area identified in **Annex 1** is for Phase 1 and Phase 2 of the redevelopment - this is the “Order Land” for ‘CPO1’.
- F. The Council considers that the acquisition of the land identified in CPO1 will facilitate the redevelopment or improvement of the land and is likely to contribute to all of the objectives quoted in C above. This will ensure delivery and will provide a balance between achieving the redevelopment objectives, funding requirements (GLA Housing Zone & Building Council Homes for Londoners funding milestones), cost effectiveness and risks.
- G. The CPO will need to be confirmed by the Secretary of State for the Ministry for Housing, Communities and Government (MHCLG), who will consider any objections to the making of the Order before reaching a decision.

Context

1. At the Growth Committee held in June 2017 the Council approved the acquisition of third party interests through negotiation, both on the Cambridge Road Estate and those of strategic importance close to the boundary of the estate. To date of this report, 27 interests have been acquired (out of a total of 179) across the Estate, of which 24 are in CPO1.
2. The same Growth Committee also recommended to Full Council to approve that the Council proceed “in principle” with making Compulsory Purchase Orders

(CPOs) on property interests identified within the proposed regeneration site that have not been acquired voluntarily through negotiation. This was approved by Full Council on 18 July 2017.

3. The Estate is 8.6 hectares, and currently there are 832 homes on the Estate. The Order Land comprises 3.7 hectares and 271 of the total number of homes are within the Order Land.
4. The Estate was built in the late 1960s and early 1970s and is now in need of major investment in order to provide a more modern environment. It comprises a mix of high-rise blocks, lower-rise flats and maisonette blocks as well as terraced houses. The existing buildings include four 17-storey high-rises, low rise blocks ranging from 2-storey houses and bungalows to 5-storey maisonettes and flat blocks with elevated walkways and bridges to access upper levels.
5. The Order Land is predominantly occupied by residential uses in 11 blocks and 37 houses. There are a small number of non-residential buildings comprising a hotel (the Bull and Bush), as well as an existing single storey community building. There are also non-residential uses within Tadlow comprising Council offices in three units, a commercial use (No. 4) and the Housing Office.
6. The Council has been in contact with the owners of third party interests within CPO1 - Burwell, Caldecote, Chesterton Terrace, Chippenham, Comberton, Connington, Fordham, Fulbourn, Grantchester, Tadlow, Washington Road, Westwick, Willingham Way (2-14 evens only), the Bull and Bush Hotel, and Ely Court (Clarion) - in order to purchase the leasehold and freehold interests required to bring the whole of the CPO1 area into the Council's ownership and allow redevelopment of phases 1 and 2 to be delivered in full. The Council has also begun the process of re-housing secure tenants and households in temporary accommodation from these blocks. Currently, no new temporary accommodation lettings are being made for any HRA properties across all phases on Cambridge Road Estate.
7. To date 24 properties have been acquired in the CPO1 area and a further 5 are under offer to date. There are 40 interests (including 22 non-resident homeowners) still to be acquired across CPO1 and negotiations will continue throughout this process. There are likely to remain some third party ownerships where a negotiated settlement will not be possible and therefore the CPO is needed to secure those and ensure that the regeneration programme can be delivered.
8. All homeowners in the CPO1 area were contacted [following the July 2017 Full Council 'in principle' decision] to ask whether they were willing to sell their properties by private treaty to the Council. Contact has continued and following the successful ballot result in March 2020 further letters were sent in April and June 2020 encouraging homeowners to make contact with the Council to discuss their particular circumstances with a view to having their property valued which a number have taken up. All homeowners whose properties have not yet had an 'in person' valuation received a desktop valuation at the beginning of March 2021. The number of interests still to be acquired equates to 21 properties, 6 in phase 1 and 15 in phase 2 of the CPO1 area.

History of the CRE Regeneration programme

9. The Council started work on its Estate Regeneration Programme (ERP) in June 2015 to improve the quality of Council housing and provide additional new homes and facilities. Estate regeneration is considered essential to provide much needed additional housing and improve the condition of the Council housing estates to make them places where people want to live.
10. The aims and objectives of the ERP are:
 - a. Provide additional housing for the Borough as an important aspect of planning for growth strategy
 - b. Providing more choice of size and type of homes including affordable rented, shared ownership and home ownership
 - c. More efficient use of Housing Revenue Account (HRA) land asset with an increased income stream
 - d. Building sustainable homes and communities where people want to live
 - e. Improving the physical character of the Borough
 - f. Environmental improvements with more energy efficient homes.
11. Some of the current Council housing stock does not meet that requirement and will not be able to cope with the growth of population that Kingston will see over the next few decades. The ERP will support Kingston's proposals for growth, maximising the number of homes to be developed on its estates whilst providing all necessary amenities and infrastructure, including open space, and achieving excellent quality design and construction.
12. The regeneration of the Estate, in partnership with residents and the local community, is central to the ERP. In June 2015, the Council agreed to commence preparatory work on the Estate regeneration proposals including undertaking feasibility, due diligence, viability and strategy work.
13. A primary driver for selecting the Estate was to improve the quality of housing for current residents.
14. Due to the relatively low density of the Estate and its proximity to transport routes and amenities, redevelopment of the Estate is also an opportunity to build a significant number of new homes including additional Council homes. This is an important factor as the Council is committed to providing much needed new housing and wants to significantly increase housing of all tenures within the Borough.

Evolution of the Estate regeneration

15. The initial work done by the Council was to look at the options available for the regeneration of the Estate. The option assessment criteria were set by the Council in 2015 as follows:

- a. Additional number of homes - reflecting the Council's planning for growth strategy
 - b. Viability - reflecting the need for the programme to be affordable and sustainable
 - c. Quality of homes - reflecting the need to improve the condition of the Council's estates and build sustainable and more energy efficient homes
 - d. Quality of environment - reflecting the need for the environmental improvements and to build sustainable homes and communities where people want to live
 - e. Impact on the wider area - reflecting the need to improve the physical character of the Borough
16. Fourteen development options were initially assessed as part of the Estate design feasibility study in [2017]. These scenarios ranged from the retention of all blocks with infill development to the redevelopment of the entire Estate.
17. Nine scenarios were subsequently assessed in more detail with regard to viability as part of the development and property consultant commission. The outcome of this work identified three options as viable or very nearly viable. These were:
- a. Refurbishment of all four towers only. Redevelopment of all other properties
 - b. Refurbishment of two towers only (Madingley and Brinkley). Redevelopment of all other properties
 - c. Complete redevelopment of the Estate
18. In March 2017, the Council agreed to progress the regeneration of the Estate by way of a 50:50 joint venture with a development partner.
19. The three options, described in point 17 above underwent further stakeholder and residents engagement including soft market testing and preparation of the initial masterplan. In June 2017 it was agreed to go ahead with full redevelopment. This was the recommended route as it had the advantages of allowing the council equal control over the development going forward and an appropriate balance of risk and reward. It also enabled the council to access skills and experience in regeneration that it did not have in-house.
20. The Council has received Housing Zone (HZ) and Building Council Homes for Londoners (BCHfL) grant funding from the Greater London Authority (GLA) to help build 767 social rented and 100 shared equity/ownership units which are subject meeting specific milestones such as start on sites and completions.
21. In June 2017 the Council authorised officers to start a process of buying back leasehold and freehold properties early, funded by a loan from the GLA.
22. In July 2017 at Full Council, Members resolved that the Council proceed 'in principle' with making Compulsory Purchase Orders (CPOs) on property interests identified within the proposed regeneration site (Cambridge Road Estate) that have not been acquired voluntarily through negotiation.

23. Following the above an initial demolition notice was served by the Council on the entire Estate in July 2017 preventing further disposals under the Right to buy legislation.
24. In preparation for the JV partner procurement exercise the Council drafted a Strategic Development Brief (July 2017, and revised in April 2018) in consultation with the Council's Urban Design Officer, external architectural advisors, housing team members and the CRE Residents' Steering Group. Initial capacity work was also undertaken on the potential for redevelopment and concluded that c2000 homes could be accommodated on the site, subject to planning.
25. In March 2018 the Council approved decant policies for both Council tenants, Housing Association tenants approved in September 2019 and leaseholders/ freeholders affected by re-development. This was done to formalise the Council's commitment to a right to return for current Council secure tenants and to provide opportunities for owner occupiers to move into a new home on the Estate.
26. If a resident owner does not have the required equity or enough funds to buy a new home closeby or in the regenerated neighbourhood, the Council will help them to buy a shared equity or shared ownership home on the new estate or elsewhere.
27. In November 2018 following a rigorous procurement process which took place over 18 months the Council selected Countryside Properties (UK) Ltd as their partner for the redevelopment of the Estate.
28. Since the introduction of the new administration in May 2018 it is a key priority of the Council to ensure that residents are at the heart of decision-making for the Estate. Before proceeding with the redevelopment proposals the Council decided to carry out its own resident ballot. From July 2018 the GLA required any new funding applications for estate regeneration to include provision for holding a ballot. Whilst the Council had already secured GLA funding and was not legally required to carry out a ballot the Council resolved to carry out a ballot in order to enable residents to determine whether the proposed regeneration should proceed.
29. In March 2020 residents of the Estate voted overwhelmingly in favour of Council's plans to regenerate the Estate. On a turnout of 86%, 73% of eligible residents backed the plans. The ballot was run independently and was open to all eligible residents of the Estate using the GLA criteria.
30. On 24 April 2019 Full Council resolved to establish a Limited Liability Partnership (LLP).
31. After many months of consultation with residents and other stakeholders the Outline masterplan design and detailed Phase 1 planning application was submitted in November 2020.

Proposal and Options

32. Vacant possession of the Order Land is required in order for the redevelopment to be delivered in accordance with the programme and funding milestones. Vacant possession can only be achieved by acquiring the necessary leasehold and freehold interests that exist. The Council has and will continue to attempt to acquire these interests by negotiation, however, this may not be possible in all cases. Where agreement by negotiation is not possible the only other option is to acquire the interests through the exercise of the Council's powers of compulsory purchase.
33. An option would be not to make a CPO and seek to acquire all interests through negotiation. Through consultation with all third party interests in CPO1 a small number of non-resident homeowners have indicated that they are highly unlikely to reach agreement with the Council by negotiation. Therefore critical programme milestones may not be achieved, GLA funding would be jeopardised which would result in the regeneration programme not being able to progress in line with the overwhelming mandate from the resident ballot.

Town & Country Planning Act 1990 (as amended): Section 226 Powers & guidance

34. The Council has the power to make a Compulsory Purchase Order under Section 226 (1) (a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004). This provides that the Council may exercise its statutory powers to compulsorily acquire land where it believes that such acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. In order to exercise this power, the Council must also be satisfied that it thinks:

“that the development, redevelopment or improvement is likely to contribute to the achievement of one or more of the following objectives: (a) the promotion or improvement of the economic wellbeing of their area; (b) the promotion or improvement of the social wellbeing of their area; (c) the promotion or improvement of the environmental wellbeing of their area (Section 226 (1A)).”

35. The Council considers that the acquisition of the land identified as part of CPO1 will facilitate the redevelopment or improvement of the land and is likely to contribute to all of the objectives quoted above.
36. Guidance on Compulsory Purchase Process and the Crichel Down Rules (Ministry of Housing, Communities and Local Government, February 2018 (“the CPO Guidance)) states the need to seek to acquire by private treaty and sees a CPO as being used as ‘a last resort’. The CPO Guidance states:

“Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.”

It also states that:

“The compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail, Acquiring authorities should nevertheless consider at what point the land they are seeking to acquire will be needed and, as a contingent measure should plan a compulsory purchase timetable at the same time as conducting negotiations. Given the amount of time which needs to be allowed to complete the compulsory purchase process it is often sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations”.

37. Following the making of the CPO, notices will need to be served on all those affected by the CPO, site notices will be erected, and notices published in the press to state that the CPO has been made and is being submitted to the Secretary of State for confirmation. The notices will explain the process for people to object to the CPO if they wish to.
38. If there are objections, an Inspector (appointed by MHCLG) considers the CPO and hears from the objectors before producing a report setting out their recommendations. The Secretary of State considers the Inspector’s report and decides to confirm, modify or reject the CPO. If the CPO is confirmed the Council will be entitled to secure vacant possession of the third party land and will be required to pay compensation to the owners. If the amount of compensation can’t be agreed then this can be determined by a Tribunal. There are formal rules governing the amount of compensation payable known as the Compensation Code. The objective of the Code is that a claimant should be no worse nor better off after the acquisition than they were before. Compensation will comprise the market value of the property, any other losses which are a direct consequence of the compulsory purchase and an additional home loss payment of up to 10% of the market value of the property. Reasonable professional fees incurred in making the claim such as surveyor’s and legal fees will also be compensated.
39. The Council has made repeated attempts to secure the outstanding interests by negotiation but it has not been possible to acquire all the interests that are required. It is considered that the benefits of the regeneration are significant and outweigh the private interests remaining so that the use of CPO is justified. Those whose interests are acquired by CPO will be compensated in full under the Compensation Code.

Planning Policy

40. The redevelopment of the Order Land fully accords with all relevant strands of national, regional and local planning policy and guidance aimed at promoting sustainable development.
41. The following sets out the national, regional and local policy framework relevant to the development proposals for the Order Land.

National Planning Policy Framework

42. The NPPF (2019) articulates the Government’s vision for sustainable development and highlights that it is a “golden thread running through plan-making and decision-taking” which is characterised by three overarching

objectives which are interdependent and need to be pursued in mutually supportive ways:

- a. An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure.
 - b. A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
 - c. An environmental objective – to contribute to protecting and enhancing our natural built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy.
43. The NPPF states that “to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.
44. Achieving well designed places is a fundamental aspect of the NPPF and underpins the objective of creating better places in which to live and work.
45. It is considered that the proposals meet the objectives of the NPPF by delivering high quality and sustainable homes of a range of tenures to meet local housing needs and the CPO will support the delivery of new homes without unnecessary delay.

New London Plan (March 2021)

46. Following extensive consultation, Examination in Public and review by the Planning Inspectorate, the New London Plan was published on 2 March 2021.
47. A target of 9,640 new homes is set for the RBK between 2019/20 and 2028/29, resulting in an annual monitoring target of 964 new units per annum.
48. Policy H8 explicitly relates to estate regeneration and states that the loss of existing housing is generally only acceptable where the housing is replaced at existing or higher densities with at least the equivalent level of overall floorspace. The Plan states that the aims of estate regeneration typically fall into three categories: maintaining good quality homes; maintaining safe homes and improving the social, economic and physical environment in which homes are located.
49. Where social rented floor space is lost, it should be replaced by general needs rented accommodation with rents at levels based on that which has been lost.

The delivery of additional affordable housing should be maximised. All Estate regeneration schemes should follow the Viability Tested Route, under Policy H8. This requires detailed supporting viability evidence to be submitted in a standardised and accessible format as part of the application and the borough, and where relevant the Mayor, will scrutinise the viability information to ascertain the maximum level of affordable housing. Viability tested schemes will be subject to review.

50. The Estate is located within the Kingston Opportunity Area (OA). The New London Plan (2021) identifies the Kingston OA as an area capable of accommodating development and intensification to provide leisure, cultural and night-time activity, commercial and retail uses, as well as high density housing.
51. The Kingston OA as it stands is premised on the delivery of Crossrail 2. Due to current funding pressures the delivery of Crossrail 2 has been deprioritised and is now unlikely to come forward during the London Plan period. Discussions with GLA regarding the possibility of the reframing of an OA in support of different spatial strategy objectives for Kingston are being considered.
52. The New London Plan (2021) has removed the formal density matrix and instead Policy D4 encourages development proposals to make the most efficient use of land and be developed at the optimum density, taking into account the site context, connectivity and accessibility, and capacity of surrounding infrastructure.

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

53. The Mayor also published his Good Practice Guide to Estate Regeneration which was consulted on between December 2016 and March 2017.
54. The fundamental approach underlying the process should always be to engage early and meaningfully with existing residents. As the primary stakeholders, residents of an estate must be given sufficient opportunity to engage with and shape any proposals that will affect their homes, and they should be pro-actively supported to do so.
55. The Mayor believes that, where demolition and rebuilding is chosen as part of an estate regeneration, this should only happen where it does not result in a loss of social housing, or where all other options have been exhausted.

Housing Zone

56. As part of the Mayor's Housing Strategy thirty Housing Zones have been designated across London, in partnership with London boroughs and their development partners.
57. A total of £600 million in funding has been made available for the construction of 75,000 new homes. Kingston has been designated in the London Plan as an Opportunity benefitting from hectare Housing Zone funding and Cambridge Road Estate identified as an area for significant change. The Estate regeneration programme has been allocated GLA funding of £46.2m and Housing Zone status will help to accelerate the delivery of housing on the site.

The Local Policy Context

58. At the local level, the Council's development plan comprises the London Plan (2021) and the Core Strategy (2012). The Council has also adopted the Kingston Town Centre Area Action Plan (2008) however the Estate is not located within this plan boundary.
59. The Estate is not currently allocated or designated for any use. Kingston Cemetery bounds the site to the south and this is allocated as a Site of Importance for Nature Conservation (SINC), part of the Metropolitan Open Land (MOL) and as part of a Green Chain. It's environmental significance and the impact of any new development upon this will therefore be a key consideration.
60. Core Strategy Policy DM4 sets out the Council's approach to water management and flood risk. RBK requires all new development proposals to be designed to take account of the impacts of climate change, including water conservation and increase flood risk from fluvial and surface water flooding.
61. With regards to the Estate, the Core Strategy explicitly states that in terms of the majority of new housing in the borough, outside of Kingston Town Centre, the Council will first promote the regeneration of the Cambridge Road Estate. Specific reference in the Core Strategy to the Estate is in:
 - Vision for the plan
 - Policy KT1 Kingston Town Neighbourhood
 - Policy HV1 Hogsmill Valley Key Area of Change
62. As highlighted above, land to the south of the Estate is allocated as the Hogsmill Valley Key Area of Change. The Core Strategy highlights the Council's aspirations to explore opportunities for a Combined Cooling and Heat Plant and setting up a District Heat Network in this area with connections to surrounding sites, including into the Cambridge Road Estate.
63. As well as place specific policies, the Core Strategy also outlines a number of thematic policies. The key policies in relation to the proposed redevelopment of the Cambridge Road Estate are highlighted below. CS Policy CS10 states that the Council will seek to ensure that a broad mix of accommodation options are available to residents and that a range of local housing needs are met.
64. Proposals for new residential development should incorporate a mix of unit sizes and types and provide a minimum of 30% of dwellings as three or more bedroom units, unless it can be robustly demonstrated that this would be unsuitable or unviable. Furthermore, 10% of units should be wheelchair accessible.
65. Policy DM15 encourages applications for 100% affordable housing schemes, but will expect sites of 10 or more units to provide at least 50% of the units as affordable housing, with a tenure split of 70:30 between Social/ Affordable Rent and Intermediate Provision.
66. Policy CS8 seeks to protect the primarily suburban character of the Borough. The council will require good design and will seek to ensure that new development: Recognises distinctive local features and character; Has regard to the historic

and natural environment; Helps enhance locally distinctive places of high architectural and urban design quality; Accords with neighbourhood 'strategies for delivery' set out under 'character design and heritage'; and Relates well and connects to its surroundings.

67. Tall buildings may be appropriate in the Borough's town centres; however, some parts of these areas will be inappropriate or too sensitive for such buildings. Policy DM11 states new development should be supported by a contextual statement that demonstrates a clear understanding and analysis of the local character of the area.
68. The policy states that the Council will adopt a more flexible approach to new development where the existing development lacks any identifiable or cohesive character and/or is located in a lower quality environment. CS Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
69. With regards to the local economy, the Council will encourage the provision of local employment opportunities suitable for all residents, especially in the vicinity of the Cambridge Road Estate. Cambridge Road Estate is identified as a Local Centre that should provide everyday goods and services (retail, community and business) that are easily accessible to local residents and reduce the need to travel.
70. In relation to the existing community centre on the site, Policy DM24 states that the Council will resist the loss of existing community facilities, unless there is evidence to suggest the facility is no longer needed, it has been vacant and marketed for community use without success or it can be re-provided elsewhere or in a different way. Any proposal for new retail floorspace would need to satisfy Policy DM20. The Council are likely to support some commercial and leisure uses that complement the residential development. This could include a small convenience store or leisure provision such as a gym which would be considered important to service the community that would be created as part of the redevelopment of the site.

Emerging Local Planning Policy

71. The Council consulted on their Early Engagement on the Local Plan May-June 2019 (Reg 18) and are to be carrying out Further Engagement May-August 2021 (Reg 18). Following this it is intended that the first draft Local Plan, is to be prepared with the intention to consult on this in June/ July 2022.

Conclusion

72. The proposals for the redevelopment of the Estate and for Phase 1& 2 in particular accord with all relevant national and local planning policies. At this stage planning permission has not yet been granted and the recommendation is therefore to make the CPO once the Council is satisfied in relation to the progress of the planning application which is detailed in the following section of the report. At the date of considering whether to confirm the CPO the Secretary of State will need to be satisfied that there is no planning reason why the redevelopment proposals that underlie the Order will not be delivered.

73. The Council has given careful consideration to the need for each parcel of land included in the Order Land. The Council is satisfied that the redevelopment of the Order land will result in an improvement to the economic, social and environmental wellbeing of its area, as explained in Section 11 below, and that each parcel of land is required in order to deliver these benefits.

Proposed scheme and planning position

74. The regeneration scheme is to be delivered on a phased programme. The new homes and associated infrastructure of Phases 1 & 2 are included in the Order Land. The phased approach to delivery gives the opportunity for existing estate residents to move directly into their new home from their existing. The 286 new affordable homes delivered across Phase 1 & 2 will provide the new homes for residents in later phases to move into and thus provide the catalyst for the ongoing regeneration of the estate.
75. A planning application for the development of the whole Estate was submitted to the Council in November 2020 and is awaiting determination. It is a hybrid application which seeks detailed planning permission for Phase 1 (which is within the CPO1 area) and outline planning permission for the remaining 4 phases. CPO1 comprises Phases 1 and 2 within the planning application.
76. Phase 1 will comprise: 452 residential units, 1,250sqm community floorspace, 290 sqm of flexible office floorspace and 395 sqm of flexible retail/commercial floorspace. Phase 1 will also provide publicly accessible open space and associated landscaping works, beginning the process of the wider regeneration of the estate.
77. In addition to the new homes Phase 1 also delivers a new purpose built community centre which will become a focal point for the coming together of the new community. The space is being designed with the input of the residents and stakeholders so that the end product is one that is best suited to meet their needs and aspirations. The early delivery of the centre provides the opportunity for existing, new and rehomed residents to establish a welcoming and inclusive community hub.
78. Within Phase 1 are Blocks B, C and E. The phase is divided across two parts of the masterplan, with Block C situated at the north of the Site next to the Hawks Road and Cambridge Road Junction. Block B and E form the south western part of the Site next to the Rowells Road and Piper Road.
79. Building B proposes to deliver a total of 45 new homes which are likely to consist of a mix of tenures. Block B is a 6-storey building with a top floor element that is set back.
80. Building C proposes to deliver a total of 202 new homes which are likely to consist of a mix of tenures. As the gateway building into the Site, Block C is defined as a 'special' Townscape Marker building within the masterplan that assists with way-finding and placemaking. The building would have a 13-storey part on the north western corner (Block C1), with a 12 storey part (Block C2) to the east and a 10 storey part (Block C3) to the south. The layout of Block C enables part of the Washington Piper Green Route to be delivered to the west of the Block and for this public realm improvement to merge with the enhanced

setting to the north of Block C between the building and Hawks Road/ Cambridge Road.

81. Building E proposes to deliver a total of 206 new homes which are likely to consist of a mix of tenures. Block E is a podium Block, with a shared landscaped amenity space within the middle of the building at first floor level. Block E1 and E2 sit at the north of the building and are 12 storeys in height, with 3 x 4 storey townhouses between. This arrangement is replicated at the southern end of the building with an 11 storey Block (E3) and 8 storey Block (E4) with 3 x 4 storey townhouses between.
82. As well as the delivery of 452 new homes, Phase 1 also delivers the benefit of non-residential uses to the masterplan in the form of a community centre, flexible office space and retail/commercial space within Plot C. Through including these uses in Phase 1, the economic and community benefits of the regeneration can be delivered early to new and existing residents of the estate.
83. Detailed Phase 2 proposals will be brought forward in a later Reserved Matters Application, however the illustrative masterplan currently envisages that Phase 2 will deliver 395 new homes across three plots; A, D and P.
84. The illustrative masterplan proposes that Phase 2 will deliver the following:
 - Plot A – 118 new homes
 - Plot D – 222 new homes
 - Plot P – 55 new homes
85. Phase 2 is anticipated to provide new housing typologies, with some lower density blocks and houses that integrate with the residential areas to the West of the estate.
86. Crucially, Phase 2 is anticipated to deliver approximately 106 new affordable homes, offering decant homes for estate residents in later phases of development and unlocking land for further redevelopment of the wider estate. Delivery of these plots completes the Western side of the estate redevelopment, creating a new sense of place and connectivity from Hawks Road through to Piper Road.
87. Completion of the CRE regeneration scheme will conclude works to the west of the Estate and present a clear and complete transformation. Delivery of the Phase 2 plots will stitch together the two Phase 1 parcels of land to create a feeling of cohesion and deliver a key, continuous route from Hawks Road to Piper Road. Though completion of Phases 3-5 is needed to deliver the complete masterplan vision, the delivery of Phases 1 and 2 achieve a sense of regeneration for much of the estate and begins to deliver the wider placemaking and design objectives. In addition to the benefit of completing the Western side of the estate redevelopment, the first two phases also deliver approximately 950 new homes, making significant progress towards the housing delivery targets of the masterplan.
88. The energy strategy for the regeneration follows the principles of the London Plan and the Be Lean, Be Clean, Be Green hierarchy. It is proposed that energy

to provide the heating and hot water demands of the new homes is delivered via a centralised energy centre and a distribution network that is being developed in a partnership between the Council and Thames Water. The energy centre is located in Block E within the Phase 1 area. Provision will be made to connect all of the future phases to the energy centre. Early delivery of the energy centre provides the most efficient way of delivery on the targets set by the energy strategy.

Justification of use for CPO powers

89. It is considered that the implementation of the development on the Order Land will secure the improvement of social, economic and environmental well-being in the area.
90. A primary driver for the project is to improve the quality of housing for current residents. The estate suffers from significant condition issues but also fundamental design flaws that would make it impossible to deliver modern day 'secure by design' (including designing out crime and improving accessibility standards) through refurbishment due to layout and changes of levels across the site. The new housing to be provided will allow tenants and leaseholders to benefit from higher standards in terms of better insulated homes, increased accessibility and connectivity. Due to the relatively low density of the estate and its proximity to transport routes and amenities, redevelopment of the estate is also an opportunity to build a significant number of additional homes including additional social rented homes. This is an important factor as the council is committed to providing much needed new housing and is required by central government and the GLA to significantly increase housing of all tenures within the borough. The redevelopment will also allow the council to deliver a step change in the quality of the public spaces, parks, play spaces and community spaces available to CRE residents. In addition, the project includes the requirement that it delivers new opportunities for employment, training, health and well-being for residents and economic opportunities for local businesses.
91. Since the approval of the Land Acquisition strategy in 2017 and receiving Housing Zone loan from the GLA, the Council have been negotiating and buying back properties in phases 1 and 2 of the ERP based on the Freehold and Leaseholder Decant policy which was approved at September 2017 Housing Sub committee. All homeowners in CPO1 have received a valuation for their property. The Council has to date purchased 24 properties by private treaty. Of the remaining 40 properties to be acquired in CPO1, 12 are currently under offer. 24 of the 40 remaining properties to be acquired are in phase 2 - a number of these homeowners have expressed a desire to hold onto their property until closer to the time when the property is required for demolition. There have been a handful of homeowners who have been unwilling to engage with the Council or have indicated that the valuation process of properties stated in the Freehold and Decant policy is unfair.
92. The need to ensure timely delivery of vacant possession is critical in meeting detailed milestones which are linked to the GLA Housing Zone and BCHfL funding grant received. Without this funding the scheme viability is compromised and the improvements to the well-being of residents of Cambridge Road Estate as described above would not be delivered.

Human Rights Considerations

93. The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). Specific rights protected by the Convention include, amongst others:
- the right of everyone to the peaceful enjoyment of their possessions, which can only be impinged upon in the public interest and subject to relevant national and international laws;
 - the right to a fair and public hearing for those affected by the making of a CPO, including those whose property rights are affected by the same; and
 - the right to a private and family life, home and correspondence, which again can only be impinged upon in accordance with law and where such encroachment is necessary in the interest of national security, public safety or the economic well-being of the country.
94. The above rights would be affected by the use of compulsory purchase powers to acquire land and interests for the purpose of regenerating the Estate. However, the European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole". Any interference with a Convention right must be necessary and proportionate.
95. In light of the significant public benefit which would arise from the regeneration of the Estate, and the fact that the known owners and occupiers of the Order Land within the site have been contacted regarding the regeneration and will, should their land be compulsorily acquired, qualify for compensation under the Compensation Code, it is considered that it is appropriate to make the CPO. The CPO is not considered to constitute an unlawful interference with any individuals' rights under the Convention, including in particular any property rights.
96. The Council is of the view that there is a compelling case in the public interest that the provision of new residential accommodation and the associated benefits of the development outweigh the impact on any private interests in the Order Land. It also believes that the use of compulsory purchase powers to achieve its regeneration objectives for the Estate are proportionate to any potential interference with human rights.

Consultations and Engagement

97. Throughout the regeneration programme, leaseholders and freeholders in CPO1 have had the opportunity to participate in consultation events, and have been provided with regular updates through community events, as well as steering group meetings and newsletters.
98. As described in point 21 the Council have been buying back properties on CRE since late 2017 and since then there have been numerous attempts to engage with homeowners with regards to the purchase of their property and to discuss the options available to them.

99. At the beginning of 2020 all homeowners (across the whole scheme) were written to inviting them for a meeting to discuss their particular situations.
100. This was followed with the resident ballot where further engagement took place with newsletters and extensive door knocking.
101. In the Summer of 2020, when Covid lockdown restrictions eased, the Council wrote to all homeowners in CPO1 asking if they would like their property valued which a number took up.
102. In February 2021 all resident homeowners in CPO1 received a 'Homeowners Guidance' booklet explaining the valuation process, options available to them and the CPO process. At the same time all homeowners in CPO1 who have yet to take up the opportunity to have their property valued were provided with a desktop valuation figure for their property.

Timescale

103. Once a CPO is made the programme is no longer wholly in the control of the Council, but is subject to a timetable led by the Planning Inspector. This said, a CPO timetable has been drafted with advice from the Council's legal advisor, Shoosmiths, which provides an outline indication of the timetable process:
 - a) If no relevant objections, (i.e. objections from parties with an interest included in the Order) are received, or any that are received are withdrawn it should be possible to confirm the CPO within 12 weeks from its making.
 - b) If there are relevant objections, these will need to be addressed before the CPO is confirmed. It may be possible to reach agreements with objectors which result in the withdrawal of objections but if this is not possible they will be considered at a Public Local Inquiry.
 - c) The inquiry would be held by an independent Inspector who would report to the Secretary of State. The Secretary of State would then decide whether to confirm the Order. The date of the inquiry and its duration will be set by the Inspector. Generally, the date of the inquiry will be about six months after the CPO is made. The length of the inquiry will depend on the number of objections received but a reasonable estimate would be one to two weeks. Following the inquiry the Inspector will write a report with a recommendation to either confirm (with or without modifications) or reject the CPO. The Secretary of State's timescale is difficult to estimate but likely to be around 3-4 months from the Inquiry.

Financial Context

104. The council is operating in an increasingly challenging financial environment. Kingston faced a number of financial challenges in the medium to longer term - even before the COVID-19 outbreak, which has further added to these challenges. The economic and financial consequences of the pandemic, growing demand for services, and limited government grant funding make it difficult to find adequate funds to meet the borough's needs.

105. The future of local government finance faces a significant level of uncertainty. The impact of the Fair Funding Review and a future review of business rates is currently unknown, and the lasting effects of COVID-19 on our residents, local businesses and the Council itself remain uncertain.
106. Despite these challenges the council has a drive and commitment to ensure it is doing the best for residents and communities.

Resource Implications

107. This report seeks to update members on the use of Compulsory Purchase Powers and seek a resolution to use these powers as a last resort to acquire land within the boundary of the proposed Compulsory Purchase Order (CPO1) areas of the Cambridge Road Estate (CRE) regeneration scheme. The financial detail is contained in **Annex 3 (Confidential)** of this report.
108. The Council has engaged BNP Paribas to advise in relation to the valuation and acquisition of the Buybacks. They have prepared an Acquisitions Plan which identifies the Buybacks which the Council is proposing to complete using the recoverable loan funding from GLA. BNP Paribas have been in active discussions with a number of the freehold and leasehold owners and terms have already been agreed on several of the Buybacks.
109. On the 24 April 2019 Full Council awarded the contract for the regeneration of the Cambridge Road Estate to Countryside (UK) Ltd and on the 24th September 2020 a Limited Liability Partnership (with the equal partners in the Joint Venture being the Council and Countryside), (the LLP), was established to deliver the CRE regeneration programme. Also agreed was the Phase 1 Business plan which included Land Assembly costs transferring to the LLP subsequent to the transfer of Phase 1 Land. Further the balance of the GLA loan will be passported to the LLP as will all the residual and ongoing CPO costs for Phase 1.
110. As per Phase 1 of the LLP Business plan, once the units have been completed, the Revenue generated from sales of these units will be used to redeem any Loans to the LLP including the GLA Loan.

Legal Implications

111. The CPO process is set out in statute and guidance and is subject to the overview of the Secretary of State. The balance of the need for the regeneration against the rights of owners of individual interests is the key consideration in deciding whether or not to use CPO powers.
112. Once the CPO is made and served the process cannot be withdrawn although the Council is not obliged to use its powers. Once the CPO is confirmed the Council will have three years to use the powers to secure vacant possession. Compensation is payable to those whose interests are acquired and the agreement of compensation can be referred to the Upper Tribunal if agreement can't be reached. A claimant is entitled to request advance payments of compensation (up to 90% of the estimated value) once possession has been taken even if agreement has not been reached on the final amount of compensation payable. There is a CPO Indemnity agreement in place as part of

the suite of documents that underpin the LLP so that the LLP is obliged to underwrite the cost of these acquisitions.

Risk Assessment

113. The Council's CPO powers are in themselves an important risk management tool. The authority to use these powers ensures that where negotiations to buy back leasehold interests by agreement have been unsuccessful, the Council can achieve vacant possession in a timely manner and avoid the risk of delay in delivering the CRE regeneration scheme. Such a delay would have financial and resource implications as well as having a negative impact on the residents of the Estate.
114. The exercise of CPO powers can be controversial and the Council is managing the potential risk through continued consultation and engagement with affected residents and stakeholders.

Equalities Analysis

115. In relation to equality considerations have been undertaken to ensure but we are working to eliminate discrimination and advancing equality of opportunity and fostering good relations within the protected characteristics.
116. A full EQIA has been completed please see **Annex 2**

Health Implications

117. **The link between health and housing is well documented.** Where we live influences our lives in many ways. Housing influences both our physical health and our mental health, our sense of community and connectedness. This includes whether housing is warm and dry, there is enough space for everyone, that it feels safe, affordable and is connected to services and networks. Residents should live in housing that is of a decent standard, that meets the needs of all its occupants and supports both their physical and mental health.
118. The recommendations set out in this report will enable the comprehensive redevelopment of Cambridge Road Estate which will provide a once in a generation opportunity to improve some of the wider determinants of health, including the built environment, green spaces, play areas and safer streets and neighbourhood in the most disadvantaged part of the borough where residents experience some of the poorest health outcomes. These wider social determinants of health have a much greater impact on health than access to healthcare services, and reflect the Marmot principles for health and wellbeing outlined in Kingston's Health & Care Plan.
119. There is a significant difference in life expectancy across the borough, with people living on the CRE having the shortest life expectancy. Men on the CRE live 7.4 fewer years than men living in the area of the borough with the longest life expectancy. This gap is 5.7 years for women. Much of this difference is down to the wider determinants of health and improving these wider determinants of health will have a positive impact, as highlighted in the [2019 Annual Public Health Report of the Director of Public Health for Kingston](#), which discusses the importance of place in health and wellbeing. This gap in life expectancy has been

increasing, indicating widen inequalities. The regeneration of the CRE is an opportunity to redress this imbalance, decreasing inequalities in the area, resulting in a levelling-up across the borough, with the aim of increasing both life expectancy and very importantly, healthy life expectancy, so that resident's aren't just living longer lives, but more of their life in good health.

Road Network Implications

120. There are no specific road network implications as a result of the specific recommendations of the report. The Council's Highways Department will be consulted through the planning process.

Sustainability Implications

121. Not applicable for the purposes of this report.

Background papers - None other than those referred to in this report

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