

Corporate & Resources Committee

13 July 2021

Cambridge Road Estate - Appropriation

Report by Nazeya Hussain - Executive Director of Place

Relevant Portfolio Holder: Cllr Kerr - Leader of the Council

Purpose of Report

To seek approval for the appropriation of Council owned land at the Cambridge Road Estate in order to enable the proposed regeneration of the Estate to proceed.

Recommendation(s)

The Committee is asked to RESOLVE that:

1. The areas of land within the Cambridge Road Estate (shown edged red on the plan at **Exempt Annex 1**) which are owned by the Council are no longer required for the purpose for which they are held (housing purposes), for the reasons provided in paragraphs 38 - 41.
2. the appropriation of this land to planning purposes be approved to facilitate the redevelopment of the Cambridge Road Estate as set out in this paper, pursuant to s122 of the Local Government Act 1972.
3. It authorises the Assistant Director - Property, Development & Investment to appropriate in phases across the estate, including (a) to advertise the proposed appropriation in relation to any areas that comprise open space within the land to be appropriated, (b) to consider any representations made in response, and (c) to decide whether to continue with the appropriation in light of those representations.
4. It authorises the Assistant Director - Property, Development & Investment, for each phase, to apply to the Secretary of State for consent to the appropriation pursuant to s19(2) Housing Act 1985
5. In the event that the Secretary of State's consent is given, and subject to the completed rehousing of all social tenants on that land, to delegate to the Assistant Director - Property, Development & Investment, in consultation with the S151 Officer, the authority to appropriate the land phase by phase to planning purposes and to settle claims made as a result of engagement with beneficiaries of third party rights.

Benefits to the Community:

The appropriation of the land to planning purposes will further 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. Where land is already owned by the Council (which is true of much of the Estate) there is a need to appropriate that land in order to override third party rights which may prevent the carrying out of the development of the Council's land.
- B. This report therefore seeks authority to appropriate the Council owned land across the whole of CRE to planning purposes to ensure that any third party rights and interests cannot be used to prevent the development from taking place and enable those rights to be overridden subject to payment of compensation.
- C. In line with the redevelopment phases of the CRE regeneration programme, and with approval from the Committee to appropriate Council owned land across the whole of CRE, applications to the Secretary of State for consent to the appropriation will be made for defined sections of land as they are required for redevelopment.
- D. Delegation is requested for each appropriation to the Assistant Director - Property, Development and Investment for the reasons stated in paragraphs 48 - 50.

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 (1st July 2021), 32 interests have been acquired (out of a total of 179) across the Estate, of which 29 are in phases 1 and 2.
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. On 29 April 2021 Full Council resolved the use of Compulsory Purchase powers as a last resort to acquire land within the boundary of the proposed CPO1 area of the Cambridge Road Estate, to facilitate development of the first two phases of the scheme.
3. The Estate is 8.6 hectares, and currently there are 832 homes on the Estate. The regeneration and redevelopment will be delivered in five phases. Due to the three year duration of a CPO following the Notice of Confirmation, the programme expects to require two or three separate Orders. The Order Land for CPO1

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 an environment to modern standards. 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. As the Council have succeeded in achieving vacant possession of early phases, the initial block (Tadlow) scheduled to be redeveloped can be commenced without the use of CPO powers.
8. The CPO deals with third party ownerships but much of the land within the Estate is already in the ownership of the Council and does not therefore need the CPO in order to bring it within the Council's ownership. However that Council owned land is in some cases subject to third party rights which could be used by those with the benefit of them to prevent the development from taking place. The appropriation process is a way of dealing with those third party rights so that they cannot be used to prevent the development from proceeding. Instead those with the benefit of them become entitled to compensation.

The proposed development

9. Following the design feasibility and consultations outlined in paragraphs 16 - 30, a planning application was submitted in November 2020 for the redevelopment of Cambridge Road Estate. This will include up to 2,170 residential units, 767 of which will be council rent and 100 shared equity/ownership, dedicated community floorspace, new publicly accessible open space and associated access, flexible office floorspace, flexible commercial and/or retail floorspace, landscaping, refuse and recycling space, bicycle storage space, an energy centre and parking spaces to include electric vehicle charging stations.

History of the CRE Regeneration programme

10. 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 stock and to ensure that they are situated on vibrant, accessible and community-led estates where people want to live.
11. 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.
12. 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.
13. 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.
14. A primary driver for selecting the Estate was to improve the quality of housing for current residents.
15. 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

16. 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
17. 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.
 18. 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
 19. 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.
 20. The three options, described in point 18 above underwent further stakeholder and resident 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.
 21. 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 to meeting specific milestones such as start on sites and completions.
 22. 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.
 23. 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.

24. 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.
25. 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.
26. 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.
27. 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 one, the Council resolved to carry out a ballot in order to enable residents to determine whether the proposed regeneration should proceed.
28. 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.
29. On 24 April 2019 Full Council resolved to establish a Limited Liability Partnership (LLP). On 24 September 2020 Response & Recovery Committee approved the LLP Business Plan for the entire scheme and the Phase 1 Business Plan. On 30 September 2020 Cambridge Road (RBK) LLP was formally established.
30. 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.
31. In April 2021 Full Council resolved the use of Compulsory Purchase powers as a last resort to acquire land within the boundary of the proposed CPO1 area of the Cambridge Road Estate regeneration scheme.

Need for appropriation

32. There is a need to appropriate the Council owned land from housing to planning purposes in order to override third party rights such as private rights of way, restrictive covenants and rights to light, the existence of which would otherwise prevent the implementation of the proposed redevelopment of the Estate.
33. Section 122 of the Local Government Act 1972 provides a power to the Council to appropriate land from one purpose to another. This purpose can be any purpose for which the Council is authorised to acquire land by agreement. It is not the appropriation of land itself that results in the overriding of third party rights. This is facilitated by Section 203 of the Housing and Planning Act 2016

which provides that building works which interfere with rights or breach restrictions are authorised provided that:

- a. Planning consent is in place for the works;
 - b. The land has been appropriated to planning purposes;
 - c. The land could be compulsorily acquired by the Council for the purpose of carrying out the works; and
 - d. The works are related to the purpose for which the land was appropriated.
34. Appropriation must involve more than a decision to hold land for a different purpose. The Council must consider whether the land is no longer needed for the purpose for which it is currently held. As the result of the appropriation is an ability to override third party rights, the Council should not appropriate unless it has good reason to think that the interference with the rights affected is necessary.
35. In practice the application of section 203 means that beneficiaries of third party rights that would be interfered with as a result of development being carried out cannot prevent the development by seeking an injunction from the courts based on their rights, and as a result the development can proceed. Instead those with the benefit of the rights that are interfered with will be entitled to compensation which is calculated on the basis of the diminution in the value of their land as a result of the interference.
36. As explained below third party rights have been identified which, without engaging section 203, could prevent the regeneration scheme from proceeding. The purpose of this report is therefore to seek a resolution to appropriate the Council owned land to planning purposes, on a phase by phase basis, so that third party rights can be overridden, allowing the development to proceed.

Details of the third party rights

37. There are two categories of third party rights to be overridden on the Estate as follows:
- a. **Unknown restrictive covenants**

There are parcels of land within the Estate that are subject to unknown restrictive covenants which generally means that there may be old restrictive covenants on the title but because the details were unknown at the time the property was registered on the land registry the titles simply note that some may exist. In all cases the beneficiaries of these covenants are also unknown.
 - b. **Known restrictive covenants**

There is just one restrictive covenant across the site that is repeated across a number of titles and prevents the use of the site for open digging for the purpose of making bricks and tiles and also prevents the placing of anything on the site that may cause a nuisance. There is one named and known beneficiary of this restrictive covenant.
 - c. **Rights to light**

As part of the process of designing the proposed scheme the Council's development partner carried out investigations to examine whether

properties in the vicinity of the site may have the benefit of rights to light based on the age of that property and/or the apertures within it. These are shown in the map provided in **Exempt Annex 1**.

Further analysis of those properties in the map identified a reduced number of properties that may benefit from prescriptive rights to light. The extent to which they will ultimately be impacted will depend on the exact form of the development and the likely ability of these interests to provide the basis for an injunction to prevent the development will vary from property to property but there are approximately 7 properties which have been identified as high risk in this regard, with 25 medium risk and 33 low risk.

Why land is no longer needed for its current purpose

38. 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.
39. Resident feedback has included concerns about feeling unsafe and a fear of crime, needing safer gardens and open spaces, traffic calming measures needed to improve road safety and wanting a community centre that is suitable for all ages and interests. Additionally some homes on the estate suffer poor insulation and ventilation, are overcrowded and many require repairs and improvements. These reasons contribute to the consideration that the land is no longer suitable for its current purpose.
40. 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.
41. 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.

Planning purposes and public benefits

42. 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)).”

43. The benefits to the public of the proposed regeneration are set out in detail at the beginning of this report. It is acknowledged that third parties will be affected by these works as outlined in paragraph 37 above, but on balance it is considered that the wider public benefit of carrying out the development outweighs the infringement of the third parties' rights referred to above. As such it is considered that the exercise of the Council's rights to appropriate and convert these third-party rights to compensation is proportionate in this instance and is in the wider public interest.

Steps taken to negotiate the release of rights by agreement

44. There are various procedures required to begin the negotiated release of rights. These are outlined in the Timescale section of paragraphs 51 - 54. The negotiations and compensation agreements will continue as new properties are erected in each phase of the redevelopment.

Proposal and Options

45. It has been considered whether the development could proceed without interfering with the rights identified. Officers are satisfied that the development could not proceed and the associated benefits could not be achieved without giving rise to all or some of the infringements which section 203 will allow in this case.
46. Building smaller buildings (in terms of heights) to avoid interfering with rights of light is not possible because this would severely impact the number of units which would be able to be delivered, and thus the viability of the regeneration.

Whether the use of Section 203 is proportionate with any interference of human rights

47. The commentary at the beginning of this report sets out the public benefits of the proposed redevelopment of the Estate. It is acknowledged that third parties will be affected by the works to be carried out on the Estate, but on balance it is considered that the wider public benefit of carrying out the development outweighs the infringement of the third parties' rights referred to above. As such it is considered that the exercise of the Council's rights to appropriate and convert these third-party rights to compensation is proportionate in this instance.

Delegation to the Assistant Director - Property, Development and Investment

48. Ordinarily delegation for appropriation would be requested to the Executive Director of Place, who has responsibility for regeneration.
49. The governance structure of Cambridge Road (RBK) LLP requires four representatives each from the Council and Countryside Properties (UK) Limited to be members of the Board. On 24 September 2020 Response & Recovery

Committee approved the appointment of the Executive Director of Place as one of the four Council representatives.

50. In that same Committee report to the Response & Recovery Committee it was proposed that 'where a conflict arises concerning CRE matters for the Executive Director of Place, duties will be delegated in the following manner: Property matters relating to the CRE to the Assistant Director Property.'

Timescale

51. By 16th July 2021 letters to parties affected by appropriation will be sent out, in which responses are requested in a 28 day period. These letters explain the Council's plans to appropriate the land and what types of rights it might affect. It alerts them to the possibility they may have a right over part of Cambridge Road Estate, asks recipients to confirm their interest in the property and confirm if they will be willing to release any rights they believe they have, subject to payment of compensation.
52. Subject to Committee approval, adverts relating to the appropriation of open spaces on Cambridge Road Estate are to be published in the local newspaper (Surrey Comet) over two consecutive weeks, provisionally planned for the 5th and 12th August 2021. Residents will have 14 (calendar) days in which to submit objections to the Council following the first publication.
53. After the above objection period lapses the Assistant Director - Property, Development & Investment will consider any objections received and make a decision on these. The Council will then submit its decisions and an application to the Secretary of State for consent to appropriate Phase 1 land.
54. We have been advised of approximately 10 weeks for the processing of applications. Accordingly, current timescales indicate a response from the Secretary of State in early November 2021.

Financial Context

55. 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.
56. 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.
57. Despite these challenges the council has a drive and commitment to ensure it is doing the best for residents and communities.

Resource Implications

58. There is a need to appropriate the Council owned land in order to override third party rights such as rights of way, restrictive covenants and rights to light, the existence of which would otherwise prevent the implementation of the proposed redevelopment of the Estate.

59. Section 122 of the Local Government Act 1972 provides a power to the Council to appropriate land from one purpose to another. This purpose can be any purpose for which the Council is authorised to acquire land by agreement. It is not the appropriation of land itself that results in the overriding of third party rights. This is facilitated by Section 203 of the Housing and Planning Act 2016 which provides that building works which interfere with rights or breach restrictions are authorised provided that:
- a. Planning consent is in place for the works;
 - b. The land has been appropriated to planning purposes;
 - c. The land could be compulsorily acquired by the Council for the purpose of carrying out the works; and
 - d. The works are related to the purpose for which the land was appropriated.
60. Table 1 in **Exempt Annex 2** details the total residual land value for all Phases. These values are based on the latest LLP approved business Plan detailed to Response and Recovery Committee on the 24 September 2020
61. The appropriation of CRE land from the HRA to the GF results in the requirement for an accounting adjustment (the 'price') to be made to increase the GF's Capital Financing Requirement (CFR), and correspondingly decrease the HRA CFR. Each year Kingston is required to add to the opening HRA CFR the "certified value" of any interest in housing land which commenced or recommenced to be accounted for in the HRA during the current financial year for a reason other than acquisition by the local authority. There is no statutory guidance on "certified value", and the approach taken here has been to use the Residual Land Value identified in the last approved CRE LLP business plan (Response and Recovery Committee 24th September 2020).
62. Table 2 in **Exempt Annex 2** details the impact on RBK's Capital Financing Requirement (CFR) with the appropriation of CRE land from the HRA and GF. Please note that this is for all phases.
63. Once appropriation has been completed, The Council will transfer the relevant land to the LLP by way of granting of a 250-year lease. The value of the land will be matched by Countryside with an equivalent cash facility which will be drawn down by the LLP as required. The Council's land and Countryside's matched funding is termed the 'equity' investment into the LLP
64. As detailed in this report it is anticipated that the Assistant Director - Property, Development & Investment will appropriate land in phases across the Estate. This will be subject to certain conditions being met including the properties being empty, free from any Tenancies and ready for demolition.
65. It is anticipated that the CFR adjustment will take place with each phase and will be subjected to the RLV detailed in the latest approved LLP business plan. In addition there will be accounting adjustments between the HRA and GF with each phase of the appropriation. Given the properties will be empty and ready for demolition it is anticipated that these will be minor. However the following need to be considered, Interest rates on current CRE HRA loans, and depreciation relating to CRE properties. A broad estimate of adjustments across

all phases is detailed in Table 3 of **Exempt Annex 2**, however consideration will need to be made to refining this as and when appropriations take place.

66. Further General Fund Considerations

The Council will provide loan financing from the General Fund to the LLP at a rate which is compliant with State Aid regulation. The loan financing will fund Loan Note C and will be calculated as follows, 50% of the total cost of developing phase 1 above the value of the Council's land (Loan note A) and Countryside's match funding (Loan note B). Countryside will fund the other 50% of phase 1. The Council funding (other than that of senior debt) will be on the terms of loan note instruments issued by the LLP. This has been built into the General Fund Capital programme.

67. Further HRA Considerations

In addition to the implications for the General Fund, there are a number of financial implications to be considered for the Housing Revenue Account (HRA). The HRA will transfer land with vacant possession into the General Fund at each phase of development.

- The HRA will receive a capital receipt for the land at the completion of each development phase.
- The HRA will receive 50% (the Council's share) of the profit generated upon the completion of each development phase.
- Sunk costs already incurred by the HRA, prior to development commencing, will be repaid in five equal instalments at the completion of each phase.
- The HRA will purchase the council homes and shared equity homes built at each phase of development.
- Savills has provided the Council with valuation advice to establish the purchase price of the council homes and shared equity homes. The purchase price of the homes in phase 1 has been agreed with Countryside and is reflected in the financial cash flows within the Business Plan.
- All of these considerations have been built into the HRA 30 Business plan model.

Legal Implications

68. The legal powers available to the Council to appropriate land and override third party rights are set out and explained in paragraph 32 - 36 of this Report and the implications on human rights are set out at paragraph 47. The exercise of this power by the Council must be considered carefully and a decision reached that on balance there is a public interest in appropriating the land in order to ensure the regeneration is delivered, and that this public interest outweighs the private rights that will be overridden. The factors to be considered in reaching the decision and set out in full in this Report.

Risk Assessment

69. The exercise of Appropriation powers can be controversial and the Council is managing the potential risk through continued consultation and engagement with affected residents and stakeholders.

Equalities Analysis

70. Due regard has been given to the Council's Equalities Duties, in particular with respect to general duties arising under the Equality Act 2010, section 149. Having regard to the need to advance equality in particular involves the need to remove or minimise disadvantages suffered by persons who share relevant characteristics which are connected with that characteristic.
71. Appropriation is, therefore, crucial in order to deliver such positive benefits, which include:
- New affordable housing
 - provision of fully accessible homes
 - new, improved and expanded play spaces provided as part of the completed developments
 - employment opportunities which the proposed development is likely to generate.
72. There is no evidence to suggest that the appropriation of the land will have a disproportionately adverse impact on those with protected characteristics. The anticipated impact on affected parties is expected to be minimal as adjoining owners and occupiers will continue to be able to enjoy their property in the same manner as they do at present: all properties will continue to be accessible throughout the works and thereafter upon completion of the development. Whilst there may be an interference with rights of light, the development of the Estate does not result in any properties having unacceptable levels of adequate daylight and sunlight. The Council is satisfied that the development of the Estate would strengthen the vitality and viability of the local area and the appropriation of the Council's land would not have any negative impacts on equality and diversity.
73. A full Equalities Impact Assessment is provided at **Annex 3**.

Health Implications

74. **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.
75. 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.

76. 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 widening 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 residents aren't just living longer lives, but more of their life in good health.

Road Network Implications

77. 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

78. Not applicable for the purposes of this report.

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

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