

THE LONDON BOROUGH OF WALTHAM FOREST

SECTION 226 (1)(a) OF THE TOWN AND COUNTRY PLANNING ACT 1990

AND

THE ACQUISITION OF LAND ACT 1981

**THE LONDON BOROUGH OF WALTHAM FOREST (MARLOWE ROAD ESTATE) COMPULSORY
PURCHASE ORDER 2019**

STATEMENT OF REASONS

1 INTRODUCTION

- 1.1 On 24 May 2016 the London Borough of Waltham Forest (“the **Council**”) resolved to make the London Borough of Waltham Forest (Marlowe Road Estate) Compulsory Purchase Order 2019 (“the **Order**”), a decision which was updated on the 5th June 2018 on account of the passage of time. The Order covers the entirety of the area of the estate being redeveloped but as at the date of making the Order, the interests in land which are in third party ownership include 8 leasehold flats, 4 pram sheds 1 commercial tenanted property, and the subsoil interests in public highways that are all located within the Marlowe Road Estate, Walthamstow, London E17 (“the **Estate**”). These lands and interests are described in greater detail in section 3 below.
- 1.2 The Order is made pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (“the **1990 Act**”) and the Acquisition of Land Act 1981 for the acquisition of all interests (except those of the Council) in the land shown edged red and shaded pink on the plan attached to the Order (“the **Order Land**”), and as described in the Schedule to the Order. The Order is being sought in order to enable the comprehensive redevelopment of the Estate for new residential housing, the creation of a new plaza and delivery of commercial accommodation. Phase 1A of the redevelopment of the Estate has been completed, with Phase 1B presently being constructed. The confirmation of the Order will allow for the later phases of the development to be delivered.
- 1.3 The Order has been made and will be submitted to the Secretary of State for Housing, Communities and Local Government (“the **Secretary of State**”) for confirmation pursuant to the above Acts.
- 1.4 The Council has made the Order to secure outstanding interests and thereby facilitate the carrying out of the Estate regeneration proposals in accordance with the following purposes for which the Order Land is being acquired to:
- (a) facilitate the redevelopment of the Marlowe Road Estate to deliver market and affordable housing in a sustainable location;
 - (b) improve the physical environment, including enhancing connectivity, between Wood Street in the east and Shernhall Street in the West and integrating the existing estate with the surrounding area;
 - (c) enable the creation of a modern, safe, public area (including play space) off Wood Street that provides a gateway between the Estate and the Wood Street retail area;
 - (d) provide retail space which will replace the existing retail provision in the District Centre and provide a better quality urban realm around the Plaza.

(being all together “**the Scheme**”)

- 1.5 The Council considers that the policies and principles in the planning and housing framework confirm the need for the regeneration by redevelopment of the Estate to provide high quality new homes within a sustainable and inclusive environment. Consultation responses from the residents on the Estate indicated widespread support for the Council’s proposals.
- 1.6 The Scheme is intended to be undertaken by Countryside Properties (UK) Limited (“**the Developer**”), the Council’s selected development partner who will be responsible for delivering the Scheme and who has already delivered Phase 1A of the development and is in the process of constructing Phase 1B. The Council will acquire the social housing being constructed as part of the Scheme. Further details in relation to the Developer are set out at section 8 below.
- 1.7 On 20th September 2016 the Council and the Developer entered into a contract for, inter alia, the carrying out of the Scheme (“**the CDA**”). Further details of the CDA are set out in section 8 below.

2 BACKGROUND

- 2.1 The Order Land forms part of the Estate which together with the adjacent Plaza area covers approximately 2.82 ha. The background and description provided below describes the Estate in its original form, prior to the Phase 1 works.
- 2.2 The Estate is bounded by Wood Street to the east, the rear gardens of the houses on the south side of Turner Road to the north, Valentin Road to the south and Shernhall Street to the west. The Estate is a short walk from Wood Street railway station which provides regular services to Liverpool Street in central London.
- 2.3 The Estate was built by the local authority in 1965 and, in its original layout, is divided into two distinct areas by Marlowe Road which traverses through the site connecting Wood Street and Shernhall Street. The first is the area to the north and west of Marlowe Road, which is categorised by a number of residential blocks. The three blocks occupying the centre of the site are the largest, not only in height but in bulk and scale. These blocks are long and linear, extending to five storeys in height surmounted with a pitched tiled roof with flats, garages and store rooms located on the ground floor and residential accommodation on the four floors above. Surrounding these three blocks is a range of low rise accommodation: to the north-east is a terrace of four bungalows, to the south-east a terrace of two-storey houses front onto Marlowe Road and to the north-west and west are a collection of low-rise blocks of flats.
- 2.4 The second area is Northwood Tower and the Plaza which together occupy the area of land between Marlowe Road and Wood Street. Northwood Tower is a twenty storey tower that sits in the south-eastern corner of the Estate. To the north of the tower is the Plaza which

comprised nine retail units, including a Co-operative food store and a Post Office, which front initially onto Wood Street before extending around and enclosing the public square on its southern and eastern sides. To the north of the Plaza is the Mixed Use Games Area (MUGA) which provides play space for children. The area immediately to the east of the Plaza comprises a public car park and service area for the retail units within the plaza.

- 2.5 Prior to the commencement of Phase 1, the Estate in its entirety contains 395 units divided between Northwood Tower (99 dwellings), Walnut Court (54 dwellings), 1-47 Vallentin Road (24 dwellings) and the blocks that are located on Marlowe Road or at its junction with Shernhall Street (218 dwellings).
- 2.6 In 2010 the Council commissioned AECOM to undertake a review of the 27 housing estates that are in the Council's ownership (either directly or through Ascham Homes, which was the Council's Arm's Length Management Organisation but which has since been brought back in-house in the name of Waltham Forest Housing).
- 2.7 The AECOM report ("**the Estates Review**") identified two estates as being 'High Priority' for intervention, of which the Estate was one. As a high priority estate, the Estate was categorised as an estate with a pressing need for intervention and the Estates Review recommended the total or partial redevelopment of housing on the Estate.
- 2.8 The Estates Review identified the Estate as being insular and isolated with little frontage onto the main streets and internal passageways, creating a sense of isolation at ground level which is exacerbated by a lack of connections through major parts of the Estate. Existing connections, such as Duke's Passage, are described as being isolated, unwelcoming, unsafe and likely difficult to police. The public realm was described as poor, with the design of the blocks identified as being a potential contributory factor to security problems and anti-social behaviour.
- 2.9 The Estates Review also identified that most of the Estate is in one of the 5-10% most deprived areas in the Borough, with particular deprivation shown in terms of living environment, employment, income and health and that the Estate has a crime rate above the average.
- 2.10 The 2015 English Indices of Deprivation published by the Department of Communities and Local Government ("**DCLG**") ranks the Lower Layer Super Output Area ("**LSOA**") that the Estate falls within as being in the most deprived 10% of all LSOAs, not only in the Borough, but in England. In respect of Income, Employment, Crime, Barriers to Housing and Services, and Income Deprivation Affecting Older People the Estate LSOA falls within the bottom 10% of all LSOAs and falls just outside (10.2%) of the Income Deprivation Affecting Children Index.
- 2.11 In respect of crime, statistics from the Metropolitan Police Service record that the crime rate in the LSOA, in which the Estate is located, is significantly higher than other areas. Measured

on a crime rate per 1,000 population the average crime rate for the Estate LSOA is consistently higher than both the Wood Street ward and the London Borough of Waltham Forest.

- 2.12 The Estates Review recommended that the focus of redevelopment of the Estate should be in blocks north and west of Marlowe Road, in which the majority of the issues identified are concentrated. The Estates Review commented that the redevelopment of these blocks *'could help to resolve the issues and improve the quality of life for residents'* and that *'partial redevelopment of the estate, based on the blocks [to the north and west of Marlowe Road], could remove the security issues on the affected blocks provide opportunities to improve the quality of the public realm, remove the sense of isolation and enable a new connection through to Wood Street as part of an improved estate layout and to connect to wider regeneration opportunities as set out in the emerging Wood Street AAP' (p.15).*
- 2.13 The Estates Review also identified further potential regeneration benefits from the partial redevelopment of the Estate alongside neighbouring redevelopment opportunities:
- 'There is further potential to realise significant regeneration in this area if redevelopment opportunities around Wood Street are taken into account.'* (p.15)
- 'This would also create the opportunity to re-provide demolished social rented units over a wider area than the existing estate footprint, thus giving the opportunity to diversify the housing tenure in the broader regeneration area. Land to the east of the estate towards Wood Street (including the shopping precinct, car parks and play areas off Wood Street) could also potentially be redeveloped as part of a mixed-use scheme with residential above shops to create public spaces which are more appealing and overlooked.'* (p.15)
- 2.14 The Estates Review considered an alternative approach of infill development but considered it unlikely that this would resolve the majority of the issues identified.
- 2.15 With the Estates Review identifying the Estate as a Priority Estate, the Council undertook a Housing Needs Assessment in which residents on the Estate were surveyed between September 2012 and January 2013 to obtain their views on not only their housing accommodation but on the Estate as a whole. On account of the focus of the redevelopment plans being on the blocks located to the north and west of Marlowe Road, the survey was concentrated on tenants, leaseholders and freeholders within this area. 86% of the Council's tenants completed the survey with 38% of the freeholders and leaseholders responding. Overall, the response rate equated to 76% of all residents on the Estate.
- 2.16 When asked what resident's disliked about their home the survey showed that key concerns were the size and layout of the existing accommodation, the conditions of the property and security. 28% of the residents who responded considered that their property was 'poor' or 'very poor'.

- 2.17 When being asked for their opinion on the block, the focus of residents' concerns was focused on two areas: (i) security, access control and personal safety, and (ii) anti-social behaviour. The level of these two responses was far greater than any others given with 'Security' again being the clear leader (by some distance) when residents were asked what they would like to improve about their blocks. The level of residents' satisfaction with their blocks was generally low with 37% of those who responded being dissatisfied or very dissatisfied.
- 2.18 When questioned about the wider Estate, 37% of those who responded again stated they were either dissatisfied or very dissatisfied. Many liked the location and quiet surroundings but cited Security, Access Control and Personal Safety followed by Anti-Social Behaviour as the main issues with the Estate. 'Everything' was the third most popular answer when residents were asked what they disliked about the Estate. When asked to rank in order of priority the problems on the Estate that needed to be addressed residents on the Estate scored Security and Personal Safety as their main issues followed by Access Control, Estate/Street Lighting, Misuse of Open Spaces and the Condition of Internal Communal Areas as their top five.
- 2.19 When discussing the redevelopment of the Estate, 80% of those who responded were in favour of their block being demolished in order to improve the Estate and build new homes for rent and 81% were in favour of other blocks being demolished to achieve the redevelopment of the Estate. Illustrating that residents were happy with other aspects of the Estate, 78% of residents responded that they would want to move back to the Estate if these changes were undertaken.
- 2.20 The issues identified within the Estates Review and the Housing Needs Assessment were addressed within the emerging Wood Street Area Action Plan ("**WSAAP**") preferred options which was produced in July 2013. The WSAAP commented that the issues facing the Estate are a *'poor distinction between public and private realm making the area feel illegible, unsafe and underused'* (5.4.2) and the *'low quality of the building fabric around the plaza which constrains the vibrancy of the plaza space'* (5.4.3) stating:
- 'The majority of the issues identified for the Marlowe Road Estate are concentrated in blocks north and west of Marlowe Road. Therefore redevelopment of this area could help to resolve the issues and improve quality of life for residents. Redevelopment of the estate could remove the security issues on the affected blocks, provide opportunities to improve the quality of the public realm, remove the sense of isolation and enable a new connection through to Wood Street as part of the improved estate layout and connect to wider regeneration opportunities'* (4.4.25)
- 2.21 The WSAAP stated that the Council had considered, and rejected, alternative options of doing nothing and refurbishing the Estate, as neither option will resolve the majority of the issues identified stating:

'The estate is characterised by deck access, poor pedestrian access and linkages, decaying system-built building fabric and suffers from crime and deprivation. Opportunities to kick start the regeneration of this area by creating high quality, sustainable, urban environment in this area will be missed including the long term benefits for economic, environmental and social change'. (4.4.29)

2.22 The Council has taken forward the redevelopment of the Estate as a priority, and, having identified that the redevelopment should focus on the blocks to the north and west of Marlowe Road and the Plaza area, has procured the Developer to bring the redevelopment forward.

3 DESCRIPTION OF ORDER LAND

3.1 Extent and Nature of Land to be acquired

3.1.1 The Order Map shows the area of land to be acquired compulsorily. The Order Map have been carefully delineated to ensure the land to be acquired is only what is required to facilitate the delivery of the Scheme.

3.1.2 The properties included within this Order include all interests that are outside of the Council's ownership within the following:

- (i) 31/31a – 41/41a Shernhall Street (odd only) – a three storey block of flats located to the north-east of the junction between Shernhall Street and Marlowe Road;
- (ii) 43a – 43f Shernhall Street – a three storey block of flats located to the south-east of the junction between Shernhall Street and Marlowe Road;
- (iii) 45a – 45f Shernhall Street – a three storey block of flats located to the south of 43a-43f Shernhall Street;
- (iv) 12 – 18 Marlowe Road (even only) – a terrace of four bungalows which have been demolished for the delivery of Phase 1B;
- (v) 20 – 54 Marlowe Road (even only) – a three storey block of flats located to the rear of 12 – 18 Marlowe Road;
- (vi) 56 – 150 Marlowe Road (even only) – a large, five storey block of maisonettes and flats;
- (vii) 152 – 166 Marlowe Road (even only) – a terrace of eight two storey houses, some of which have now been demolished;
- (viii) 168 Marlowe Road – a former community centre located to the east of 166 Marlowe Road which has now been demolished;

- (ix) 178 – 222 Marlowe Road (even only) – a linear, five storey block of maisonettes with garages located on the ground floor of the block;
- (x) 224 – 226 Marlowe Road (even only) – a two storey block of flats located to the north of 178-222 Marlow Road at its western end;
- (xi) 228 – 322 Marlowe Road (even only) – a large, five storey block of maisonettes and flats;
- (xii) 324 – 346 Marlowe Road (even only) – a three storey block of flats located to the north of 288 – 322 Marlowe Road;
- (xiii) 348 – 370 Marlowe Road (even only) – a three storey block of flats located to the west of 324 – 346 Marlowe Road;
- (xiv) 103 – 119 Marlowe Road (odd only) – a three storey block of flats located to the east of the Lord Brooke Public House;
- (xv) 121 – 131 Marlowe Road (odd only) – a three storey block of flats located to the east of 43a – 43f Shernhall Street;
- (xvi) 148 – 168 Wood Street (even only) – the parades of retail units that extends around the western and southern side of the Plaza and southwards along Wood Street. With the exception of the unit occupied by the post office (148-150 Wood Street), all of the retail units have been demolished.

3.1.3 The Order Land comprises approximately 2.82 hectares. The Order Land includes 8 leasehold interests in residential property within the Estate that presently fall outside of the Council's ownership having been sold originally under the Right to Buy scheme. 4 pram sheds that were included with the demise in the sale by way of long lease of some of the flats within Walnut Court have also been included in the Order.

3.1.4 The Order includes one retail unit, the Wood Street Post Office, that is subject to a tenancy agreement and their inclusion in the Order is required so vacant possession can be secured in a timely manner.

3.1.5 Other commercial interests within the Order Land include three electricity substations (two of which are held on long leases).

3.1.6 Included within the Order is the subsoil interests for the adopted highways crossing the Estate and for the land under Dukes Passage, a public footpath that extends along the northern boundary of the site. Under the *ad medium filum* rule, there is a rebuttable presumption that unregistered land beneath the highway falls within the ownership of the properties which abut the highway, with the dividing line between the ownership being the centre of the road. The

Order therefore includes the subsoil interest assumed to belong to the properties along Turner Road for the northern half of Dukes Passage.

3.1.7 Full details of the Order Land appear in the Schedule to the Order. The Order Map identifies the land in which any interests outside of the ownership of the Council are to be acquired (coloured pink).

3.2 Land Referencing

3.2.1 The Council instructed independent agents to carry out the referencing exercise. The actions taken by the agents to investigate title and occupier details for inclusion in the Order included:

- (a) Land Registry searches;
- (b) Service of Requisitions for Information under section 16 Local Government (Miscellaneous Provisions) Act 1976 on behalf of the Council and reviewed alongside the Land Registry Searches to provide the Schedule of Interests that forms part of the submission to the Secretary of State; and,
- (c) Site inspections.

4 PLANNING POLICY IN RESPECT OF THE ORDER LAND

4.1 For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2014, the statutory Development Plan covering the Order Land comprises the Waltham Forest Core Strategy (2012), the Waltham Forest Development Management Policies (2013) and the London Plan (2016)

4.2 Relevant material considerations include the National Planning Policy Framework (“**the NPPF**”) (2018), the emerging Wood Street Area Action Plan Preferred Options draft (2013 (“**the WSAAP**”)), the Mayor’s Housing SPG (March 2016), Town Centres SPG (July 2014) and Housing Strategy (May 2018).

The London Plan

4.3 The London Plan supports the provision of additional housing in London and strengthening the vitality and viability of designated town centres. Therefore, the London Plan provides strong support for the redevelopment of the Estate to provide new and additional quality dwellings as well as the redevelopment of the Plaza as part of the designated Wood Street district centre.

4.4 London Plan Policy 3.3 supports the provision of housing in London and sets a target of 862 new homes per year for Waltham Forest with a 5% buffer increasing this figure to 905. The scheme proposal seeks to replace 214 existing units with 436 new residential units resulting in a net increase of 222 units.

- 4.5 London Plan Policy 3.14 resists the loss of housing including social housing, unless it is replaced at existing or higher density with at least an equivalent floorspace re-provided. At paragraph 3.82 the London Plan sets out that estate renewal should take into account benefits to the local community and that affordable housing should not be replaced unless it is replaced by better quality affordable housing.
- 4.6 The Mayor's Housing SPG (March 2016) recognises that to achieve no net loss in affordable housing, it may be necessary for redevelopment to be at higher densities to generate sufficient value from market housing (para 5.1.16). In respect of calculating whether there is a loss of affordable or overall housing, para 5.1.14 of the Housing SPG states that calculations can be made on the basis of habitable rooms rather than dwellings where the redevelopment of the estate is providing a housing mix more appropriate to the needs of both existing and prospective future residents – for example where there is increased provision of dwellings for larger households. The Mayor of London's Housing Strategy (May 2018) promotes that there is no loss of affordable housing on estate regeneration projects and that these should be replaced on a like-for-like basis (Policy 4.3(D)), but considers it appropriate to undertake the calculation on the basis of floorspace rather than on unit numbers (para 4.70).
- 4.7 London Plan Policy 7.1 sets out an overarching set of urban design principles for development in London. Policy 7.5 requires high standards in public realm. New development (Policy 7.4) is also required to have regard to context and make a positive contribution to the local character within the neighbourhood.
- 4.8 Policy 2.15 also notes that Development proposals in town centres should conform with London Plan policies 4.7 and 4.8 and a sustain and enhance the vitality and viability of the centre. In addition the Mayor's Town Centres SPG gives practical guidance on implementing the London Plan policies and gives practical advice in preparing, scrutinising and contributing to planning policy, masterplans or planning applications relating to town centres.

Core Strategy

- 4.10 A number of Waltham Forest Core Strategy policies are particularly relevant to the Scheme.
- 4.11 Policy CS1 deals with the Location and Management of Growth. Policy CS1(a) designates Wood Street as a "key growth area" and states that the Council will seek to accommodate growth primarily in housing of up to 1000 homes and jobs, especially for local people.
- 4.12 Policy CS1 (b) directs growth in main town centre uses (including retailing) to town centres, of which Wood Street is designated a district centre within the Council's retail hierarchy.
- 4.13 Policy CS1 (c) refers to Site Opportunity Locations to be taken forward as Area Action Plans (AAP). It identifies (at Figure 8) the Wood Street AAP boundary and within it sites to be taken forward. These identified sites include the Estate and Plaza area.

- 4.14 Core Strategy Paragraph 4.18 states that ...*“Wood Street is a small linear district centre with a good range of independent and niche retailers. However, it is also a deprived neighbourhood with housing estates in need of improvement and a number of underused spaces which provide the opportunity for redevelopment”*.
- 4.15 Paragraph 4.20 sets out that the Council’s ambitions for the Wood Street area, which include strengthening the centre with a retail-led mix of uses, enhanced links to surrounding neighbourhoods, establishing attractive, direct, safe connections between the residential neighbourhoods, and the renewal of housing estates.
- 4.16 Policy CS2 – addresses “Improving Housing Quality and Choice”. It states the Council will facilitate sustainable housing growth by maximising the number of quality homes in the Borough including the delivery of new homes in Waltham Forest’s key growth areas (which include Wood Street), and making effective and efficient use of land by seeking to optimise housing densities.
- 4.17 Paragraph 5.10 notes that the Council will be undertaking a housing renewal programme which will contribute to creating affordable homes, creating decent homes, improving community cohesion and community safety. It goes on to say that the Council has undertaken a review of housing estates (i.e. the Estates Review previously referred to) and that this review found the Marlowe Road and Montague Road estates to be a high priority for renewal.
- 4.18 Policy CS3 states that while encouraging housing and economic growth in the Borough, appropriate infrastructure is to be provided to cater for the needs of existing and future populations.
- 4.19 Policy CS14 sets out how the Council will promote attractive and vibrant town centres. This includes consolidating the role of Wood Street and within the district centre the Plaza which anchors the southern end of Wood Street and acts as a gateway to it from the south and the National Rail Station.
- 4.20 Policy CS15 sets out the importance of well-designed buildings, places and spaces which reinforce and, where appropriate, create new distinctive and legible areas/spaces. It calls for a design-led approach to redevelopment, particularly in the identified "key growth areas" (which includes the Estate) and that high quality and inclusive design measures are included to create an attractive, safe, healthy, accessible and sustainable environment.
- 4.21 Policy CS16 states that the Council will aim to improve community safety and cohesion by incorporating principles and practices of 'Designing out Crime' and Secured by Design. Design policies relating to community safety are set out in detail in the Council's Urban Design SPD, and site specific guidance responding to local circumstances in the Wood Street AAP.

- 4.22 At Paragraph 20.23 the Core Strategy notes that Council has compulsory purchase powers, and will use these to assemble land to enable the implementation of the Core Strategy.

Wood Street Area Action Plan ('WSAAP')

- 4.23 The Council published the WSAAP Preferred Options in July 2013. The Council is no longer taking forward the WSAAP, having decided that its policies on allocated sites should be consolidated into the new Local Plan which progressing through the required stages (the consultation on the Direction of Travel Document ran from 6th November to 22nd December 2017 and a draft of the Local Plan is expected to be published in 2019). However, the proposals of the WSAAP are still considered to be relevant to the proposed Scheme, not least because the WSAAP was subject to extensive public consultation, and was prepared in the context of the adopted London Plan and the Waltham Forest Core Strategy, as well as the provisions of the NPPF.
- 4.24 A key part of the WSAAP's Spatial Strategy (Paragraph 3.2) was the transformation of the Estate and Wood Street Plaza to deliver housing renewal and establish a clearer sense of arrival and gravity to the north of Wood Street railway station.
- 4.25 The WSAAP proposals envisaged a comprehensive approach to the redevelopment of the Estate and the rejuvenation of the retail units around the Plaza. Therefore, as part of the Scheme, new residential dwellings are to be introduced adjacent to Northwood Tower and the Plaza with a more efficient arrangement of public and private space enabling a more sensitive approach to massing.
- 4.26 The preferred WSAAP Policy WS11 dealt with the Estate and the Plaza, stating that high quality family housing will be provided through the redevelopment of the Estate, and that proposals for the Estate would be developed in conjunction with the Plaza redevelopment to maximise mutual benefits and synergies.
- 4.27 Paragraph 4.4.25 of the WSAAP identified that the redevelopment of the Estate could help remove the security issues on the Estate, provide opportunities to improve the quality of the public realm, remove the sense of isolation and enable a new connection through to Wood Street as part of the improved estate layout and to connect to wider regeneration opportunities.
- 4.28 Through the WSAAP process, the Council has in consultation and through its evidence base, including the Estates Review, considered alternative options for regeneration of the Estate and the Plaza.
- 4.29 The WSAPP advanced that a "do nothing" approach would not address the key issues which led the Estates Review to identify the Estate as one of the two highest priority housing estates in the Borough.

- 4.30 The Estate is characterised by deck access, poor pedestrian access and linkages, decaying system-built building fabric and suffers from crime and deprivation. The WSAAP stated that opportunities to kick start the regeneration of this area by creating a high quality, sustainable, urban environment would be missed if the renewal of the Estate was not brought forward including improving the long term benefits for economic, environmental and social change. A “Significant refurbishment” option was also considered by the WSAAP, but rejected since this option would not resolve the Estate’s underlying issues, not least needing to tackle social security / deprivation issues, which are considered crucial in transforming the area into an attractive neighbourhood.
- 4.31 The WSAAP acknowledged that the Marlowe Road and Plaza sites might not come forward at the same time, but proposals for the sites must ensure key principles such as block design and that linkages of the two sites must correspond to each other.
- 4.32 Thus in order to address the above issues and deliver the well-being benefits, the WSAAP concluded that comprehensive redevelopment of the Plaza and the Estate was to be the preferred option.
- 4.33 Reflecting the need for a comprehensive approach the WSAAP identified the Estate (site 10 in the WSAAP) and Plaza area (site 11 in the WSAAP) as collectively the “Cluster 4” sites, with the Estate to be developed in conjunction with the Plaza (5.4.1.1).
- 4.34 The “Cluster 4” sites form the largest redevelopment area in the WSAAP boundary, occupying a central location at the heart of Wood Street.
- 4.35 The WSAAP noted that the Cluster 4 sites together provide a major opportunity to enhance the Estate and the Plaza area to create a more coherent urban fabric which is better connected to Wood Street and the wider area. The WSAAP set out that the redevelopment of Marlowe Road and the Plaza area will rejuvenate the area to the north of the station and see it transformed as a new heart for the District Centre.
- 4.36 In accordance with other WSAAP preferred policies including housing mix, the AAP identified that between 180 and 400 units could be accommodated on the Estate.
- 4.37 The WSAAP also set out that an opportunity exists to enhance and intensify development on the Plaza through comprehensive reconfiguration and redevelopment in conjunction with the Estate. New retail and commercial uses are to be included at the Plaza (including re-provision of a convenience store and the Post Office) at ground floor with additional residential dwellings above.
- 4.38 This reflects the findings of the Council’s retail and leisure study (carried out in 2009) which recognised the opportunity to redevelop the single storey parade of shops and Post Office

within the Wood Street Precinct to create a higher density development and strengthen the role of the district centre.

- 4.39 Other key WSAAP requirements were that development proposals should foster integration with surrounding areas. Strong linkages between the Estate and the Plaza need to be established, with development maximising permeability and legibility with strong, direct routes, a fine grain of buildings and clear front to backs.
- 4.40 Preferred Policy WS19 requires the provision and quality of private and communal spaces and play areas. The Scheme makes provision for replacing existing play space with commensurate facilities.
- 4.41 Preferred Policy WS25 seeks to consolidate community uses, saying that proposals to develop new or extend existing community facilities for which there is a local need, will be permitted in the core area of Wood Street, in particular the Plaza area. This will add to the convenience and access to such facilities and maximise the viability of the facilities through increased footfall. The Scheme makes provision for a redeveloped Plaza and the provision of community facilities.
- 4.42 Preferred Policy WS26 seeks to strengthen the town centre with cultural and arts facilities. The commercial properties at the intersection of Wood Street and Vallentin Road which include the local sign maker are not included within the Order Land, as the Borough is keen to encourage further growth of cultural industries.
- 4.43 At Paragraph 6.2 the WSAAP set out its delivery strategy. Reflecting the comprehensive approach, sites 10 (the Estate) and Site 11(Plaza) are considered as one (Cluster 4) in terms of delivery.
- 4.44 The WSAAP noted that a development partner would be selected and that upon grant of planning, CPO powers may be needed to assist the developer in completing site / phased assembly (where agreement has not been reached in advance).
- 4.45 The Developer was selected by the Council as its partner in August 2014 to redevelop the Estate together with the Plaza. This comprehensive approach meets the policy objectives set out above and responds positively to design and commercial logic.

National Planning Policy Framework (“NPPF”)

- 4.46 The NPPF published on the 24th July 2018 is a revision of the National Planning Policy Framework published in March 2012. The NPPF has been updated to incorporate proposals previously consulted on in the Housing White Paper and the Planning for right homes in the right places consultation.

- 4.47 The NPPF sets out the Government's planning policies for England and how these should be applied. Its purpose is to provide a framework within which locally-prepared plans for housing and other development can be produced. The NPPF continues to not form part of the Development Plan, but as it must be taken into account in the preparation of development plans, it is a material consideration in planning decisions.
- 4.48 The NPPF maintains the presumption in favour of sustainable development at its heart, setting out the three overarching objectives of the planning system:
- (i) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - (ii) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - (iii) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.
- 4.49 In respect of the delivery of a sufficient supply of new homes, the NPPF states that to support the Government's objective of significantly boosting the supply of new homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (Paragraph 59).
- 4.50 The NPPF acknowledges that inadequate housing can be a potential barrier to investment and that planning policies should address this (paragraph 81).
- 4.51 Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The NPPF states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites (paragraph 85).

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

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

4.53 The NPPF states that:

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

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

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

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

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

5 THE PROPOSALS FOR THE DEVELOPMENT

5.1 The Council's Development Partner, Countryside Properties (UK) Limited, submitted a planning application in May 2015 for the Scheme (ref 151652/FUL):

“Demolition of the existing Marlowe Road Estate residential buildings and site clearance, and phased redevelopment of the estate for Class C3 residential, Class A1 / A2 / A3 / A4 / A5 / D1 commercial space, energy centre, new public plaza, hard and soft landscaping, car parking, internal infrastructure network and associated works.”

5.2 Planning permission was granted on the 20th September 2016.

5.3 The consented development comprises:

- (i) 436 new residential dwellings;
- (ii) 1,119 sq. m. of flexible commercial floor space;
- (iii) 312 sq. m. energy centre;
- (iv) 2,500 sq. m. of play space
- (v) new public plaza.

5.4 The consented development will see the demolition of 214 dwellings on the existing Estate. Walnut Court, 1-47 Valentin Road and Northwood Tower are not to be demolished, although the communal area around Northwood Tower will be altered. Incorporating the area of land to the north and west of Marlowe Road and the Plaza, the redevelopment will create a new, high quality neighbourhood that removes the security issues experienced by the existing blocks,

improve the quality of the public realm, remove the sense of isolation in the Estate and create new, pedestrian friendly connections between Wood Street and Shernhall Street.

- 5.5 The redevelopment will have the Plaza at its heart, creating a strong and coherent relationship between the Plaza and the Estate. The new neighbourhood will seamlessly integrate with the surrounding area, promoting new activity along the High Street and form a gateway into the Wood Street area from the station.
- 5.6 The design of the scheme is based on the simple and established principles of connected streets, active frontages and well defined and overlooked public spaces. The main driver of the Scheme's design was the improvement of connectivity, permeability and legibility across the site and this has been created through adopting a traditional street pattern with two main east-west links forming across the development with interconnecting streets replicating in part the historical Victorian Street pattern of Marlowe Road which was lost during its post war redevelopment. This residential road configuration allows for the creation of active frontages throughout the site and reflects the character of the area.
- 5.7 The proposals create an integrated neighbourhood, with a generous provision of open space supported by a clear street network that, through using legible routes and materials, will lead pedestrians through the public spaces to the wider neighbourhood, promoting increased permeability.
- 5.8 The residential blocks are generally arranged as perimeter blocks with active frontages facing the street and providing clear distinctions between public and private space. The scale and massing of these blocks have been designed so as to create deliberate breaks in the blocks that allow light into the courtyards and allow for a greater provision of dual and triple aspect units. A rich mix of homes is proposed, providing for a variety of household types, from family houses with private gardens to maisonettes and apartments with roof terraces, courtyard gardens and generous balconies. All homes will be large and efficiently designed, meeting or exceeding the London Housing Design Guide (the relevant policy document at the time of the application).
- 5.9 A key feature of the development is the new Plaza which is moved to a more central position with excellent visibility and connections from Wood Street and the new streets and homes within the redevelopment estate. The new plaza is designed to be an inviting, central hub that can be used as event space during different times of the year.
- 5.10 The new plaza is lined on its northern and southern sides with commercial accommodation which has been carefully considered to maximise the potential for increased commercial activity along Wood Street and around the Plaza. This new commercial space includes replacement accommodation for the Co-Operative food store and Post Office. The phasing of

the project will allow for the rehousing of these businesses without interruption to the services provided to the local community.

- 5.11 Immediately to the west of the plaza lies the replacement Mixed Use Games Area (“MUGA”). This has been located in a position which balances the requirement for natural surveillance from nearby properties whilst maintaining a prevalent position so as to encourage its use. The new MUGA will be the same size as the existing play area (c.350 sq. m.)
- 5.12 Of the 436 new residential dwellings, 150 will be social rented homes, equating to 34% of the total housing proposed. The affordable accommodation has been designed to be tenure blind and is pepper-potted throughout the Estate as opposed to being concentrated in one location.
- 5.13 The pram sheds and garages that are located to the north of Walnut Court and 1-47 Vallentin Road will be demolished to allow for the construction of three new blocks to the rear of 1-47 Vallentin Road and the creation of an improved urban realm to the rear of Walnut Court. The improvements will provide an integrated public realm with new residents car parking facilities and public amenity space which creates a significantly improved relationship between Walnut Court and the Marlowe Road Estate. At present the access between the estates is limited to narrow walkways that extend around the pram sheds and garages. Construction works will be managed in a manner to reduce the disturbance level to occupiers of Walnut Court and 1-47 Vallentin Road and the relevant areas of the new public realm will form adopted public highways providing residents of the adjacent residential blocks with improved access.

6 ENABLING POWERS

- 6.1 Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) permits a local planning authority to exercise compulsory acquisition powers if it thinks that the land will facilitate the carrying out of development, redevelopment or improvement on, or in relation to the land being acquired and it is not certain that it can be acquired by agreement.
- 6.2 Section 226(1)(a) is subject to Section 226(1A) which sets out the "wellbeing" power. This requires that the acquiring authority (the Council) must not exercise the power unless it thinks that the Scheme, redevelopment or improvement is likely to achieve the promotion or improvement of the economic, social or environmental well-being of its area.
- 6.3 The Council believes that the Scheme meets all of these objectives. The Council has taken into account the guidance provided in the Ministry of Housing, Communities and Local Government’s Guidance on Compulsory Purchase Process and The Crichele Down Rules (February 2018) (**‘the Guidance’**) on the use of its compulsory purchase powers in making the Order. The Council is using its powers under section 226(1)(a) because achieving voluntary transfer of the ownership of the Order Land is uncertain and the Council needs to ensure that ownership of the Order Land is vested in it so that it can provide vacant possession of the Estate to the Developer so that the Scheme can go ahead.

- 6.4 Although the primary objective of the Scheme is to deliver housing provision and, as such, the Council has powers of compulsory acquisition under section 17 of the Housing Act 1985 to achieve such aims, the Council has considered that the use of general planning powers is appropriate as the scheme incorporates the redevelopment of the Plaza and provision of new commercial floor space.
- 6.5 The Council has had regard to paragraph 139 of Section 5 of the Guidance which confirms that the Council's use of its planning powers is appropriate even where the primary objective is the delivery of housing. The Guidance states *"Where an authority has a choice between the use of housing or planning compulsory purchase powers...the Secretary of State will not refuse to confirm the CPO solely on the grounds that it could have been made under another power."*
- 6.6 Where, as in this case, the Order Land is being assembled under planning powers for housing development, the Secretary of State will have regard to the policies which would have been relevant if the Order was made under housing powers. Evidence that the Scheme will achieve a quantitative and qualitative housing gain are as set out in Section 7 together with information regarding the needs for the provision of further housing accommodation in the Borough as part of the Waltham Forest Core Strategy as referred to in Section 4.

7 JUSTIFICATION FOR THE USE OF THE COMPULSORY PURCHASE POWERS

- 7.1 The Estate is one of the two highest priority estates for regeneration in the Borough. It suffers from aged properties, poor housing standards, poor public realm and design, high crime levels, anti-social behaviour issues and high levels of deprivation. All of these issues cannot be addressed unless there is a significant intervention through the redevelopment of the majority of the Estate.
- 7.2 The Plaza is the largest public open space on Wood Street, the key gateway to the district centre from the south and Wood Street railway station, and primary connection to the Estate from Wood Street and the station. The Plaza suffers from poor design, poor separation of public and private spaces, and a limited presence given its prominent location.
- 7.3 Permeability and legibility between the Estate, the Plaza, neighbouring areas and Wood Street rail station are poor. The form of public access through the Estate to neighbouring areas is unwelcoming, resulting in the Estate having a poor relationship with neighbouring areas.
- 7.4 The area currently contributes little to the architectural and historic character of the Wood Street area. The development of the area will provide the opportunity to revitalise this underutilised part of the Borough and provide a mix of uses appropriate to it with high quality urban design and architecture that enhances the Wood Street area and achieves additional housing which meets the Core Policy's aim of delivering up to 1,000 new homes in the Wood Street Growth Area.

- 7.5 The scheme adopts the WSAAP's preferred approach for comprehensive redevelopment of the Estate and Plaza together, optimising the potential of both sites and ensuring that both deliver high quality development which integrates with each other and provides a strong platform for connectivity throughout the area. A comprehensive redevelopment of both areas provides additional, new and higher quality housing to design out crime and raise living standards within the Estate and substantially improved linkages between the Plaza, the Estate, Wood Street, and the rail station, through the redevelopment of the Plaza area.
- 7.6 The purpose of the Order is therefore to secure the acquisition of all relevant interests in the Order Land to facilitate the Scheme.
- 7.7 The Council considers that there is a compelling case in the public interest for the making of the Order. The principle of the Scheme is supported by planning policy at both a national and local level. It is not considered that there are any planning or viability impediments to the implementation of the Scheme: planning permission was granted in September 2016 and the Developer is committed to the delivery of the development as illustrated by its progress in respect of Phase 1. The Council considers the Scheme will make a positive contribution to the promotion of achievement of the economic, social and environmental wellbeing of the area.
- 7.8 Single ownership and control of the Order Land is required to enable the Scheme to proceed. The Council is satisfied that it has made reasonable attempts to acquire outstanding interests by private agreement. The Council has attempted, and will continue to attempt, to purchase the outstanding interests by private agreement. However, given the number of third party interests identified in the Schedule to the Order, the Council considers it unlikely that it will be able to acquire all of these interests by agreement within a reasonable time period. The exercise of compulsory purchase powers will enable redevelopment to take place at an earlier date by providing certainty in respect of site assembly.
- 7.9 The Council has carefully considered the need to include each parcel of land in the Order Land and is satisfied that these interests are required for the delivery of the Scheme.
- 7.10 The overarching consideration for the Secretary of State in deciding when an Order should be confirmed, and which is of equal relevance to the Council in reaching its decision, is set out in paragraphs 13, 15 and 106 of Guidance which identifies the following issues to be considered:
- (a) whether the purpose for which the land is being acquired fits with the adopted Local Plan for the area;
 - (b) the extent to which the Scheme would contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or improvement of environmental well-being of the Council's area;

- (c) the potential financial viability of the Scheme, general funding intentions and the timing of available funding and that there is a reasonable prospect of the Scheme going ahead;
- (d) whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means.

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

7.11 The planning vision contained in Policy CS1 of the adopted Core Strategy is delivered by the Scheme proposals.

7.12 The WSAAP identified the key benefits of the redevelopment of the Estate (site 10) as:

- (i) Improved access to town centre and reduced severance of large housing blocks;
- (ii) Provision of new, attractive housing, in particular social housing stock with a higher percentage of family homes and an improved mix of tenure;
- (iii) Tackling deprivation / anti-social behavior and safety concerns that are intrinsic in the layout of the estate;
- (iv) Townscape improvements.

7.13 In respect of the Wood Street Plaza (site 11), the WSAAP identified the key benefits of the preferred option as:

- (i) Strengthening the Plaza's role as the heart of the town centre with an enhanced range of town centre facilities;
- (ii) Improved access to community facilities and town centre through improved permeability and linkages;
- (iii) Townscape improvements with improved enclosure and natural surveillance of Plaza;
- (iv) Improved town centre offer and choice;
- (v) Improved setting of the tower and improving natural surveillance of public spaces.
- (vi) The scheme will deliver the comprehensive redevelopment of both the Estate and the Plaza area and secure the key benefits identified by the WSAAP.

7.14 The Scheme accords with planning policy through delivering an increase in the provision and quality of residential accommodation on the Estate, improving connectivity both within the Estate and to neighbouring areas through the introduction of a new street pattern, improving through design the natural surveillance of public areas so to deter crime and anti-social behaviour, and improving the public realm that is accessible to the community.

7.15 The redevelopment of the Estate requires the demolition of 214 units but replaces these with 436 modern homes that will be constructed to lifetime homes standard and will incorporate the

aims and objectives of 'secured by design' and 'design out crime'. The result is an additional 222 units helping to meet the Council's annual housing target of 862 homes as set by the London Plan, and the Core Strategy target of an additional 1,000 homes in the Wood Street Area. The net gain of 222 units is the optimum possible having regard to the constraints of the site. The density of the scheme is 127 units per hectare (when including Northwood Tower) which sits within the middle of the optimum density range of the London Plan (45 – 170 units per hectare for a site with a Public Transport Accessibility Level of 2).

- 7.16 The Scheme provides for the relocation of the Co-operative convenience store (who are now trading from their relocated store and the Post Office (who are in advanced negotiation for their relocation at a property currently under construction and reserved for this purpose) through the provision of new accommodation within the redevelopment. The phasing of the Scheme provides for continuity of trade and service. The Scheme delivers an increased provision of retail space whilst ensuring that the Plaza is the focus of the community hub. New modern accommodation will allow for greater flexibility in respect of potential users and is designed in a manner that it will integrate and add to the existing high street as opposed to detracting from it.
- 7.17 The Scheme creates a legible gateway between the Estate and the Plaza through a consistent level for enclosure around the Plaza as well as a high quality landscaped space to create a community hub. The new plaza includes a large area of publicly accessible recreation space helping to draw the community into and through the site, thus helping to integrate the development within the surrounding area.
- 7.18 The proposed layout looks to replicate in part the Victorian Street pattern of Marlowe Road that was lost during the post war development. The proposed layout provides significantly improved integration and connectivity with the surrounding urban fabric, helping to reinstate the Marlowe Road area into its wider public realm network. The majority of the blocks are arranged as perimeter blocks with active frontages facing the street in the form of windows, balconies and front doors providing natural surveillance and security. The creation of private gardens for houses and semi-private amenity space for the residential blocks together with a clear street pattern creates a clear distinction between public and private space. The Plaza area is re-provided in a more central location with better visibility and connections both from Wood Street and the new block layout.
- 7.19 The creation of two pedestrian links in an east-west orientation through the site will encourage permeability between Wood Street and Shernhall Street. These routes have a defined footway and carriageway and with vehicle movement controlled through traffic calming measures, a pedestrian friendly environment is created.
- 7.20 The Scheme results in a both a higher quantum and quality of floor space being re-provided on the site (in accordance with London Plan Policy 3.14). However, the number of affordable

units being delivered (150 social rented units) will be slightly lower than the existing provision (166 social rented units) on the Estate, albeit the number of habitable rooms will be higher as there is a net increase in habitable rooms in the larger homes. Furthermore, whilst not contained in the planning application, under the Development Agreement the Council acquired 18 additional units within Phase 1 for use as shared ownership accommodation and contains an option for a further 22 in phases 2 or 3. Consequently, the minimum number of affordable units being delivered (assuming the Council do not take up the option) is 168, resulting in a greater provision of affordable housing on-site than is currently present. The 18 shared ownership units are already completed and most of them are already in occupation.

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

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

Economic

- (i) Bringing additional housing to the Estate which will enhance spending in the local economy promoting and strengthening the town centre;
- (ii) Creating a modern, well planned and commercially attractive plaza that will be used for community events that will help increase local spend and will provide a key southern gateway to the Wood Street District centre;
- (iii) Creating better linkages through the Estate creating greater connectivity between Shernhall Street and Wood Street thereby improving pedestrian access to the town centre and promoting the local economy;
- (iv) The delivery of modern, more flexible retail accommodation that will add to the retail offer on Wood Street and will ensure the relocation of the existing Co-Op food store and the Post Office;
- (v) Maintain existing local employment through the re-provision of retail uses;
- (vi) Create employment and training opportunities from the construction work and local training programmes, to be delivered as part of the s.106 measures with the developer, and which include up to 25% local employment throughout the duration of construction, payments towards local training to enable local employment, thirty apprenticeships, forty five (nine per annum) unpaid work placements with a minimum of two weeks on site, ten (two per annum) paid work placements, two local firms to be within the supply chain, and a 'Meet the Buyer' event to attract local firms into the supply chain;

- (vii) Strengthening Wood Street district centre's role in the retail hierarchy in keeping with London Plan, Core Strategy and NPPF policies;

Social

- (i) The delivery of much needed housing in the Borough including a significant proportion of affordable housing that will help the Council meet its housing targets set by the London Plan;
- (ii) The delivery of a range of housing typologies and accommodation sizes to meet the needs of residents;
- (iii) Re-provision of MUGA play area in a more central location with natural surveillance created through adjoining development creating safer environment for play;
- (iv) Improving the security of the Estate through the creation of new buildings which offer natural surveillance over roads and other public areas and designed in accordance with 'secured by design' and 'design out crime' guidance. When surveyed, security was the most selected estate and block issue identified by residents and cited as the main preference for estate improvement;
- (v) Greater opportunities for young children to enjoy public open space through the better organisation of public and private amenity areas;
- (vi) Creating an attractive, well located and secure public realm for local residents and communities to socialise and for public events to be held.

Environmental

- (i) Creation of an Energy Centre what will be delivered within Phase 1. The Energy Centre will provide a low carbon heat network serving the new development alongside those existing homes at Walnut Court and Northwood Tower. The proposals provide the future opportunity and capacity to serve a proposed wider Wood Street heat network beyond the development.
- (ii) Traffic calming measures incorporated into design to help promote safe pedestrian movements and cycling in accordance with the little Amsterdam initiative.
- (iii) Removing aged and poorly designed existing housing and replacing it with new dwellings that meet life time homes, wheelchair access and London housing standards as set out in the London Plan, the Mayor Housing SPDs, Core Strategy and Development Management DPDs;
- (iv) Providing new high quality housing in a sustainable town centre location and on a brownfield site;
- (v) Providing new and enhanced connections with greater legibility and permeability through Marlowe Road and the Plaza to surrounding neighbourhoods and Wood Street station;

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

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

7.23 The Council has selected the Developer as its development partner to redevelop the Estate and the Plaza in a comprehensive, albeit phased, manner. The Developer's planning application is for both areas together. The Developer is a leading UK developer, extremely experienced with an excellent track record of funding and delivering estate renewal programmes, further information on which is set out in section 8 below.

7.24 The Council is satisfied that there are no impediments to bring forward the Scheme. The Developer is committed to the delivery of the Scheme, having spent considerable sums to date on obtaining planning consent and entering into the Development Agreement and it has been demonstrated that the Development will produce an acceptable level of return to the Developer.

7.25 A full application (ref: 151652) was submitted by Countryside Properties (UK) Limited and was heard at Planning Committee on the 23 November 2015. The Committee resolved to grant planning permission and the application was subsequently referred to the GLA for its formal Stage 2 consultation. Following approval by the GLA and the completion of the s.106 agreement, planning permission was formally granted on 20th September 2016.

7.26 There is no planning impediment to the Scheme going ahead. There is strong demand for the residential aspects of the Scheme and the proposed commercial accommodation includes the relocation of the Co-operative convenience store (already relocated in Phase 1A) and the Post Office. It is expected that there would be good levels of demand for the new commercial accommodation.

7.27 The Developer's commitment to the scheme is further illustrated by the commencement of Phase 1A of the development which will deliver 51 private units, 18 shared ownership units, 84 social rented units, the energy centre and 465 sq. m. of commercial accommodation. Construction work began in February 2017 with completion of the new commercial completed in January 2018 and the first of the residential units completed in July 2018. Phase 1B of the development commenced in May 2018.

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

7.28 The planning policy documents is clear that the preferred approach is for the Estate and the Plaza to be redeveloped comprehensively. The WSAAP is clear that resolving the issues of the Estate can only be achieved through comprehensive redevelopment:

“The refurbishment of the estate is unlikely to resolve the majority of the issues identified. It will in particular not be possible to tackle the security issues in a comprehensive manner, as these are inherent in the current design and layout of the buildings and are considered crucial in transforming the area into an attractive neighbourhood. Refurbishment of the estate is not considered to achieve a more sustainable community which is a key objective of the AAP” (para 5.4.1.2).

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

7.30 Although significant parts of the Estate are already in the ownership or control of the Council, the implementation of the Scheme requires the acquisition of a number of further land interests currently owned by third parties.

7.31 The Council has been negotiating with the holders of the commercial and private sector interests for their acquisition by agreement, but a significant number of interests still need to be acquired. Details of the negotiations to date are set out in Section 9 below.

7.32 Single ownership and control of the Order Land is necessary to enable the Scheme to proceed. Given the number of third party interests identified in the Schedule to the Order it is unlikely that the Council or the Developer will be able to acquire all of the necessary interests by agreement within a reasonable timescale.

7.33 The Council has therefore made the Order to ensure that the significant benefits of the Scheme can be brought forward in a reasonable timescale. Whilst the Council’s approach is to negotiate all interests wherever possible, given the fragmented nature of the Order Land, confirmation of the Order is required in order to use compulsory purchase powers where necessary.

7.34 For the reasons explained above, the Council therefore considers there to be a compelling case in the public interest to proceed with Order.

8 DEVELOPMENT PARTNER

- 8.1 Countryside Properties (UK) Limited, the Developer, was selected as the Council's development partner for the Estate in August 2014 following a formal, EU-compliant, procurement process.
- 8.2 The Developer has a long and successful track record on developing and regenerating estates across London. The company has been actively involved in estate renewal since the 1990s where it worked on the Five Estates Project with the London Borough of Southwark, Hyde Housing Association, Family Housing Association and Presentation Housing Association (collectively known as the Peckham Partnership) to bring forward the regeneration of a significant area of land in Peckham. Following completion in 2008, more than 2,000 new or refurbished homes were delivered for rent and shared ownership and 600 new private homes delivered for owner occupation.
- 8.3 Over the last 25 years the Developer has worked on over 35 estate regeneration schemes, delivering high-quality homes in accordance with excellent masterplan and urban design principles to create successful, integrated places that are enjoyed by residents and the local community.
- 8.4 Estate regeneration schemes that the Developer has either worked on, or is presently working on include:

Acton Gardens, London, W3 –The Developer, working with L&Q and Ealing Council, has been working on the regeneration of the South Acton Estate since 2011. The redevelopment will see 1,800 units replaced with 2,500 new homes, 50% of which will be affordable, and 55,000 sq. ft. central hub of social, community and commercial facilities over eleven phases running through to 2026. The development has been progressed successfully to date, winning the Evening Standard New Homes Award in 2014, with the Developer now actively working to bring forward phase 7 of the redevelopment.

East City Point, London – East City Point sees the redevelopment of an important part of the Canning Town and Custom House regeneration area. A six phase scheme that began in 2011 and is scheduled to be complete in 2019, the development will see the delivery of 649 new homes, a new primary school and energy centre. The Developer, working alongside London Borough of Newham and Affinity Sutton Housing Association, has delivered 311 of these homes and the new Kier Hardie Primary School to date.

New Hendon Village, London – Working with Genesis Housing Group and the London Borough of Barnet, the Developer has been working on the redevelopment of the Grahame Park Estate in Colindale. The redevelopment will see 3,000 new homes delivered over an 18 year programme with new shops, community facilities and parks created as part of the

masterplan for New Hendon Village. Phase 1 of the scheme, comprising 319 new homes, has been delivered and the second phase is currently being progressed.

Stonebridge Estate, London – The redevelopment of the Stonebridge Estate is regularly cited as an exemplar success story when it comes to transforming difficult estates. Together with Hillside Housing Trust (part of Hyde Housing Group) the redevelopment, completed in 2009, saw the large 1960s tower blocks replaced with 603 new homes for rent and shared ownership in low-rise blocks with communal areas, shops and trees.

- 8.5 The Developer is committed to bringing forward the redevelopment of the Estate having undertaken detailed design work and consultation with residents over the past few years to arrive at a proposed development for which they submitted a planning application in May 2015.
- 8.6 The Council and the Developer entered into the CDA on 20th September 2016.
- 8.7 The CDA is a conditional agreement with the Developer under obligation to deliver the Scheme, subject to procedures for Council approval of changes. Upon satisfaction of all the Conditions Precedent, the Developer is obliged to commence the development of the prescribed scheme (**the Development**) in accordance with an agreed programme.
- 8.8 The Development is funded by a blend of development finance provided to the Developer by Lloyds Bank, supported by the development and sale of private housing during the development, together with the Council's Housing Revenue Account resources and housing grant provided by the Mayor of London for the development of affordable housing.

9 NEGOTIATIONS WITH THOSE OWNING INTERESTS IN THE ORDER LAND

- 9.1 The Council identified 48 interests (43 leasehold and 5 freehold) in residential properties required for demolition that were not within the ownership of the Council having been sold originally by the Council under the Right to Buy scheme. 8 of those property interests, all leasehold, remain to be acquired compulsorily, or by further acquisitions in advance of the confirmed CPO. There are also 4 pram sheds on leasehold interests that are required to be demolished and which have a legal interest in land which is outside of the Council's ownership – three having already been purchased by agreement.
- 9.2 The freehold interest in the commercial properties that form around the Plaza are in the ownership of the Council but these were subject to a number of tenancy agreements, many of which did not allow for vacant possession to be secured within the required time frame under the existing terms. Agreement has now been reached with all occupiers save as to the Post Office, which is included in the Order. Negotiations with the Post Office are continuing and will continue throughout the CPO process.

- 9.3 There are 166 secure tenants on the Estate occupying property owned by the Council. These tenants will be decanted with the Council using their powers under the Housing Act 1985 to secure vacant possession.
- 9.4 The Council has actively sought to secure the property interests outside of their control through agreement. DVS, a division of the Valuation Office Agency (an Executive Agency of HMRC), was appointed in June 2014 to undertake professional, impartial valuations of the properties following an internal inspection and based on these, offers were made to all freeholders and leaseholders. The owners were given the opportunity to carry out their own valuation at no cost to themselves. The Council has acquired 40 residential properties and 3 pram sheds to date with Heads of Terms agreed with the property owners for the acquisition of a further flat and another pram shed.
- 9.5 In making compensation offers to affected owners, the Council has applied a consistent approach which exemplifies the general principles of the compulsory purchase 'Compensation Code' and the principle of equivalence. Affected parties have been paid disturbance compensation and received payments in line with the statutory loss payments to which they would have been entitled to if the property was acquired under a confirmed Compulsory Purchase Order. This is in line with paragraph 2 of the Guidance.
- 9.6 The Council recognises the importance of retaining existing residents in the community and providing a financially viable solution to enable them to stay within the new development or the local area. Owner occupiers on the estate have been presented with the following choices in respect of their new home: (i) purchasing an alternative property on the open market; (ii) moving into a home on the new development through a shared ownership scheme or, (iii) moving into a home on the new development through a shared equity scheme. In respect of the shared equity scheme, no rent is charged on the unowned share, with the Council achieving best value through its share of any appreciation in the value of the new property through growth in the housing market. 4 resident leaseholders have entered into agreement to take up this option and the only remaining resident leaseholder is currently considering a similar offer from the Council.
- 9.7 Negotiations with the owners of the pram stores has also been progressed but the Council has not yet been able to reach agreement for the acquisition of 3 out of 7 pram stores originally identified (agreement has been reached with 1 other pram shed and this transfer is currently progressing through the conveyancing process, thus the reference to 4 third party interests in pram stores being outstanding).

- 9.8 Leading up to the availability and exercise of compulsory purchase powers, discussions will continue with the owners of the relevant interests who are willing to sell their interest by agreement. This approach of making the Order and, in parallel, conducting negotiations to acquire land by agreement is in accordance with the Guidance
- 9.9 In respect of the tenants of the commercial properties in the Plaza, discussions have been held since October 2014 with assistance also being offered in securing suitable alternative accommodation wherever possible. Agreement has been reached with the Co-operative convenience store which has relocated into new accommodation with the Scheme and negotiations are well progressed with the Post Office, the intention being that it too will relocate into the new development without any cessation of trade.
- 9.10 The Council and Developer remain committed to acquiring outstanding interests, wherever practicable, by way of agreement. Both the Council and the Developer have agreed to continue their attempts to negotiate purchases of the outstanding land interests by private treaty agreement, but there is no guarantee that these attempts will be successful and accordingly, without the Order, there is no certain prospect of the Scheme proceeding.
- 9.11 The Council considers that the use of its CPO powers to acquire all outstanding interests in the Order Land as it has not been possible to achieve this by agreement and it is highly unlikely that it would be able to do so within an acceptable timescale without the Order. The Scheme cannot proceed unless these interests are acquired.

10 HUMAN RIGHTS CONSIDERATIONS

- 10.1 The Human Rights Act 1998 (“the **HRA**”) incorporated into domestic law the Convention.
- 10.2 Section 6 of the HRA prohibits public authorities from acting in a way which is incompatible with the Convention. Articles 6 and 8 and Article 1 of the First Protocol of the Convention are considered to be relevant by the Council.
- 10.3 The Council has duly considered the rights of property owners under Article 1 of the First Protocol of the Convention, which provides for the peaceful enjoyment of possessions. Article 1 further provides that no one shall be deprived of possessions except as provided for by law or where it is in the public interest. It is considered that the Order will strike a fair balance between the private loss of property and the public interest in securing the implementation of the Scheme.
- 10.4 Article 6 of the Convention provides that everyone is entitled to a fair and public hearing in the determination of their civil rights and obligations. It is considered that the statutory procedures,

which give the right to object and provide for judicial review, are sufficient to satisfy the requirements of this Article.

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

10.6 The Council have been conscious of the need to strike a balance between the rights of the individual and the interest of the public. It has considered the effect of the Articles and decided that on balance, and in light of the significant public benefit that would arise from the Scheme and the nature of the Order Land, it is in the interest of the wider community to make the Order over and above the interests of any individuals affected. Any interference with the Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

11 RELATED ORDERS

11.1 A Stopping Up Order will be required for Marlowe Road and for some of the public footpaths that extends through the site. A Stopping Up Order under s.247 Town and Country Planning Act 1990 (as amended) has been secured in respect of the roads and footpaths contained in Phase 1A of the Scheme and further orders will be made as delivery of the scheme progresses.

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

12 CONSERVATION AREA AND LISTED BUILDINGS

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

13 CONCLUSIONS

13.1 The Order Land forms a critical part of Estate which is in need of regeneration and redevelopment to provide high quality residential accommodation and to benefit the surrounding wider area. Further, redevelopment of the scale anticipated by the Scheme is supported in policy terms at national, regional and local level. In order to achieve the redevelopment of the Order Land, action is required to facilitate the acquisition of the interests necessary for the provision of the high quality residential accommodation as envisaged by the

Scheme. The redevelopment of the Estate can only sensibly be achieved within a reasonable timescale through the use of the Council's' powers of compulsory acquisition.

- 13.2 Having considered the relevant policy and guidance the Council is satisfied that there is a compelling need in the public interest for compulsory powers to be sought in order to secure the redevelopment and improvement of the Order Land as part of the Scheme site to deliver economic, social and environmental improvements to the Estate and the surrounding area. The Council has therefore made the Order and would ask the Secretary of State to confirm the Order.

14 ADDITIONAL INFORMATION

Council Contacts

- 14.1 Anyone who considers that they are affected by the Order can contact Corrine Miller, Corporate Asset Management (020 8496 8072) during normal office hours or make an appointment to visit her at London Borough of Waltham Forest, The Magistrates Building, Town Hall Complex, 1 Farnan Avenue, London E17 4NX.

The Order, Order Map and Statement of Reasons

- 14.2 A copy of the Order, Order Map and this Statement of Reasons can be inspected at the Council's Offices, The Magistrates Building, Town Hall Complex, 1 Farnan Avenue, London E17 4NX between 9:00 a.m. and 4:00 p.m. on Mondays to Fridays.
- 14.3 This Statement of Reasons for making the Order is not intended to discharge the Council's statutory obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007 in the event of a public local inquiry being held.
- 14.4 In the event of a Public Inquiry, further supporting material, plans and documents will be put in evidence. A list of these, together with the addresses at which they can be inspected, will be notified to the public in accordance with the relevant Rules.

19. RELEVANT DOCUMENTS FOR THE INQUIRY

Number of document	Title of Document
1.	Department for Communities and Local Government Guidance on Compulsory Purchase and The Criche! Down Rules (February 2018)
2.	Cabinet Resolution to make CPO - 24 th May 2016
3.	Cabinet Update in respect of making CPO — 5 th June 2018
4.	Town and Country Planning Act 1990, Section 226
5.	Housing Act 1980, Section 17
6.	Waltham Forest Estates Review 2010 – AECOM Design + Planning
7.	Marlowe Road Housing Needs Assessment – Survey Results Summary May 2013
8.	The London Plan (2016)
9.	National Planning Policy Framework (2018)
10.	London Borough of Waltham Forest Core Strategy Development Plan Document (2012)
11.	London Borough of Waltham Forest Wood Street Area Action Plan (Preferred Options) (July 2013)
12.	London Borough of Waltham Forest Development Management Policies Development Plan Document (2013)
13.	Mayor of London Housing SPG (March 2016)
14.	Mayor of London Town Centres SPG (July 2014)
15.	Planning Permission Decision Notice – Application Reference 151652/FUL
16.	Cabinet Resolution regarding Rehousing Options for Leaseholders and Freeholders subject to Council Housing Regeneration Schemes – 20 th March 2018
17.	Mayor of London Housing Strategy (May 2018)