

DELEGATED POWERS REPORT NO.

1883

SUBJECT: Dollis Valley Regeneration Scheme – Ground 10A**Control sheet**

All reports		
1. Governance Service receive draft report	Name of GSO Date	Paul Frost 12/12/2012
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Paul Frost 13/12/2012
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Finance officer Date	Hayley Corke 13/12/2012
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Resource officer Date	Not applicable
5. Strategic Procurement clearance obtained (<i>report author to complete</i>)	Name of SPO Date	Judith Ellis/Kevin Bates 12/12/2012 & 18/12/12
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Tobenna Erojikwe 12/12/2012
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 12/12/2012
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Julie Pal 12/12/2012
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Tony Westbrook 18/12/2012
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Chidilim Agada 20/12/12
11. Report published by Governance Service to website	Name of GSO Date	Chidilim Agada 20/12/12
12. Head of Service informed report is published	Name of GSO Date	Chidilim Agada 20/12/12
Key decisions only:		
13. Expiry of call-in period	Date	Not applicable
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	Not applicable

ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER

Subject **Dollis Valley Regeneration Scheme – Ground 10A**

Officer taking decision Interim Director of Environment, Planning and Regeneration

Date of decision 18 December 2012

Date decision comes into effect 18 December 2012

Summary	To seek authorisation to apply to the Secretary of State for use of powers under Ground 10A of Part 11 of Schedule 2 of the Housing act 1985; and that the Council can use these powers to obtain possession of dwellings occupied by secure tenants on Dollis Valley.
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Officer Contributors Angela Latty, Senior Regeneration Officer

Status (public or exempt) Public (with no separate exempt report)

Wards affected Underhill

Enclosures **Appendix 1** - Report on outcome of Ground 10A consultation with secure tenants.
Appendix 2 - Dollis Valley Regeneration Area with opportunity sites highlighted in blue.

Reason for exemption from call-in (if appropriate) Not applicable

Key decision No

Contact for further information: Angela Latty, Regeneration Service (SPR) 0208 359 7188

Serial No. 1883

1. RELEVANT PREVIOUS DECISIONS

- 1.1 Cabinet Resources Committee, 8 December 2009 (Decision 6) – approved the Council entering into a Competitive Dialogue Process to procure a commercial developer and Registered Social Landlord to regenerate Dollis Valley estate.
- 1.2 Cabinet Resources Committee, 11 November 2011 (Decision 5) approved:
 - I. Countryside Properties (UK) Limited, London & Quadrant Housing Trust as the Council's preferred development partner for the regeneration of the Dollis Valley Estate; and authorised entering into a Regeneration Agreement between partners for the Dollis Valley Scheme.
 - II. The Interim Director for Environment, Planning and Regeneration to notify secure tenants affected by the proposed regeneration of Dollis Valley in accordance with the requirements of Part V of schedule 2 of the Housing Act 1985; and in consultation with the Leader of the Council to consider any representations made by secure tenants received under the process.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The Dollis Valley Regeneration Scheme and the Granville Road New Housing Development Scheme supports the Corporate Plan 2012-2013 priority of 'A successful London Suburb' and the strategic objective under this priority is to *sustain Barnet as a successful place through regeneration, and supporting enterprise and employment.*
- 2.2 The schemes also supports the corporate priorities and the Sustainable Community Strategy 2010-2020 through the following core values:
 - '*Sharing opportunities for success*' and '*choice and responsibility*' – the new development will provide good quality homes. The development will also offer more choice by providing a number of different housing options such as shared equity, shared ownership and private homes for sale to residents and those in the wider community.

3. RISK MANAGEMENT ISSUES

- 3.1 The Ground 10A procedure is necessary to facilitate the regeneration of the Dollis Estate because it is an essential part of a complex land assembly exercise. If all the processes set out by the Secretary of State in DOE Circular 14/87: The Housing and Planning Act 1986 Operation of Public Sector Housing Management Provisions are complied with, by the council, then, the council will have the guarantee that it can obtain possession of flats occupied by 189 secure tenants within the Dollis Valley Regeneration boundary area. One of the conditions required by the courts in order to enforce the Ground 10A procedure is that suitable alternative accommodation is available for secure tenants.
- 3.2 Without the Ground 10A approval in place there is a risk that the council will not be able to obtain vacant possession of properties occupied by Secure Tenants, thereby putting the delivery of the scheme in jeopardy.

4. EQUALITIES AND DIVERSITY ISSUES

- 4.1 The Council is committed to improving the quality of life and wider participation for all in the economic, educational, cultural, social and community life of the borough. The Dollis Valley Regeneration Scheme will provide a mix of affordable and private sale properties. The new mixed tenure housing will improve the community cohesion in an area with a highly diverse population. It will provide increased choice and opportunity for Barnet residents. This supports the overall aim of the Council's Equalities Policy and the Council's duties under the Equality Act 2010.
- 4.2 Dollis Valley will deliver a mix of up to 616 affordable, intermediate and private home which should assist in fostering community cohesion. The delivery of the regeneration scheme is being conducted in consultation with the Dollis Valley Partnership Board which represents the interests of the residents on the Estate.

5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 5.1 There are no implications for finance, procurement, performance and value for money, staffing, IT, property or sustainability.

6. LEGAL ISSUES

- 6.1 Section 9 of the Housing and Planning Act 1986 inserted new grounds for possession, Ground 10A into Part 11 of Schedule 2 to the Housing Act 1985 (grounds on which the court may order possession if suitable alternative accommodation is available). It also introduced a new Part V (Approval of Redevelopment schemes for the Purposes of Ground 10A). It enables the Council to seek possession of dwellings where there is an approved development scheme involving disposal of all or part of the dwelling, either before or after the redevelopment has taken. The Council would have to carry out the necessary consultation and seek the approval of the secretary of state in accordance with the Department of Environments guidance contained in circular 14/87
- 6.2 In order to grant an application for approval of a scheme under Ground 10A the Secretary of State would expect to the following information to be contained in the application:
- Location of dwellings affected by the redevelopment scheme
 - Number of dwellings affected
 - Number still tenanted and number by secure tenants
 - Confirmation secure tenants have been consulted
 - Have representations been received, if so have they been taken into account
 - Will scheme result in net loss or gain in housing stock
 - Outline of plans for re-housing tenants
 - Description of stage reached with plans for sale and proposed timetable for implementation of sale
 - Effect of scheme on the extent and character of housing accommodation in the area
 - Period of time over which disposal and redevelopment will take place

- Extent to which scheme includes provision for housing provided to be let or sold to existing tenants/persons nominated by the landlord

7. CONSTITUTIONAL POWERS

- 7.1 The Council's Constitution in Part 3, Responsibility for Functions, paragraph 6.1 provides that Chief Officers can take decisions without consultation of Cabinet Members, where it is a decision authorised to be taken by the Chief Officer under the Contract Procedure Rules or it involves the implementation of policy or earlier decision of the Council or Cabinet or Committee or it is in respect of operational matters within the Chief Officer's sphere of managerial or professional responsibility and is not significant in terms of budget or policy.
- 7.2 The Cabinet Resources Report (November 2011 – Decision 5), delegated specific authority to the Interim Director for Environment, Planning and Regeneration to notify secure tenants affected by the proposed regeneration of Dollis Valley. In addition, The Interim Director of Environment, Planning and Regeneration has been given the authority to apply to the Secretary of State for Ground 10A consent, subject to considering the representations made to the Council in accordance with the requirements of Part V of schedule 2 of the Housing Act 1985.

8. BACKGROUND INFORMATION

- 8.1 The council needs to obtain the power to use Ground 10A to facilitate the recovery of possession of properties, which are required for the regeneration of the estates which are occupied by the council's secure tenants.
- 8.2 As part of the statutory consultation required under the provisions Ground 10A of Part V of Schedule 2 of the Housing Act 1985 notices were served on the 179 secure tenants on 24th January 2012, 9 secure tenants on the 5th July 2012 and 1 secure tenant on 16th August 2012. These secure tenants are still resident in the Dollis Valley Regeneration Area.
- 8.3 This notice included a schedule setting out the main features of the scheme and stated that the Secretary of State's approval would be sought, and advised that comments or observations should be made to the Council within a period in excess of 28 days, from the date of the notice.
- 8.4 Following the statutory consultation eleven responses were received during this process and a summary of these representations are shown in Appendix 1. In accordance with the relevant statutory provisions, the Council has considered all representations and these representations were not considered to be substantive objections or counter-proposals.

9. LIST OF BACKGROUND PAPERS

- 9.1 None

10. OFFICER'S DECISION

I authorise the following action:

- 10.1 That the Council apply to the Secretary State for the approval of the Dollis Valley Regeneration scheme for the purpose of Ground 10A.**
- 10.2 That the Council can use where necessary the powers under Ground 10A (Schedule 2 of the Housing Act 1985) to obtain possession of Council dwellings occupied on secure tenancies.**

Signed Pam Wharfe
Interim Director of Environment, Planning and
Regeneration

Date 18/12/12

APPENDIX 1

Dollis Valley Estate – Report on outcome of Ground 10A consultation with secure tenants

In January 2012, letters were sent to 179 secure tenants who were occupying homes on the estate, and whose homes are proposed for demolition within the proposed regeneration of the estate. The letter explained the Ground 10A process and provided information about the development partners (Countryside Properties UK and London & Quadrant), and their re-housing within the regeneration proposals. They were also invited to submit further comments about the proposals within a period in excess of 28 days, and were provided with questionnaires on which to do this.

The Council held a series of drop in sessions to allow the tenants to ask further questions about this process and on how the scheme would affect them individually. Follow up letters were also sent to the secure tenants to remind them about the consultation and for them to submit their comments.

In July 2012 and August 2012, a further 10 letters were sent to secure tenants who were occupying homes on the estate and a few properties on Mays Lane and one property on Barnet Lane. Therefore, in total, 189 secure tenants have been consulted on the Ground 10A.

By the end of the consultation period, comments were received from 11 of these secure tenants. The following analysis was made:

- 2 of the respondents indicated that they were opposed to the regeneration proposals and listed concerns.
- 6 of the respondents specifically stated they were supportive of the regeneration proposals.
- 2 of the respondents were not completely convinced about the regeneration proposals and one in particular held reservations about proposed size of the new homes
- 1 respondent felt unable to submit comments, as they wanted to see the detailed proposals before commenting.

A summary of the responses is attached as shown in the table below, though for reasons of confidentiality, they are not attributed to addresses.

Respondents raised the following concerns: -

1. the regeneration scheme would reduce the living spaces and room sizes.
2. Due to the proposed increased in density, the new development may give rise to anti social behaviour.

Each of these concerns is discussed below.

1. Concern about space standards. Countryside and L&Q will comply with the London Plan and the Mayor's London Housing Design guidance (LHDG) for space standards. They are also required to build the new homes to Lifetime Standards. It is understandable that residents would wish to see the detailed design of their new homes including internal dimensions and external

appearance. However, the design process is not sufficiently advanced to be able to provide that information. Countryside and L&Q are committed to complying with the space requirements set out in the policy documents mentioned above.

2. Concerns about the density are understandable. In 2005, Home Group developed a draft masterplan which proposed a high density scheme. This raised a number of concerns for the Council and residents alike, as it was not in keeping with the character of the surrounding areas and the high density also made the scheme financially unviable. The new development partners, Countryside and L&Q are proposing a much smaller scheme which will comprise a combination of family houses and low rise apartment blocks. The new homes will also be built to a minimum of Code for Sustainable Homes Level 4 which aims to ensure an environmentally sustainable community. The new scheme is more suited to the area due to the reduced density and the proposed design of the houses and apartments. Even more importantly, the scheme is funded entirely through private investment, therefore, making it less likely for the developers to depend on government funds to increase its viability.
3. Concern about the potential rise in anti social behaviour due to increased density. Countryside and L&Q will be incorporating 'Secure by Design' into the design fabric of the new homes. The homes will be designed with a particular focus on:
 - Physical protection - all ground level doors will be designed in accordance with guidance.
 - Activity spaces – all external space will be clearly defined and well overlooked, to reduce the risk of crime and anti social behaviour.
 - Management and maintenance – robust building materials will be used at ground level (e.g. brick and metal railings) to discourage anti social behaviour.
 - Public spaces and communal spaces – all spaces have been designed to be easily maintained. All spaces including the landscaping in the public spaces will be managed by L&Q.

In conclusion, we are satisfied that the consultation revealed that there was no substantive reason not to apply to the Secretary of State for approval to the use of the Ground 10A ground for possession of the properties on Dollis Valley.

Angela Latty
Senior Regeneration Officer,

October 2012

APPENDIX 2

Dollis Valley Estate – Ground 10A Summary of Responses

1	Good Idea Private developers and RP will appreciate their tenants Barnet Council has no regard for Human Rights and respect
2	Excellent as a lot of work required to kitchen, bathroom and windows Don't like condition of existing flat Living in modern homes will make life easier. Would like proposals to become reality.
3	Reduced living space Current space standards do not translate to the sizes of my flat Happy with current flat and location Final plans have not been released, Limited info, difficult to comment
4	Regeneration should not take place Current structures are excellent Improvements required on the entry system and installing a lift The regeneration will reduce the living spaces and room sizes Only concerned with increasing housing and not quality living areas Density Target rents might be too high rents Supported regeneration
5	Not convinced about the regeneration Will tenants get the same size properties? Target rents
6	Proposals are very good Would like to live in a new property
7	Supported regeneration Good quality homes Need a bigger house Would like to remain in the local area
8	Supported regeneration Decanting arrangements
9	No planning consent for the scheme Demolishing my property for the scheme Do not want to move to the Dollis Valley Estate.
10	Welcomed the regeneration Shocked that it could take 7 years to complete Decant arrangements Would like the option to move off the estate, if they wish
11	Delighted about the regeneration Would like the option to move elsewhere