

**THE LONDON BOROUGH OF SOUTHWARK (AYLESBURY ESTATE NO.1) COMPULSORY
PURCHASE ORDER 2007**

STATEMENT OF REASONS

1 Introduction

- 1.1 The London Borough of Southwark (Aylesbury Estate No 1) Compulsory Purchase Order 2007 (the CPO) is made pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. The purpose of the CPO is to permit the London Borough of Southwark (the Council) to acquire land, property [and other interests] for the redevelopment and regeneration of land comprising the first phase of development of the Aylesbury Estate in Southwark (the Order Land).
- 1.2 The Council has identified the Aylesbury Estate as an area in need of regeneration and development. In particular, a comprehensive development which will provide a high quality mixed use sustainable neighbourhood which integrates with the surrounding area. This is in stark contrast to the current state of residential accommodation which currently exists on the Order Land.
- 1.3 The Council's Executive on ** 2007 resolved that the use of compulsory purchase powers be authorised to acquire all interests comprised within what is identified as [Phase 1(a)] of the redevelopment of the Aylesbury Estate. There are a number of leasehold interests within the Order Land, which, if not acquired (either compulsorily or by agreement) will prejudice and/or severely delay the Phase 1(a) redevelopment to take place.
- 1.4 Proposals for the redevelopment of this area have been a long term aspiration. Various planning permissions have been obtained to secure the first phase of development required [*details of applications required*].
- 1.5 The Council has (and continues to) work in partnership with local stakeholders and residents to crystallise the programme for the redevelopment of the estate. The proposals include the staged demolition of the estate which will be replaced with homes for rent under housing association control, homes for sale or shared ownership. The first stage of this development has been identified as taking place on the Order Land, namely "phase 1" which will in itself comprise 2 sub-phases known as Phase 1(a) and Phase 1 (b).

- 1.6 Although the Order Land and remaining land comprising the Aylesbury Estate is not allocated within the UDP or emerging Southwark Plan, there is nonetheless a plethora of policy support both at national, regional and local level for its redevelopment in the manner proposed by the Council. The Council has produced a brief for an Area Action Plan for the area and is in the process of preparing the Area Action Plan for the redevelopment of the Aylesbury Estate. It is envisaged that the Local Development Scheme will be updated during March 2007 to include the Area Action Plan for the Aylesbury Estate [as such the emerging policy structure in support of the regeneration of the Aylesbury Estate should be given due weight as justification for the Order.]
- 1.7 The Council has undertaken a thorough assessment of the options available in securing the most sustainable form of redevelopment for the estate and has also undertaken extensive consultation with local residents and other stakeholders in this respect. On 14 March 2006 the Council's Executive committee approved the strategy for procuring a masterplanner for the redevelopment works to the Aylesbury Estate. In December 2006 the Council's executive granted authorisation to appoint Urban Initiatives Limited to prepare the Area Action Plan for the Aylesbury Estate
- 1.8 The Council has also carried out a review of how the development will be delivered and funded [and will be procuring a suitable development partner in this respect]. Demolition Notices were served on occupiers of the south west corner on 31 March 2006 in order to prevent existing residents from exercising their option of the right to buy.
- 1.9 It is considered that without the use of CPO powers the redevelopment of the Order Land will not take place. The Order Land comprises Phase 1(a) of the redevelopment of the Aylesbury Estate and is therefore fundamental to securing future redevelopment and funding for later Phases of the Estate.

2 The Order Land

- 2.1 The Aylesbury Estate itself is located south of the Elephant and Castle in the Walworth district of Southwark and comprises a large inner city estate. The Aylesbury Estate is home to approximately 7,500 residents and contains 2,759 dwellings occupying a total area of 28.5 hectares. The Estate was built as a local authority estate approximately 30 years ago; approximately 12% of the housing units have since passed into private ownership via "right to buy". It was built with "walkways in the sky" separating people from the units on the estate comprise mainly flatted developments in low, mid and high-rise large panel system (LPS) blocks.
- 2.2 The Order Land is located within the south west corner of the Aylesbury Estate; Albany Road, Portland Street, Camberwell Road and Westmoreland Road abut the boundaries of the Order

Land. The order Land comprises some 500 residential units and will include the redevelopment of the following blocks:

- "Little" Bradenham (1-46)
- 1-12 Red Lion Row
- Commercial units at 6-28 Westmoreland Road
- Aylesbury Day Centre

2.3 The freehold of the Order Land (and wider Aylesbury Estate) is owned by the Council but has a range of leasehold interests and other tenancies.

2.4 The estate suffers from many of the problems traditionally associated with inner city estates, in particular, poor physical environment, fear of crime and low unemployment amongst residents. It currently houses some of the most disadvantaged sections of society (in terms of age, income, disability, gender, race and ethnicity, people from specific faith/religious groups and sexual orientation).

2.5 The commercial uses on the Order Land consist of **

2.6 The Order Land also includes rights to subsoil of various highways, namely **

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3 Local Regional and National Policies

Local Policy Background

3.1 The redevelopment and regeneration of the Aylesbury Estate is a primary objective of the Council. The Council's aspirations for both the Order Land and surrounding areas can be found in the following documents:

- The London Borough of Southwark Unitary Development Plan adopted July 1005
- The Emerging Southwark Plan 2006 (due to be adopted February 2007)
- Local Development Scheme

The London Borough of Southwark Unitary Development Plan adopted July 1005

3.2 The adopted UDP has a number of strategic policies which support the principle of the redevelopment of the Aylesbury Estate. The primary policies of relevance are as follows:

UDP Objective R 1 and R2

The Council's objectives on regeneration and community need identifies that the social and economic welfare of the boroughs residents and workers is inextricably linked to the provision of proper infrastructure and the built environment. Policies R1 and R2 of the UDP confirm the Council's commitment to this in terms of identifying and meeting the needs of different groups of people and residential communities, to stimulate and direct private investment to targeted areas and to improve the environment to meet community needs.

UDP Objective E1, E2 and E3

These objectives seek to improve and environment of the borough, in particular the objectives seek to secure the following:

- provide a safe and secure environment where the occurrence and fear of crime is reduced as far as possible;
- to create attractive, well designed buildings, streets, squares and other urban spaces
- to enhance and protect the quality of the environment and amenity enjoyed by local residents.

UDP Objective C1, C5 and C6

These objectives aim to improve community and social facilities within the borough, and in particular:

- to provide community facilities in accessible locations
- to facilitate a range of open space to meet community need;
- to ensure that the design of new and existing community, social and cultural facilities and open spaces adequately caters for all members of the community by removing physical barriers to access and improving safety and security

UDP Objective H1, and H4

The Council aims in relation to the provision of housing in the borough includes:

- to maintain and increase the amount and range of good quality housing accommodation and meet housing need;
- to secure housing accommodation to meet special needs

UDP Objective B1 and B3

The Council's objectives in respect of business includes encouraging investment in land and buildings for business in order to secure a wide range of job opportunities for people;

To improve the range of jobs available to local people and to make employment opportunities more accessible to people who suffer disadvantage and discrimination in the labour market

3.3 In order to achieve these objectives the UDP contains a range of policies which identify the type of development which would be acceptable within the borough. The UDP contains a number of regeneration policies. Policy R.2.1 identifies that in terms of area designated as regeneration area planning permission will usually be granted for proposals which :

- (i) Generate employment
- (ii) Improve the environment
- (iii) Meet the needs of local residents
- (iv) Bring back in beneficial use vacant land or buildings

Whilst the Aylesbury Estate is not formally designated as a regeneration area it is nonetheless identified as such for this purpose and any regeneration proposals should be assessed against the principles of this policy in terms of whether it will meet all or any of the identified objectives.

Emerging Southwark Plan 2006

3.4 The emerging Southwark Plan is due to be adopted on 28 February 2007 and sets out the vision for Southwark which includes:

- For Southwark to be a place with a thriving and sustainable economy where local people can have the full benefits of wealth creation, with access to choice and quality in the services and employment opportunities that are available.
- For Southwark to be a place where communities are given the ability to tackle deprivation through gaining maximum benefits from inward investment and regeneration
- Southwark as a place with a diverse housing mix that exemplifies high quality design and accessibility for existing and incoming residents

3.5 The Council's Strategic policies are contained within Part 1 of the Southwark Plan, Those policies of particular relevance in this instances are:

Policy SP3 – Quality and accessibility – all developments should be accessible, improving people's life chances by achieving the highest possible quality developments with all of the infrastructure required to meet peoples needs in Southwark

[Policy SP5 – Regeneration and creating employment – Developments should, where appropriate, contribute towards strong, diverse long term growth, facilitate regeneration, and increase the number, and range of employment opportunities available within Southwark.]

Policy SP8 – Anti poverty – all developments should, where appropriate, reduce poverty, alleviate concentrations of deprivation and increase opportunities

Policy SP9 – Meeting Community needs – all developments should, where appropriate, enable growth and development of education, community and welfare services in line with the community's needs.

Policy SP10 – Development Impacts – all developments should ensure that they contribute positively to the character and quality of the surroundings, thereby making places better for people to live in and improving the communities to which they belong.

Policy SP11 – Amenity and environmental quality – all developments should protect and improve amenity and environmental quality and encourage sustainable development

Policy SP14 – Sustainable Buildings – all development should promote the efficient use of land and be of high quality and where appropriate include a mix of uses

[The Aylesbury Estate is identified as a priority neighbourhood Regeneration Areas where the vision is

"for Southwark to be a place where communities are given the ability to tackle deprivation through gaining maximum benefits from inward investment and regeneration."]

- 3.6 The Area Action Plan proposed for the Aylesbury Estate is identified within Appendix 1 of the Southwark Plan as a Local Development Framework Document.

Local Development Scheme

- 3.7 Given that the Southwark Plan, once adopted will be up to date, Southwark intends that the policies and proposals contained in the plan will be saved for at least 3 years under the Local Development Scheme (LDS). Over this 3 year period the LDS will be updated and revised
- 3.8 The LDS will be revised in March 2007 to reflect the intention to prepare an Area Action Plan for the Aylesbury Estate, however, as already identified it is worth noting that by virtue of its reference in the Southwark Plan (Appendix 1) it is arguably already incorporated.

Regional Policy Background

3.9 There is much policy support for the redevelopment of Aylesbury Estate at a regional level, this comprises:

- (a) The London Plan
- (b) [Mayor's Housing Strategy]

The London Plan

3.10 The London Plan sets out the spatial strategy and Mayor's objectives for London. The policies most applicable to the Aylesbury Estate proposals include:

Objective 2 – to make London a better city for people to live in, this includes:

- Improve the quality of Londoners' lives and the environment through better designed buildings and public spaces
- Achieve targets for new housing including affordable housing, that will cater for the needs of London's existing and future population and give more people who need it access to homes they can afford,
- Address the differing needs of London's diverse population
- Promote public safety, including design measures that improve safety in buildings and the public realm,
- Create a cleaner, healthier and more attractive environment in all parts of London from the suburbs to the centre
- Improve by working with partners, including the community and voluntary sectors, the availability of quality local services particularly education and health

3.11 The Aylesbury Estate falls within an "area for regeneration" as identified within Map 2A.2 and Policy 2A.4. The Policy requires boroughs to identify areas for regeneration in their UDPs Community Strategies and Neighbourhood Renewal Strategies and to provide policies which bring together regeneration, development and transport proposals with improvements in learning and skills, health, safety, access, employment, environment and housing. The London Plan states at paragraph 2.11 that the Map 2A.2 should help boroughs prioritise areas for regeneration, the aim being to ensure that no-one is seriously disadvantaged by where they live within 10-20 years time

[More Relevant Policies/Housing Strategy?]

4 Powers For CPO

- 4.1 Section 226(1)(a) permits a local planning authority to exercise compulsory acquisition powers of 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.
- 4.2 Section 226(1)(a) is now subject to S226(1A) which sets out the "wellbeing" power. This basically means that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to achieve the promotion or improvement of the economic, social or environmental well being for its area.
- 4.3 Circular 06/2004 makes it clear that the exercise of CPO powers pursuant to this section in terms of the benefit to be derived need not be restricted to the land the subject of the proposed order.
- 4.4 The guidance contained in circular 06/2004 recognises that it is not always feasible or sensible to delay commencing CPO until the full details of a scheme have been worked up and planning permission obtained. Instead the circular advocates the progressing and justifying a CPO against a clear strategic framework and that the acquiring authority is able to confirm there are no planning hurdles or other impediments to the implementation of the scheme.
- 4.5 For the purposes of confirming a CPO, the guidance identifies considerations which will be taken into account by the Secretary of State in making such a decision, namely:
- (a) The purposes for the land being acquired fits in with the adopted planning framework for the area, or where not such up-to-date framework exists , with the core strategy and any relevant Area Action Plan in the process of preparation in full consultation with the community;
 - (b) The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic social or environmental well being of the area
 - (c) The potential financial viability of the scheme for which the land is being acquired, a general indication of funding intentions and commitments from third parties should suffice

5 Human Rights

- 5.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention").

- 5.2 In proposing this Order the Council has duly considered the rights of property owners under the Convention, under Article 1 of the first Protocol of the Convention. This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international law.
- 5.3 The Council has also considered the rights contained within Article 8 of the Convention, which protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well being of the country.
- 5.4 In relation to these Convention rights the Council has been conscious of the need to strike a balance between the rights of the individual and the interest of the public. In light of the significant public benefit that would arise from the development of the Aylesbury site it would be appropriate to make the Order, if the relevant leaseholder interests cannot be acquired by agreement.
- 5.5 The opportunity will be available to owners to make representations regarding the Council's planning policies that underpin the proposed Order as part of the consultation on the AAP. Objections can also be made against the Order which will then have to be considered by the Secretary of State before he decides whether or not to confirm the Order.

6 The Need for the CPO

Background to Aylesbury Estate Proposals

- 6.1 Southwark Council is committed to securing the regeneration of the Aylesbury Estate and the need for its comprehensive redevelopment has been recognised for over a decade. As a consequence, there is a history to this site in terms of potential options pursued and the following studies have been undertaken with the aim of relieving the current social, economic and environmental problems which exist on the estate:
- Levitt Bernstein – developed a masterplan in 1997
 - MACE, HTA and EDAW – ongoing masterplanning and consultation 1999
 - MACE, Alsop – final masterplan and consultation 2001
 - Tibbalds – Phasing Study 2005
 - Atisreal – Pre-masterplan financial model September 2006

- 6.2 The estate suffers from physical, economic and social problems typically associated with these types of "system built" estates. The residential units themselves are in a poor state of repair, for example the lifts serving the estate and the district heating system have suffered major failures which has a particular impact on the elderly, disabled and families with babies and young children. The current Aylesbury resource Centre is the only day centre in Southwark for adults with physical, neurological and sensory disabilities. The existing building nor the services provided are adequate in line with modern practices. It is considered that the step change required to secure a thriving and vibrant community is dependant on the redevelopment of the estate.
- 6.3 In 1999 the estate was awarded New Deal for Communities status and the Aylesbury NDC was established in order to tackle the problems facing the Estate and improve the quality of life of residents. The Aylesbury NDC is supported by a £56.2 million budget from Government over 10 years and to lever in further funding. Initial proposals for the estate included a stock transfer to a community based housing association and a comprehensive demolition/redevelopment programme for all the system built blocks)]. However a ballot held in 2001 resulted in a comprehensive vote by residents with 74% against the stock transfer option on a 73% turnout.
- 6.4 Accordingly, in 2002, the Council decided to develop future plans for the estate based on stock retention and a modified programme of environmental improvements, community support was developed as part of this approach. The main starting point for the new approach was a capital improvement programme comprising external works to existing buildings and the environment including the provision of a new day centre and 100 new social housing units. These proposals were originally due to commence in August 2005 in the south west corner of the Estate.
- 6.5 A number of alternative approaches for the regeneration of the estate have been considered since 2002, however structural robustness of existing buildings, improvement of the district heating system and the advent of the decent homes programmes has resulted in the Council reviewing its previous proposals. The Council has since reassessed the position and adopted a new strategy to achieve the redevelopment of the Estate; the quality of "life improvements" retaining the existing fabric of the estate was considered prohibitive and the Council agreed at its meeting in September 2005 to adopt a new comprehensive redevelopment approach for the regeneration of Aylesbury Estate.
- 6.6 In [2005] initial proposals for the phased demolition of the existing state and its replacement with a mixed tenure development comprising approximately 2,200 social housing units and approximately 2,700 homes for sale or shared ownership units were put before Executive Committee. It was proposed the development would:

- (a) Provide homes that were "decent homes" compliant from the outset with a life expectancy of double or triple that of the existing stock;
- (b) Deliver "lifetime homes" built to either a "good" or "very good" eco homes standard
- (c) Secure the creation of a new mixed areas which would, over a longer period, reduce the costs which would be involved in managing a deprived estate in decline,
- (d) Provide options for a variety of new forms of housing, including different tenures;
- (e) Offer opportunities for changes to the other social provision in the area including schools

6.7 The Council had undertaken a rigorous process of consulting with and keeping residents informed of the proposals given the outcome of the 1999 ballot (in which it was clear that the campaign in respect of this was poorly managed). Community liaison has improved significantly since that date and there is [emerging] support for the proposals. Marketlink were commissioned to undertake a quantitative survey in which it emerged that of 300 households were questioned 54% were in favour of demolition. The [NDC] also commissioned its own research of every single property. Contact was made with 1220 properties (45%) and of those contacted 53% favoured demolition/redevelopment, 18% would support demolition/redevelopment subject to certain conditions being met, 25% favoured refurbishment and 5% were not interested.

6.8 The Partnership Board which represents all 4 tenants residents associations on the estate has accepted that the redevelopment is probably the only viable option and requested the Council urgently make a decision.

6.9 The Council commenced taking forward the strategy as agreed at its Executive Committee in September 2005. Outline planning permission was granted on 11 January 2006 for the construction of 45 new dwellings, 10 new garages and the new resource centre on the Red Lion Row and Boyson Road site together with 75 new units on the existing day centre site. At its meeting of March 2006 the Executive further approved the [gateway 1 report] to commence procurement of a registered social landlord (RSL) for the scheme, It was considered this was the most appropriate model for a modest development of 100% social housing. [However increases to the scope of the scheme required the works to be procured via the EU procurement directives.]

6.10 In May 2006, the development of the January 2006 permissions were suspended due to Health and Safety concerns relating to the lay out of the day centre. Health and Social care were advised that the centre was required to be re-designed as it failed to provide adequate arrangements for evacuation. A feasibility study was consequently undertaken to determine the preferred design of the day centre. The Health and Social Care advised [who?] in July

2006 that the existing scheme was to proceed save for changes to the ground floor to meet health and safety requirements.

- 6.11 The Council took the decision to use the time which would be incurred redesigning the day centre to review and enhance the original specification and the procurement route previously proposed.

Previous Planning History

- 6.12 Details of previous planning permissions over the last [5] years to be listed here

Current Development Proposals for the Area

- 6.13 Accordingly the Executive at its November 2006 meeting approved the commencement of the EU process for the selection of an RSL to deliver new housing and a Resource Centre to replace the existing Aylesbury Day Centre in respect of a scheme which was to comprise land within:

- (a) East of Red Lion Row and north of Boyson Road
- (b) The site of the current Aylesbury Day Centre at Bradenham Close
- (c) 1-256 Bradenham
- (d) 1-12 Red Lion Close
- (e) Commercial units at 6-28 Westmoreland Road

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- 6.14 The rationale for extending the geographical for development (in comparison to the site subject to the January 2006 permission) allowed for a more comprehensive design and delivery of housing and day centre. The increased supply of units will increase the re-housing potential and provide further choice to more residents. The early development of housing for sale also generates capital receipts to further enable the Council's investment in the scheme and contributes to a sustainable community.
- 6.15 It is considered that a more integrated development approach will also lessen the impact of demolition and construction on adjoining site for residents of the first new homes and users of the day centre.
- 6.16 The existing Aylesbury Centre will be re-provided and re-designed as the Aylesbury Resource Centre in partnership between Southwark Health and Social Care and Regeneration. The re-provision of the centre is working in parallel with the modernisation and externalisation of the day service as agreed by the Council's Executive in 2003 **[copy]**. Health and Social Care have been consulted on and will continue to work closely with regeneration to procure the new facility.

- 6.17 The Order Land has been selected as the first phase for redevelopment and this is supported by resident representatives, the Council and its partners. A demolition notice was served on the occupiers of the Order Land on 31 March 2006,
- 6.18 It is assumed that significant new early housing of around 400 units would need to be developed in areas outside the footprint of the existing estate.
- 6.19 The proposals will take into account the aims and aspirations of local residents. Stakeholder workshops were held between February – July 2006.

Brief for the Area Action Plan

- 6.20 The executive resolved on 15 December 2006 to appoint Urban Initiatives to prepare the Area Action plan for the Aylesbury Estate. A Brief has been prepared in the meantime which sets out the framework for the emergence of the Area Action Plan (AAP). The AAP boundary extends beyond the estate and includes the immediate sphere of influence in terms of access and connectivity represented by a ten minute walk from the estate, this includes the Walworth School and Burgess Park. The general requirements of the AAP and any subsequent planning application consisting of:
- (a) The efficient use of the site for the provision of new housing to secure an uplift in density standards rather than simply replacing like for like. The mix, size and type of dwellings should be varied and cater for those individuals with mobility needs. The Housing Needs survey will guide the provision of housing mix and type. New dwellings will also be required to meet lifetime home standards.
 - (b) Creating townscape of the highest quality
 - (c) Proposing street patterns to create a sense of place, are legible and facilitate ease of movement around the estate
 - (d) Distinguish public and private realm areas, providing defensible public spaces of the highest quality with a focus on safety and security in meeting Secured by Design standards.
 - (e) Design guidance setting high quality standards and which will also be used by the local planning authority for assessing any subsequent planning applications.
 - (f) Health and education facilities which recognise and build upon existing services and promote a healthy lifestyle culture for all residents within the new neighbourhood with the emphasis on prevention, education and early intervention.
 - (g) The provision of an outline transport appraisal for any proposed development.

6.21 As well as on-site considerations the brief requires that the AAP should also take into account the wider regenerative "mood" of Southwark and to have regard to the overall impact and interaction of on-going strategic developments within the borough including:

- Elephant and Castle regeneration
- Peckham Regeneration;
- Burgess Park
- Transport for London Initiatives (namely the Cross River Tram proposal, the Walworth Road "streets for People" Scheme, the Transport for London Road Network (TRLN) being remodelled at Elephant and Castle)

6.22 As has occurred to date, the Brief requires that the AAP and eventual masterplan for the site shall be the subject of proper consultation with the relevant stakeholders and local community. Consultation will be an integral process to the formulation of the AAP. The Brief recognises the importance that each stage of the AAP reflects the feedback received through the consultation process. The brief identifies possible means by which consultation will take place, this includes:

- Attend and make presentation to the Walworth Community Council, Area Housing Forum, the Steering Group, the Aylesbury NDC Board and the Physical Environment Group;
- Preparing at least 4 newsletters/leaflets over the course of preparing the AAP;
- Provide exhibition materials, including information, relevant plans, illustrations and models to be permanently displayed in the NDC's offices or info shop;
- Undertake a minimum of 2 workshops/planning for real type events to engage local residents in the options and preferred options appraisals

6.23 It is envisaged that the first stage of the AAP process will be completed during the course of **
The timetable for the AAP is as follows [details to be inserted]

Deliverability/development Partner

6.24 [set out proposals for procuring development partner and long term aims i.e. grant long lease etc]

7 Conclusions