

WANDSWORTH BOROUGH COUNCILHOUSING AND REGENERATION OVERVIEW AND SCRUTINY COMMITTEE –
17TH NOVEMBER 2021EXECUTIVE – 22ND NOVEMBER 2021Update report by the Director of Housing and Regeneration on the Alton Estate
Regeneration (Roehampton and Putney Heath) and Winstanley-York Road Regeneration
(Latchmere)SUMMARY

This report seeks approval to take steps to ensure vacant possession of Pennethorne House can be secured to ensure the next phase of regeneration on Winstanley-York Road estates can proceed. With regard to the Alton regeneration, it seeks approval to the Community Engagement Strategy Action Plan and that officers take any reasonable steps to try and secure planning permission for the scheme.

GLOSSARY

GLA	-	Greater London Authority
LPA	-	Local Planning Authority
TMO	-	Traffic Management Order

RECOMMENDATIONS

1. The Housing and Regeneration Overview and Scrutiny Committee are recommended to support the recommendations in paragraph 2. If they approve any views, comments or recommendations on the report, these will be submitted to the Executive or the appropriate regulatory and other committees for their consideration.
2. The Executive is recommended to: -
 - (a) having noted and considered the responses to the consultation as set out in paragraphs 9 to 12, authorise the Director of Housing and Regeneration to submit an application to the Secretary of State for Levelling Up, Housing and Communities for approval to the disposal and redevelopment of Pennethorne House pursuant to Part V of Schedule 2 of the Housing Act 1985 for the purpose of Ground 10A of Schedule 2 of the 1985 Housing Act to secure vacant possession of those dwellings occupied by secure tenants in Pennethorne House and, if approved by the Secretary of State, approve the service of the notices;
 - (b) approve the changes required to the Winstanley Estate Traffic Management Order resulting from the completed development at Phase 0, Grant Road, of the Winstanley and York Road Regeneration and as set out in paragraph 15 and set out in Appendix A;

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- (c) note the progress made in community engagement on the Alton Estate over the past 12 months and approve the Alton Estate Regeneration Community Engagement Action Plan 2021/22 (Appendix B); and
- (d) authorise the Director of Housing and Regeneration, in consultation with the Cabinet Member for Housing and Regeneration, to take any steps considered reasonable to try and secure planning permission for the Alton regeneration scheme.

WINSTANLEY AND YORK ROAD REGENERATION

3. At its last meeting this Committee agreed (Paper No. 21-245) agreed that a formal consultation be undertaken with secure tenants of Pennethorne House on the Council's proposal to apply to the Secretary of State for formal approval of the proposed redevelopment of Pennethorne House for the purposes of Ground 10A in Schedule 2 to the Housing Act 1985.
4. The Council needs to re-house secure tenants living in homes within Pennethorne House within the Winstanley and York Road Regeneration Scheme so that their current homes can be demolished and brought forward for development. Members will be aware that alternative accommodation for the secure tenants of Pennethorne House is being constructed at Shuttleworth Road (Sphere Walk) and Gideon Road. Where they have requested it, some residents have been offered early moves to other properties in the Borough.
5. The Council will make a Suitable Offer of Alternative Accommodation to all secure tenants remaining in Pennethorne House in accordance with the local lettings plan for the Winstanley and York Road. The intention is that this offer will be acceptable to every secure tenant of Pennethorne House. However, there is a chance that this will not be possible in every case and that some secure tenants will not be prepared to move to the replacement home that the Council has offered to them. To ensure that the Council can undertake the proposed redevelopment of the Pennethorne House, it needs to be able to recover possession of homes where secure tenants have refused to move. As explained to the Committee previously (Paper No. 21-245) and as set out in the Local lettings plan for the Winstanley and York Road Estates (approved September 2020), in line with the Councils Allocation Policy (as approved in September 2016) one of the legal processes under which the Council proposes to seek possession of those homes, to ensure vacant possession to facilitate progression of the regeneration scheme, is by court proceedings brought under Ground 10A of Schedule 2 of the Housing Act 1985.
6. Formal consultation on the Winstanley and York Road Local Lettings Plan in line with the requirements of Section 105 of the Housing Act (1985) took place 23rd July 2020 and ran to 31st August 2020. The recommendation to adopt the Local lettings plan was approved at the Executive on 28th September 2020 (Paper No. 20-244).
7. Formal consultation with secure Council tenants of Pennethorne House on the potential use of Ground 10A as set out in Schedule 2 to the Housing Act 1985, to secure vacant possession of Pennethorne House for development commenced on 6th October 2021 and ran until 5th November 2021. This is attached at Appendix C.
8. There are 56 (57 at the start of the consultation) secure tenancies in Pennethorne

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House, who were consulted on the use of Ground 10A of Schedule 2 to the Housing Act 1985.

9. 44 of the secure tenants were made offers of accommodation to Sphere Walk, (formally known as Shuttleworth Road) also on 6th October. 41 tenants have confirmed provisional acceptance of their offer of accommodation. Acceptance is provisional pending viewing of the offer of the property, which is anticipated in November 2021. One tenant is moving into Mitchell House and two tenants have requested a review of their offer due to a change in circumstance since they completed their application for rehousing.
10. Nine properties will be made offers of accommodation to Gideon Road, these are anticipated to go out in January 2022.
11. Three properties will be made offers of accommodation into existing council stock. These residents have requested “early moves” into existing stock for a variety of reasons including requests for split tenancies for older grown children or to live closer to family in other parts of the borough. One of these tenants has moved since the consultation started.
12. There were no written response received in direct result of the consultation. There were 34 telephone calls and/or visits to the site office in response to the consultation pack. These responses are summarised as below: -
 - (a) They understood the process and had no comments;
 - (b) They understood the need for the council to follow due process but reassured that they were happy to be moving;
 - (c) Requested full explanation to ensure they understood;
 - (d) One of the tenants who requested a review wanted to fully understand what it meant for them if the review was not successful. This was explained to them; and
 - (e) One tenant asked who would possibly refuse an offer, especially with the right to return option.
13. Officers recommend that the Council seek approval from the Secretary of State to the proposed redevelopment of Pennethorne House for the purposes of Ground 10A and seek to rehouse secure tenants who will not leave Pennethorne House by using Ground 10A.

Advice from the Council’s External Legal Advisers

14. Ground 10A gives the Council the power to terminate a secure tenancy where the home is required as part of a redevelopment scheme approved by the Secretary of State. Under Ground 10A the Council can obtain possession if the Court considers that it is reasonable, and the Council can demonstrate that suitable alternative accommodation will be available to the secure tenant when the order for possession takes effect. If the secure tenant does not agree to vacate, the Council must serve a notice of seeking possession and if the secure tenant remains in occupation at the expiry of the notice period the Council may issue possession proceedings and there will then be a Court hearing. If the court is satisfied that the Ground 10A criteria have been met and suitable accommodation is available for the secure tenant it must make an order for possession.

Phase 0 Update

15. Paper No. 18-414 approved temporary changes to the Winstanley Estate Traffic Management Order (TMO) resulting from the development along Grant Road (known as Phase 0). With the substantial completion of Phase 0 the temporary parking and traffic arrangements need to be amended and the report seeks approval to make a new Winstanley Estate TMO to reflect the 'approved' final traffic and parking arrangements for the Winstanley Estate. A plan showing the final traffic and parking arrangements is attached at Appendix A.

ALTON REGENERATION**Community engagement update**

16. In September 2020, following a comprehensive review of community engagement, the Executive approved (Paper No. 20-245 a revised approach and that a full Community Engagement Strategy ("the Strategy") should be developed, focusing on a more "grass roots" approach to community engagement).
17. In November 2020 the Executive approved (Paper No. 20-349) the adoption of the revised Community Engagement Strategy for the Alton Regeneration. The Strategy is attached at Appendix C.
18. The key themes which have informed the development of the Strategy are summarised as follows: -
 - (a) putting affected residents at the heart of engagement;
 - (b) good resident engagement and representation during the construction phase so the impact of development can be well managed;
 - (c) providing space for residents to give their views generally (as opposed to set-piece consultation events on specific issues); and
 - (d) the role of social interaction in engagement – i.e. there are benefits of people getting together regardless of whether there is anything regeneration related to consult on or discuss
19. The Strategy further sets out four key principles which will guide the approach to all aspects of community engagement, these are that the approach will be: -
 - (a) **Inclusive** – focusing on engagement being accessible to all;
 - (b) **Collaborative** – focusing on establishing and promoting partnerships with the community, existing organisations and other council departments;
 - (c) **Responsive** – focusing on working with and responding to the community; and
 - (d) **Meaningful** – focusing on local interests and priorities.
20. In line with the findings of a review of the health and care needs of Wandsworth residents by Public Health the Strategy proposes that engagement activities and events are categorised into four main categories: -
 - (a) **Place** – focusing on the Alton Estate and its surroundings, including nature, landscape and the physical community;
 - (b) **Start Well** – focusing on activities tailored towards young people, with an emphasis on learning;
 - (c) **Live Well** – focusing on improving health and wellbeing; and

(d) **Age Well** – focusing on older people.

21. A post within the Alton Regeneration team was re-designated to focus on working with the community to develop a comprehensive action plan of events, activities and engagement opportunities and a full time Community Engagement and Cultural Coordinator was appointed in March 2021.
22. The proposed “Alton Estate Regeneration Community Engagement Action Plan 2021/22” (“The Action Plan”), attached as Appendix D, has been developed as a next step to set out in greater detail a wide range of events and activities that are designed to meet the objectives set out in the Engagement Strategy.
23. A large number of activities have already taken place over the last 12 months and the Action Plan identifies some further activities over the next 12 months – given the nature of engagement it deliberately does not attempt to map out a full list of activities as further ideas and activities will be developed with the community as the year proceeds. This allows engagement to be flexible and responsive to the community’s needs.
24. In line with the council’s commitment set out in the Community Engagement Strategy it is proposed that the Action Plan will be updated and presented to this Committee annually.

Planning update

NB All references in this report to “the Council” are as landowner/applicant as distinct from the Local Planning Authority (LPA)

25. At its last meeting (Paper No. 21-244) the Committee received an update on negotiations with the Greater London Authority over planning viability.
26. The report noted that the issue of viability remained unresolved and that Council had received clear advice that its stance on viability was correct. The Council set out its position in a letter to the GLA on 31st August. A response had not been received by the date of the last Committee but was received on 8th October 2021; this indicated no change in the GLA’s stance. The GLA’s letter was preceded by a meeting between the GLA and Council officers on 1st October which was unable to resolve the principal point of difference.
27. Paper No. 21-244 noted that officers were exploring whether there were other options to resolve the issues with the GLA. This report recommends that officers take any steps considered reasonable to try and secure planning permission for the scheme.

Procurement

28. The preparatory work required to commence the procurement to appoint a new development partner has been completed but this cannot commence until the application has cleared the GLA’s Stage 2 process and the Mayor confirms he is content for the LPA to determine the application.

COMMENTS OF THE DIRECTOR OF RESOURCES

29. The Director of Resources has reviewed this report and has no comments.

SUPPORTING THE WANDSWORTH ENVIRONMENT AND SUSTAINABILITY STRATEGY (WESS)

30. Both schemes have or will have energy strategies formulated following the London Plan energy hierarchy: Be Lean, Be Clean and Be Green, which seeks to balance a number of key elements including CO2 emissions, affordability of heat, climate change adaptation and the provision of high-quality buildings. In line with the GLA's Energy Assessment Guidance the strategy has been developed using SAP 10 carbon emissions factors.
31. Energy efficiency measures including air source heat pumps as a primary generation source, enhanced insulation and energy efficient lighting in all homes will ensure that the residential and non-residential elements of the development both achieve the respective ten per cent and 15 per cent targets from energy efficiency measures, as set out in policy S12 of the New London Plan.
32. Taking all these measures together, the energy strategies will ensure that the regeneration schemes will meet the New London Plan and Wandsworth's planning policy requirement of a minimum reduction in regulated CO2 emissions of 35 per cent.

CONCLUSION

33. The proposed use of Ground 10A to secure possession of properties in Pennethorne House will only be used as a last resort but is a necessary and unavoidable step to ensure that vacant possession can be obtained to enable the regeneration to maintain momentum and deliver new affordable homes in the next phase.
34. The Council's new approach to engagement has been positively received by the community and the Council's key partners and the Alton Estate Regeneration Community Engagement Action Plan 2021/22 is recommended for approval.
35. The Council is only able to commence the procurement for a new development partner for the Alton regeneration if and when the GLA's Stage 2 decision confirms it is content for the LPA to determine the planning application. The delay in reaching this point is causing ongoing uncertainty to both residents and prospective development partners.
36. Officers remain confident that the Council's position on viability is correct and if the GLA were to engage on this matter in a constructive and cooperative manner the issue could be resolved quickly. As things stand, however, an early resolution appears increasingly unlikely. This report recommends that officers take all reasonable steps to try and secure planning permission for the scheme.

The Town Hall,
Wandsworth,
SW18 2PU.

BRIAN REILLY
Director of Housing and Regeneration

8th November 2021

Background papers

There are no background papers to this report.

All reports to Overview and Scrutiny Committees, regulatory and other committees, the Executive and the full Council can be viewed on the Council's website (www.wandsworth.gov.uk/moderngov) unless the report was published before May 2001, in which case the committee secretary (Thayyiba Shaah – 020 8871 6039; email tshaah@wandsworth.gov.uk) can supply if required.