

**TOWN & COUNTRY PLANNING ACT 1990**

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**STATEMENT OF REASONS**

**THE LONDON BOROUGH OF NEWHAM  
JAMES RILEY POINT  
COMPULSORY PURCHASE ORDER 2023**

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## I. INTRODUCTION

- 1.1 This document is the non-statutory Statement of Reasons prepared by the London Borough of Newham (**the 'Council'**) to set out the background to, and reasons for, the making of the London Borough of Newham (**'James Riley Point'**) Compulsory Purchase Order 2023 (**the 'Order'**), which is to be submitted to the Secretary of State for Levelling Up, Housing & Communities for confirmation.
- 1.2 The Council made the Order on 4<sup>th</sup> July 2023 pursuant to Section 226 of the Town and Country Planning Act 1990 (**the '1990 Act'**) and the Acquisition of Land Act 1981.
- 1.3 This Statement of Reasons has been produced in accordance with the advice in the guidance issued in October 2015 (as last updated in July 2019) by the Department for Communities and Local Government now the Department for Levelling Up, Housing and Communities. Entitled 'Guidance on Compulsory Purchase process and the Crichel Down Rules' ("CPO Guidance"). It sets out the reasons why the powers of compulsory purchase contained in the Order are necessary and why there is a compelling case in the public interest for the order to be confirmed by the Secretary of State.
- 1.4 The land subject to the Order is an area of approximately 0.35 hectares and forms part of the larger Carpenters Estate bounded by Doran Walk to the north, Jupp Road West to the south east and Carpenters Road to the south west (**the 'Order Land'**). For the most part, it comprises an existing residential tower, James Riley Point, which is entirely owned (freeholder and majority lease interests) by the Council and largely vacant with only one residential leaseholder remaining in possession (**the 'Existing Block'**). The Order Land is identified on the map and the schedule to the Order outlined in red.
- 1.5 The Order is required to enable the acquisition of the Order Land to facilitate a comprehensive scheme of refurbishment, improvement and extension of James Riley Point, Carpenters Road, London, E15 2HZ (JRP) and its immediate environs. James Riley Point is a stand-alone project, which also forms the first phase of, and is expected to act as a catalyst for, the regeneration of the wider Carpenter's Estate, delivering economic, social and environmental benefits to the community.
- 1.6 Plans to regenerate the Carpenters Estate began back in 2003 with initial proposals focused around James Riley point and soon after, the two other high-rise towers (Lund Point and Dennison Point) that were no longer fit for purpose in their existing form. From 2010, proposals grew to include the upgrade of the whole estate to provide additional homes and high quality refurbished homes for Newham residents and improve the urban infrastructure, community facilities and environment. A wide variety of alternative options were considered, including 'do nothing', 'degrees of refurbishment' and 'complete demolition and rebuild'. At the end of 2021, residents voted in favour of a co-designed masterplan for the future of the estate, including the refurbishment and extension of James Riley Point.
- 1.7 James Riley Point, completed in 1969, is a 23 storey tower, consisting of 21 storeys of residential accommodation containing 132 apartments, built over an open ground floor under-croft and a half sunken podium car park. Based on Modernist architectural thinking of the 20th century, the ground floor of James Riley sits upon huge cast in situ concrete piers. These 'legs' detach the building from the ground and create a covered under-croft space that is dark and oppressive. The entrance floor is raised up from the street by 1.5m. This makes access, orientation, and wayfinding difficult. Where the tower meets the ground on the southern elevation the internal substations result in a very blank and underwhelming frontage. The existing green spaces that surround the tower are walled and fenced-in resulting in them being underused and neglected. On the top floor is a glazed attic storey with a distinctive sawtooth profiled roof, and a large external roof terrace.

- 1.8 The Existing Block has sat largely vacant since the majority of residents were decanted between 2005-2007. Consequently, the block is in a dilapidated state of repair with only a limited programme of re-active maintenance over the last c.20 years as proposals were developed for its future.
- 1.9 In addition to the poor condition of the building fabric, the Existing Block faces a range of major inadequacies, which cannot be remedied through a smaller scale or partial refurbishment. These include a publicly accessible under-croft, which attracts anti-social behaviour, complete failure of both lifts that now require replacement, and a failure to meet modern space, private amenity and accessibility standards. These are set out in more detail below in paragraph 4.25.
- 1.10 Together, the building condition and systemic shortcomings have prevented the Existing Block from contributing to the economic, social and environmental well-being of the Borough to meet its full potential and provides inadequate housing standards for Newham's residents. There is a compelling need in the public interest and justification for the improvement and comprehensive redevelopment of the Existing Block, which is failing to deliver safe and basic living standards as opposed to the high quality affordable homes and community space that Newham needs.
- 1.11 Due to the extensive scope of the refurbishment works now required to bring the largely vacant tower back into use; make it fit for purpose in accordance with modern space standards; and to extend the footprint to accommodate a community centre; full vacant possession is required to carry out a comprehensive programme of works. In addition to the reorganisation of internal layouts; the approach, entrance and communal spaces will also undergo extensive refurbishment and rearrangement to improve accessibility, further preventing occupation during the works.
- 1.12 The CPO will enable the Council to deliver 136 refurbished modern homes, of which 96 percent are to be Affordable (see 5.6) (when calculated by habitable room) and allow for the remaining leasehold residents the option to return to their refurbished homes. The project will also deliver a new state-of-art-community sports centre in the lower levels of the tower to further facilitate the wider masterplan. London Legacy Development Corporation ("**LLDC**") is the local planning authority for the Order Land. LLDC in its capacity as local planning authority resolved to grant planning permission for the refurbishment, improvement and extension of James Riley Point at its Planning Decisions Committee (PDC) on 24<sup>th</sup> May 2022 subject to signing of the Section 106 Legal Agreement (S106). That S106 has been agreed and completed and full planning permission was granted by the LLDC on 13 April 2023 under planning permission reference 21/00543/FUL (the "**Scheme**").
- 1.13 The comprehensive redevelopment of the Existing Block is an established and long-standing objective of the Council. The Council supports the Scheme as demonstrated by its own resolutions at Cabinet including the most recent Cabinet approval on 9<sup>th</sup> March 2023 to increase the budget in accordance with the latest cost plan. The intention is that the Council will deliver the Scheme, as soon as reasonably practicable once vacant possession has been obtained, and retain long-term ownership of the tower. The Council considers that the Scheme will contribute significantly to improving the economic, social and environmental well-being of the area by delivering the benefits set out in paragraph 5.33.
- 1.14 The Council recognises that a compulsory purchase order ('**CPO**') can only be made if there is a compelling case in the public interest which justifies the acquisition of the Order Land. The Council has set out in this report the specific elements which will enable it to meet the tests in section 226 of the 1990 Act by this stand-alone CPO. The Council considers that a clear and compelling case exists for the making of the Order, as set out in further detail in the following sections of this Statement.
- 1.15 On 27<sup>th</sup> October 2022 the Council's Cabinet resolved in principle for the Council to use its compulsory purchase powers, if necessary, to bring forward the Scheme. Subsequently, the Cabinet

passed a resolution on 9<sup>th</sup> March 2023 for the Council to make the Order as described in this Statement. On 4<sup>th</sup> July 2023 the Council made the Order which relates to the Scheme.

- I.16 If confirmed the Order will enable the Council to compulsorily acquire the necessary land and rights to facilitate the Scheme.

## **2. EXPLANATION OF POWERS**

- 2.1 The Order Land is situated in the London Borough of Newham and the planning application is determined by the LLDC as Local Planning Authority. By virtue of Section 226(1)(a) of the 1990 Act (as amended by the Planning & Compulsory Purchase Act 2004) and the Acquisition of Land Act 1981, the Council has the power to acquire compulsorily any land in its area if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to land, contributing to the economic, social and environmental well-being of their area.
- 2.2 Paragraph 95 to Section 1 of the Guidance explains that the Section 226 powers in the 1990 Act are intended to provide a positive tool to help acquiring authorities with planning powers assemble land where this is necessary to implement proposals where strong planning justifications for the use of the power exist. The Guidance states that the powers are expressed in wide terms and can be used by authorities to assemble land for regeneration and other schemes, where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate.
- 2.3 The Guidance provides recommendations to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this Guidance in making this Order.
- 2.4 Under Section 226(1A) of the 1990 Act, the Council is able to exercise these powers when it considers that the proposed development will contribute to the achievement or promotion of one or more of the following objects: the economic, social or environmental well-being of its area. As set out further in this Statement the Council is satisfied that all three limbs of this test are met and that these powers properly authorise the making of the CPO. Specifically, the Council considers that the acquisition of the Order Land is needed to enable a much needed housing scheme which remedies a severely defective existing building and delivers high quality new homes, 96% of which will be affordable housing (when calculated by habitable room). Delivery of the Scheme will also bring a host of additional benefits to the local community including the provision of a community centre and improved public realm.
- 2.5 The Council has been seeking to negotiate the acquisition of the legal interests in the land required for the proposed development by agreement and has been successful in assembling the vast majority of the Order Land. The Council is, however, seeking to use its powers under Section 226(1)(a) the 1990 Act because it considers that, as matters stand, it is not likely to be practicable to agree terms for the acquisition of the remaining single leaseholder interest in the Order Land required to facilitate the development of the Scheme within a reasonable timeframe. In accordance with paragraph 2 of the Guidance, the Council is only seeking to use its powers to compulsorily acquire the remaining interest as a last resort, although efforts to acquire it by private treaty will continue in parallel with the CPO process. The purpose in seeking to acquire the Order Land and using Section 226(1)(a) of the 1990 Act is set out in paragraph 24 above.
- 2.6 As set out in the Schedule to the CPO, the remaining single residential leasehold interest that the Council is seeking to acquire by compulsory purchase is the interest in 128 James Riley Point, Stratford, London, E15 2HZ.
- 2.7 Having regard to the nature of the proposals and the advice set out in the Guidance, the Council is satisfied that the powers available to it under Section 226(1)(a) of the 1990 Act are the most appropriate powers to use in order to achieve its objective of the delivery of the Scheme.
- 2.8 The Council considers that the powers in s226 (1)(a) of the 1990 Act are most suitable to deliver the community centre, community benefits and JRP housing regeneration. This is because of the community use to be re-provided within the building and S106 benefits.

- 2.9 This statement of reasons in relation to the s226 (1) of the 1990 Act acquisition powers, would also meet the objective tests contained within s17 of the Housing Act 1985. This is because the majority of JRP tower block will be re-provided as affordable housing and s17 (1) Housing Act 1985 provides that houses or buildings may be acquired where they can be made suitable as houses, together with any ancillary land occupied.
- 2.10 Section 17 of the Housing Act 1985 also provides that a Local Authority may acquire land in order to carry out works for the purpose of alteration, enlarging, repair or improvement of an adjoining house, in relation to the acquisition of houses and land relating to the provision of homes and housing need in their area.
- 2.11 Notwithstanding the power in s17 of the Housing Act 1985 the Council considers that the power in s226(1)(a) of the 1990 Act is the most suitable to this case for the reasons explained at paragraph 2.8.

### **3. DESCRIPTION OF ORDER LAND**

#### **3.1 Introduction**

In this section the Council describes the characteristics of the Order Land that is shown on the Order Map.

#### **3.2 Description of the Order Land**

3.3 The site is currently occupied by a 23-storey residential tower completed in 1969 known as James Riley Point. The majority of the flats are vacant having been decanted several years ago (majority between 2005-2007) to facilitate the regeneration project. JRP contains 132 flats comprising a mix of 1-bed, 2-bed and 3-bed units as set out in paragraph 5.7 below. All units were originally social rent with c.21 properties having been purchased via Right to Buy. The last leaseholder acquisition via negotiation was in 2009.

3.4 The site extends to approximately 0.35 ha and is bound by Carpenters Road to the south west, Jupp Road West to the south-east and Doran Walk to the north.

#### **3.5 Planning history**

3.6 There have been no relevant planning applications for the redevelopment of the Site until the application for the Scheme was submitted.

#### **3.7 Existing Uses**

3.8 The use of the Existing Block is residential although currently only one residential leasehold interest holder remains in possession. The vast majority of the Existing Block is unoccupied, not in use and provides no public benefit.

#### **3.9 Existing Ownership**

3.10 The Council is the freeholder of the Order Land. There are two leasehold interests in the Order Land - one being a residential leaseholder interest and the other being an interest held by London Power Networks in relation to an electricity substation.

#### **3.11 Heritage Context**

3.12 The Order Land does not fall within a Conservation Area.

#### **3.13 Order Map**

3.14 The extent of the Order Land is shown edged red on the plan appended to the Order (the '**Order Map**').

3.15 The Schedule has been prepared based upon information gathered through inspection of Land Registry title documents, site inspections, enquiries made by the Council and responses to notices issued under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. Whilst this information represents an extensive schedule of known interests, it is acknowledged that other currently unknown interests may emerge as the compulsory purchase process proceeds. Save where expressly excluded, the Council seeks to acquire all interests in the Order Land.



## **4. BACKGROUND TO THE ORDER AND THE NEED FOR DEVELOPMENT AND REGENERATION**

### **4.1 Background**

4.2 Whilst a stand-alone project focused on bringing the Existing Block back into use, the Scheme also sits within the context of a wider programme of regeneration planned for the Carpenters Estate (subject to a separate outline planning application ref: 22/00360/OUT). Whilst the Scheme is not dependent on the wider masterplan to deliver the intended benefits of the project, it is expected to serve as a catalyst for the wider regeneration of the area and the benefits of the masterplan scheme.

4.3 The existing Carpenters Estate was built between 1968-1972 on a 23-acre site adjacent to Stratford station. There are 710 existing homes: 434 in three tower blocks and 276 in low-rise blocks or terraced housing. The current estate suffers from anti-social behaviour due to poor urban design; streetscapes with poor pedestrian legibility and security, unsecured rear access footpaths and poorly defined green spaces, and 'back-to front' layouts where rear gardens face public streets with low natural surveillance. Residents also suffer with unhealthy and expensive to heat living conditions from poor quality and badly insulated homes. The estate has a very low housing density given its central location next to the station and it is anticipated over 2,000 homes could be provided on the site.

4.4 Proposals for the regeneration of the Carpenters Estate have been in discussion for c.20 years, with significant progress made in the last three years to develop a more resident-led masterplan for the neighbourhood. At the end of 2021, residents voted in favour of this co-designed plan for the future of the estate, including the refurbishment and extension of James Riley Point. A detailed planning application was submitted in December 2021 (LLDC ref: 21/00543/FUL) and planning permission was granted on 13 April 2023 for a standalone Scheme to refurbish JRP as a catalyst for the wider regeneration of the estate. An outline planning application for the estate was submitted in August 2022.

4.5 The Scheme for JRP will provide 136 refurbished homes, 96% of which will be affordable housing (calculated by habitable room). The lower levels of the building will be converted into a community centre. The community centre is intended to be a replacement facility for the existing Carpenters and Docklands Centre which is currently located to the north of Carpenters Estate.

### **4.6 Pressing Need for Affordable Housing in Newham**

4.7 The LLDC was established in 2012 following commitments made in the original London 2012 bid to regenerate the Olympic site and local communities. The LLDC is responsible for the strategic investment in and development of land in Queen Elizabeth Olympic Park and surrounding area. LLDC is the Local Planning Authority for the Carpenters Estate until December 2024 when planning and development management responsibilities will be returned to the four surrounding growth boroughs including the Council.

4.8 In the first instance, it is important to note that there is a clear, ever-growing need for housing of all types within both the LLDC administrative area and wider London Borough of Newham. Newham is the fourth most populous London Borough (GLA 2021) with its population increasing 14% between the 2011 and 2021 Census. The Borough has more people on its housing waiting list than anywhere else in London. As of June 2023 there are 36,177 households on the waiting list, but only around 600 properties become available for allocation each year through the Council's Housing Register. Moreover, the current pressures upon the Council are such that Newham now maintains the highest number of households in temporary accommodation in the country (5,883 as at beginning April 2023) and temporary accommodation provision places a significant financial burden on the Council with more than 3000 households placed in nightly booked properties.

- 4.9 The now-superseded LLDC Local Plan (2015) cited an annual housing target of 1,471 homes for the area, which was subsequently revised in July 2020 within the adopted LLDC Local Plan, now targeting 2,154 homes per annum. This figure is reflected in Table 4.1 of the London Plan, and represents a 46% increase in targeted housing delivery.
- 4.10 Given the site is located within the London Borough of Newham, it is also relevant to consider the housing targets of the borough in addition to those for the LLDC area. The housing targets for Newham are even more striking; within the current London Plan, the borough is expected to deliver 3,280 homes annually, up from 1,385 in the now-superseded 2016 London Plan. This equates to a 137% increase in housing delivery targets, demonstrated the significant need for housing delivery in the borough.
- 4.11 At a local level, LLDC Local Plan Policy SP.2 states that affordable housing delivery will be maximised through a minimum 35% target across the area. The Newham Local Plan goes further, with Policy H2 citing “the need to ensure that 50% of the number of all new homes built over the plan period are affordable units”.
- 4.12 It is understood that LLDC do not publish an explicit figure with regard to their housing land supply position; there is no record of a stated housing land supply figure for the area in Planning Committee Reports dating back over the past year. Likewise, no quantified figure for the current housing land supply position is provided in the area’s Annual Monitoring Reports across recent years.
- 4.13 The figures published for the London Borough of Newham show the borough has only a 4.28-year supply of housing land, falling below the 5-year requirement (as per the latest LB Newham Authority Monitoring Report from December 2021). Therefore, the delivery of much-needed high-quality housing would be of significant benefit to the borough also.
- 4.14 Further consideration of housing delivery within the LLDC administrative area and the wider London Borough of Newham can help to identify areas of need and the general compliance of the area against pre-set housing targets.
- 4.15 Within the July 2022 Planning Authority Monitoring Report and IFS (2021/2022), the housing delivery across the LLDC area since October 2012 is replicated - an excerpt of Table 15 of the document is provided below:

FY	Homes delivered	PBSA (student housing)	Housing Target (inc. PBSA)	% of Housing Target	Affordable (AF) Homes Tenure				AF %**
					Social	AF Rented	Inter-mediate	Total AF	
1st October to 2012 31st March 2014	703	0	2207* (1.5 years)	32%	0	138	91	229	33%
2014/15	2931	951	1471*	264%	675	0	704	1379	47%
2015/16	277	809	1471	74%	0	0	22	22	9%
2016/17	772	0	1471	52%	16	136	94	246	32%
2017/18	1002	0	1471	68%	113	5	78	196	20%
2018/19	1074	445	1471	103%	3	103	138	244	24%
2019/20	1643	513	1471	147%	109	53	113	275	17%
2020/21	1408	0	2,154	65%	9	138	223	370	27%
2021/22	1570	0	2,154	73%	32	12	283	327	21%
2021/22 off-site affordable housing delivery					0	27	61	88	-
<b>Total</b>	<b>11,380</b>	<b>2,718</b>	<b>15,341</b>	<b>92%</b>	<b>957</b>	<b>612</b>	<b>1,807</b>	<b>3,376</b>	<b>30%</b>

\*LLDC housing target only in place from adoption of Local Plan in 2015, target for previous years applied for comparison purposes

\*\*Percentage of affordable homes of applicable schemes (major applications and excluding PBSA, student housing)

- 4.16 Of the 11,380 net conventional C3 residential dwellings delivered since 2012, 3,376 of these dwellings were affordable accommodation.
- 4.17 Noting the above, the aggregated affordable housing delivery of conventional C3 residential dwellings across the above time period equates to 30%, falling below the current 35% strategic target in the LLDC Local Plan and the 50% strategic target in the London Plan (albeit this relates to a regional scale).
- 4.18 It is understood that the 2020/2021 results shown above were calculated on the calendar year, demonstrating that the LLDC area delivered only 27% of the housing stock delivered in this year as affordable housing, falling significantly short of the strategic 35% local target. The 2021/2022 results are stated to be calculated with regard to the financial year; regardless, the affordable housing delivery as a component of the total housing stock delivered in this financial year fell to 21%, 14% below the strategic target. Despite the LLDC area exceeding its HDT target for 2021/2022 (106% delivery in total), the above table demonstrates that affordable housing delivery in the area is lagging behind.
- 4.19 Likewise, Page 54 of the 2022 Annual Monitoring Report explicitly states that “the total number of affordable homes both in the pipeline and homes delivered is falling short of the target (35%)”. Table 16 in the AMR shows that within the total net conventional C3 dwellings in the pipeline coming forward across the LLDC with detailed and full approvals (7,578 dwellings), only 24% of these will be delivered as affordable housing, highlighting the discrepancy between the forecasted delivery in the pipeline and the strategic target.
- 4.20 The London borough of Newham has also historically fell short of its affordable housing targets, only 23.6% of dwellings completed between 2016/17 and 2021/22 were affordable (GLA affordable housing monitor 2022). However, there is a positive trend for the borough with the supply of affordable homes increasing. In 2021/22 the borough met its target to deliver 50% affordable

homes. 2191 dwellings were completed in 2021/22 in the London Borough of Newham (December 2021 LB Newham Authority Monitoring Report) of which 53% or 1156 were affordable homes (GLA affordable housing monitor 2022). Although, this still falls short of its overall annual housing target of 3280.

- 4.21 Noting the above, there is considered to be a demonstrable need for affordable housing in the LLDC administrative area and the wider borough exacerbated by the comparative under-delivery against the LLDC's strategic 35% target, as acknowledged on Pages 53 and 54 of the LLDC 2022 AMR. The 2022 AMR also identifies on Page 53 that of the 3,376 conventional C3 affordable dwellings delivered since 2012, a 54:46 tenure split in favour of Intermediate products over social/affordable rented products was achieved. This falls below the 60:40 tenure split which favours low cost rented products, and demonstrates a comparative under-delivery of such rented products by comparison to Intermediate products.
- 4.22 The March 2018 LLDC Strategic Housing Market Assessment, which informed the preparation of its Local Plan, identified an estimated backlog of 635 households who required affordable housing at the time. This figure is over five years old, and Paragraph 5.61 of the 2018 SHMA acknowledges that the households outlined above represent the current need for affordable housing in the LLDC and that future households will also have affordable needs which have not been not counted to date. Given that housing demand is outstripping housing delivery across the capital as well as the wider country, it is considered that this backlog will have only increased since the publication of this report. Supporting this, the 2018 SHMA and the undertaken Objectively Assessed Needs calculations for the LLDC area suggested an annual housing need of 665 dwellings per annum from 2-15 to 2031 (a total of 10,636 dwellings). For context, the Local Plan and London Plan housing targets seek 21,540 dwellings across a ten-year period, over double the projected need estimated in the 2018 SHMA across a longer plan period.
- 4.23 The proposed Scheme will comprise 96% affordable housing (by habitable room) which greatly exceeds the 50% requirement as prescribed by the London Plan for publicly-owned land, with a significant emphasis on London Affordable Rented or Social Rented dwellings (to be determined). The tenure split is 87:13 in favour of rented products as opposed to intermediate products, which exceeds the 60:40 split targeted in the LLDC Local Plan. This is considered to be a weighty material benefit given the prioritisation of low cost rented accommodation and the identified over-delivery in comparison of intermediate products since 2012 in the borough, identified on Page 53 of the 2022 AMR. The provision of a significant quantum of refurbished affordable housing on-site, with prioritisation for rented dwellings, is a clear planning benefit of significant importance.
- 4.24 **The need for the Scheme**
- 4.25 The Council's reasons for an extensive refurbishment and extension of the Existing Block are set out below:
- 4.25.1 Built in the 1960's, the Existing Block is over 50 years old with many materials and components coming to the end of their usable life. Despite day-to-day and reactive maintenance regularly carried out on the Existing Block, the need for a more comprehensive programme of replacement and renewal has led to the existing block currently sat in a dilapidated state of repair, as provided below.
- 4.25.2 An visual condition survey by John Rowan and Partners in 2018 and subsequent intrusive surveys completed during the development of the planning application, found the primary reinforced concrete superstructure to be in a 'reasonable condition' with a good life expectancy of at least 60 years. Re-using the building prevents the need for a new concrete structure.

- 4.25.3 Retaining the building, and its refurbishment as proposed, provides the remaining leaseholders the opportunity to return to the tower and offers the existing community the opportunity to remain on the estate as set out in the Landlord Offer.
- 4.25.4 Despite being structurally sound, in its current form, the Existing Block faces a range of systemic problems and so a comprehensive programme of refurbishment is required to bring it up to modern standards.
- 4.25.5 The entrance to the tower sits on a raised covered deck half a storey above ground level with poor pedestrian legibility and security from no less than three different approaches, from the north, east and west. Bin stores and communal amenity space sit at grade level, disconnected from the main entrance by the deck. A dis-used basement car park sits below the tower. The secluded and sheltered nature of the raised deck creates anti-social behaviour and attracts pests including pigeons who roost at the main entrance to the block. The basement, which is not fit for modern car sizes, has also suffered break-ins and anti-social behaviour in the past.
- 4.25.6 The tower is serviced by two lifts, neither of which are currently operational. All machinery is original and is no longer serviceable due to obsolete parts. The lifts will require full replacement as well as extension to meet the needs of the refurbished tower.
- 4.25.7 The individual wiring within flats, the sub-main cabling, small power and lighting wiring throughout the building is over 25 years old and has reached the end of its life expectancy. Equally, the mechanical services and individual space heating systems are in poor condition and require full strip out.
- 4.25.8 The Existing Block suffers from poor thermal insulation and performance. The building was over-clad in the 1980's but to little effect. This over-cladding has recently been removed from James Riley Point as it has reached the end of its useable life. Existing UPVC Windows and glazing are over 30 years old and have also reached the end of their usable life. The tower will be completely re-clad and re-glazed as part of the refurbishment with windows in new locations to meet the flat rearrangement proposals as below.
- 4.25.9 Most units are undersized for modern space standards, particularly bathrooms, third bedrooms and balconies. A full rearrangement of the floorplan is required to make the current accommodation fit for purpose. The nature of the existing structure, allows sufficient flexibility to make the required changes in layouts. Communal areas also require improvements to bring them up to current building regulations and improve thermal performance, fire safety, and accessibility.
- 4.25.10 There is a severe lack of private and communal amenity space within the Existing Block and its surrounds and a lack of pleasant, aesthetic, usable public realm for the benefit of local people.
- 4.26 Together, these shortcomings have prevented the Existing Block from contributing to the economic, social and environmental well-being of the Borough to its full potential. There is a compelling need and justification for the redevelopment of the Existing Block, which is failing to deliver safe and basic living standards as opposed to the high quality affordable homes and community space that Newham needs.

## 5. SCHEME PROPOSAL

### 5.1 Masterplan Proposals

5.2 The refurbishment of James Riley Point sits within the wider context of the Carpenters Estate. In August 2022, the Council submitted an outline planning application (to LLDC as LPA) for the redevelopment of c10.13 hectares of land at Carpenters Estate, Stratford (22/00360/OUT). The masterplan will deliver up to 2022 highly insulated new, refurbished and replacement homes and new commercial and leisure facilities including a relocated and expanded Building Crafts College. A new street layout addresses the anti-social behaviour, pedestrian safety issues and poor definition of open spaces. The neighbourhood will be defined by established key routes that are retained and enhanced to strengthen the 'Carpenters' character, while new green routes and open spaces create a healthier, safer and more sustainable environment.

5.3 As the majority landowner, the Council intends to retain control over the delivery of the masterplan across land within its ownership. A number of delivery options are currently being reviewed by the Council for the 10 year long regeneration programme which the Council intends to start as soon as possible once planning permission is achieved. Whilst the Scheme is not dependent on the wider masterplan to deliver the intended benefits of the project, it is expected to serve as a catalyst for the wider regeneration of the area and the benefits of the masterplan scheme.

### 5.4 JRP Development Proposal

5.5 The Scheme will bring an underused and aged building back into functional use for the benefit of the community. The Scheme will refurbish the existing 1960's 23-storey tower block, stripping it back to the concrete frame and transforming it into a modern sustainable building with increased residential and community space. The residential floors of the building will be reconfigured so that the residential layouts better meet modern standards. This has resulted in an increase in the number of units from 132 to 136 due to the subdivision of some of the existing homes.

5.6 The Scheme will provide the material benefit of bringing forward a high quality affordable housing scheme, of the 136 units, 96% will be affordable housing when calculated by habitable room. The Scheme will also accommodate the 4 existing leaseholder properties which are to be fully refurbished as part of the proposals.

5.7 The Scheme includes a planning policy compliant (LLDC Local Plan policy H.1 pg.45) mix of 1, 2 and 3 bedroom flats through the refurbishment and alteration of the existing internal arrangements. A comparison of the existing and proposed unit mix is set out below and demonstrates that more than half the proposed units will be 2 bedroom or larger.

Unit / size	Existing number	% of total	Proposed number	% of total
1 bed	18	14%	30	22%
2 bed	78	59%	74	54%
3 bed	36	27%	32	24%
Total	132	100%	136	100%

- 5.8 The Scheme will comprehensively upgrade the façade with thermally efficient materials and high quality glazing; designed to express the domestic character of the tower in contrast to the new community extension on the lower floors. All apartments will be provided with new, larger, private amenity space in the form of projecting balconies. The balconies have been clustered to create a visual connection between floors, and stacked vertically to enable neighbourly interactions.
- 5.9 Internally, the communal areas will be upgraded to improve access and meet current standards and all apartments will be re-arranged to provide spacious, modern homes including new kitchens and bathrooms. Two new lifts will be installed.
- 5.10 The proposals will improve the immediate built environment and local townscape with a carefully considered architectural scheme, which will enhance the skyline and significantly improve the appearance, character and pedestrian legibility of the area. The improved tower aesthetics, together with new and improved landscaping and safer public realm act as a catalyst for the wider estate regeneration.
- 5.11 The extension of the ground floor will provide new access arrangements and new two-storey buildings to provide a 2486sqm relocated community facility (Use Class E). The facility will include a new sports hall, facilities for an after-school club, and café for people living on the estate as well as local residents.
- 5.12 The community facility includes the following facilities:
- (a) 5-a-side Futsal pitch, and Sports Hall (including changing facilities)
  - (b) 2no. flexible spaces
  - (c) Community café
  - (d) Office space and treatment rooms
  - (e) After-school club (including dedicated garden)
  - (f) Food bank
- 5.13 The Scheme will remove the existing ramps from the base of the tower and the podium will be altered to provide community space and improved entrances to the tower. The Scheme links the podium to the new two-storey building around the base of the tower, which will provide new and improved facilities. As mentioned above, the community uses will be significant and include a 5-a-side football pitch, community space and café, after-school club facility and offices. The Scheme includes two entrances to the community centre, both leading to a central foyer. The main level entrance being from a new public square west of the tower into the community café, with internal steps/ramp to the raised podium level accommodating the foyer space. A further entrance to the community centre is proposed on the northern side of the building, from Doran Walk.
- 5.14 The Scheme includes new public open space with play space provided around the buildings and a new public square at the west of the site. The Scheme provides significant upgrades to both the quality and quantum of private and communal amenity space. Existing private amenity space is in the form of inset balconies, which are significantly undersized at c.2.8sqm. Proposed balconies meet the current standards of 7-8sqm for 2 and 3 bedroom flats respectively.
- 5.15 The Scheme will provide 1,125 sqm of children's play space on site, plus 190 sqm of communal amenity space. While all of the doorstep play for 0-4 year olds is provided on site, a small amount of off-site play space is required to meet minimum requirements for older children. An interim off site play area will be provided within the wider Carpenters Estate and will be operational before

the Scheme is occupied as set out in the S106 Agreement. Once the masterplan is delivered, the play equipment will be relocated within the estate to meet the needs of the masterplan. Overall, the Scheme generates a significant uplift in useable amenity space across the site.

- 5.16 The Scheme seeks to retain 11 existing trees and would provide significant new planting including 12 large street trees and extensive new low-level planting. The proposed tree schedule in the landscape statement (pg. 55) supporting the planning application summarises the proposed trees and their size at the time of planting. The new street trees are to have a minimum girth of 20-25cm with a clear stem of at least 2m.
- 5.17 Bird and bat boxes are incorporated on buildings and within trees. A new Sedum green roof will be installed on the main roof, and on the lower level rooftops wildflower meadow green roof will be installed and maintained. These rooftops will use a species mix selected from the natural species that occur in southeast England. This will help to improve the biodiversity value across the site. Overall, the Scheme will generate a significant Biodiversity Net Gain of 113%.
- 5.18 The Scheme and planning permission is car free. Residents will not be able to apply for a parking permit except for the four leaseholders who have a residential interest in the Scheme site who will remain eligible and four new accessible parking spaces on Jupp Road West. The Scheme includes both long stay and short stay cycle parking. Long stay residential cycle parking comprises 156 channel rack spaces plus three wheelchair spaces and four mobility scooter spaces, all located on the lower ground floor. Additional short stay cycle parking for residential and community facility use is provided in the public realm, with a total of 42 spaces. Separate long stay provision for the use of staff is also provided at grade (8 spaces).
- 5.19 **Funding and delivery**
- 5.20 In order to make the CPO, the Council is required to demonstrate that all the necessary resources are likely to be available not only to pay compensation for the land and any rights acquired or infringed, but also that there is no budget impediment that prevents the scheme being implemented. Whilst the viability appraisal for the Scheme suggests that it is not commercially viable, the delivery strategy set out below and in the Cabinet report from 9<sup>th</sup> March 2023 shows firstly the Council's commitment to entirely funding (and underwriting the costs of) this project and secondly how the costs could be recovered from the delivery of the masterplan in the future. While the Council intends to recover costs, the Cabinet report reiterates how the Scheme is to be brought forward as a stand-alone project that is not reliant on the viability or future delivery of the masterplan.
- 5.21 The Council intend to retain control over delivery of the project through a Design and Build approach with a main contractor. The Council will remain the Client with Populo Living ("**Populo**"), a company wholly owned by the Council, providing development management services, overseeing the delivery of the contract.
- 5.22 The Scheme is the first phase of the wider Carpenters Estate masterplan. It will deliver predominantly affordable housing, offering opportunity to decant existing secure tenants and homeowners. The creation of a community centre, as well as delivering significant benefits in its own right, will facilitate vacant possession of a significant land parcel adjacent to Stratford Station. As such, while the Scheme is not structured to be commercially viable, it does not need to be so. It offers significant wider social and economic benefits demonstrating the Council's commitment to invest in the Carpenters Estate community and generates support for further investment in the masterplan.
- 5.23 In addition to the significant benefits that the Scheme itself will deliver, it is expected to act as a catalyst ahead of the wider masterplan and the Council is committed to funding the project on this basis as agreed at Cabinet on 9<sup>th</sup> March 2023. As set out in the Cabinet report, the initial



masterplan financial appraisal shows how the cost of the Scheme can be recovered from future phases of the masterplan. However, the masterplan has not yet secured planning consent from LLDC and its implementation remains subject to future Cabinet decisions and so Cabinet agreed on 9<sup>th</sup> March 2021 to bring the JRP scheme forward as a standalone project.

5.24 On 9<sup>th</sup> March 2023 Cabinet agreed to make sufficient capital budget available to make the CPO and implement the Scheme independently of and irrespective of the masterplan outcome.

#### 5.25 **Planning Status**

5.26 Full planning permission was granted for the Scheme by the LLDC on 13 April 2023 following a resolution to grant planning permission subject to the signing of the S106 Agreement at LLDC's Planning Development Committee (PDC) on the 24<sup>th</sup> of May 2022. The planning application reference is 21/00543/FUL and the description of development is: *"Full planning application for the refurbishment of the existing 23 storey James Riley Point tower block to provide 136 residential units (Class C3) through refurbishment and alteration of internal arrangements of existing units and new façade including the addition of new balconies and roof parapet walls. Extension of the ground floor to provide new access arrangements and new two-storey buildings to provide a 2,486 sqm relocated community facility (Use Class E), public realm and landscaping improvements including alteration to parking arrangements, new tree planting, environmental improvements and associated infrastructure"*

5.27 The Scheme is subject to a S106 Agreement and Unilateral Undertaking which have been completed by all relevant parties and LLDC (as the local planning authority). The agreements secure a number of benefits, including:

- (a) Affordable Housing of not less than 96% of habitable rooms; including up to 17 units as intermediate tenure;
- (b) Delivery and retention of community facilities and ensuring the community use of facilities;
- (c) Design Monitoring, and Planning and Design Team retention;
- (d) Four Affordable Housing Units to be designed and constructed in accordance with Optional Requirement M4 (3) Category 3 of Part M of the Building Regulations in accordance with condition 40 of the Planning Permission. In addition, the Carpenter's Estate S106 Agreement for the wider masterplan shall contain an additional 51 wheelchair housing units to supplement the shortfall within James Riley Point;
- (e) Employment skills/training during construction and operation;
- (f) Requirement to attend the QEOP Construction Transport Management Group and a financial contribution to the Group;
- (g) Securing of off-site play space delivery to compensate for the under provision within the development, to be provided within the locality;
- (h) Requirement for the additional 4 homes to be considered at the masterplan stage when assessing possible impacts on the Epping Forest SAC and appropriate mitigation;
- (i) Carbon off-setting contributions; and
- (j) Travel Plans for the residential and non-residential elements of the Development, including appointment of a travel plan coordinator; and to include a monitoring payment to cover the LPA cost of considering travel plan reviews.

## 5.28 **Consultation and Engagement**

5.29 The planning application for the Scheme was subject to extensive pre-application discussions and public consultation with key stakeholders and residents since late 2020 through to the submission of the application in late 2021. Numerous workshops and meetings were organised with the key stakeholders listed below which were fundamental to the evolution of the Scheme.

- (a) LLDC Planning Officers;
- (b) LB Newham Planning Officers;
- (c) LLDC Quality Review Panel;
- (d) Members Briefing Presentation;
- (e) Designing Out Crime Officers;
- (f) LLDC Access Panel;
- (g) Building Control;
- (h) London Fire Brigade; and
- (i) Statutory consultees.

5.29.2 The planning application addressed all comments and feedback from all stakeholders, which led to a high quality scheme which meets the needs and expectations of the local community, LLDC officers and members of the planning committee at LLDC. The feedback provided was considered in the design evolution of the Scheme. Members of the public were encouraged to engage with the planning application.

5.29.3 There were no objections to the application which reflects the extensive public engagement and positive feedback received from the local community.

## 5.30 **Heritage Issues**

5.31 None. The Order Land is not within a conservation area and the Scheme does not impact on any listed buildings.

## 5.32 **Benefits of the Scheme**

5.33 The Council considers the key benefits of the Scheme to be:

- (a) The Scheme provides high quality, residential accommodation and will deliver a significant proportion as affordable homes. The Scheme will provide 96% as affordable homes when measured by habitable room. This is in excess of the policy standard of 50%. The affordable tenure split is in compliance with the policy standard.
- (b) The four leaseholders who have an interest in the Scheme site have been made offers by the Council and three of those leaseholders have accepted such offers and provided vacant possession with only one residential leaseholder declining the offer and remaining in possession. The offers made by the Council to all four leaseholders (and accepted by three leaseholders) allow for the re-provision of their accommodation in the Scheme. The Scheme has also been designed to accommodate Carpenters Estate residents, which aids the retention of the existing community. As set out in the S106 Agreement, up to 17 of the Affordable Housing Units are to be provided for first occupation

as Intermediate Housing by existing Carpenters Estate residents who meet the criteria set out in the Landlord Offer and for subsequent occupations as London Affordable Rented Housing.

- (c) Providing 132 refurbished homes that all meet modern building, fire and safety regulations and largely comply with the Nationally Described Space Standards.
- (d) Delivery of 4 new additional homes, created by subdivision of existing homes.
- (e) Overall, the new and refurbished homes will provide a balance and genuine range of different unit sizes, including 78% of dwellings as 2 or 3 bedrooms complying with Policy HI of the London Plan.
- (f) Significant uplifts in the quality, size and access to private amenity space with all apartments provided with private amenity space in the form of larger balconies.
- (g) Refurbishing the existing poor quality housing and improving the contribution of the site to the surrounding area.
- (h) A community centre delivered at an enhanced standard at the lower levels of the building.
- (i) Public realm improvements including the provision of new play space measuring 1,125 sqm. The Scheme includes 190 sqm of general communal amenity space, which represents a significant up lift of usable space. Together the Scheme provides 1,315 sqm of total communal space on site.
- (j) Provision of a new 5-a-side football pitch, sports hall and changing facilities.
- (k) Alterations to parking and access arrangements through the creation of new public entrance plazas.
- (l) Enhanced energy and sustainability outcomes including improving thermal and acoustic performance through utilising high-performance insulation, materials and glazing and using PV panels and air source heat pumps.
- (m) Substantial new planting provided including 12 large street trees, plus sitewide ecological improvements through bio-diverse green roofs and installation of bird and bat boxes; and
- (n) A significant Biodiversity Net Gain of 113%.
- (o) The proposals will improve the immediate built environment and local townscape with a carefully considered architectural scheme, which will enhance the skyline and significantly improve the appearance, character and pedestrian legibility of the area. The improved tower aesthetics, together with new and improved landscaping and safer public realm act as a catalyst for the wider estate regeneration.
- (p) The Scheme is designed to achieve a sitewide 65.7% CO<sub>2</sub> saving with SAP10 emission factors as per the Building Regulations Part L 2013 compliant “gas boiler baseline” scheme. The Scheme maximises energy efficiency, by incorporating PV panels, air source heat pumps, and high performance insulation and glazing.

5.34 These substantial benefits are consistent with the planning framework, for reasons that are explained below.

## **6. PLANNING CONSIDERATIONS**

6.1 In making the Order the Council has had regard to national policy, the development plan and other relevant local policy and guidance.

6.2 The relevant national planning policy is contained in the National Planning Policy Framework (the “NPPF”) with material considerations being given to The National Design Guide. Other planning policy documents that make up the Development Plan comprise of:

- (a) The London Plan (2021);
- (b) LLDC Local Plan (2020);
- (c) Supplementary Planning Documents and guidance produced by the GLA and LLDC.

### **6.3 The Development Plan**

6.4 The Development Plan sets out the spatial vision, strategy and planning policies for sites within the LLDC’s boundary on key topics, including housing. The policies are split between The London Plan and LLDC Local Plan of which the key policies are split out below.

### **6.5 The London Plan (2021)**

6.6 The London Plan contains the spatial development strategy for Greater London and sets out the Mayor of London’s overall objectives and strategic plan for London. The London Plan is supported by a number of Supplementary Planning Guidance (SPG) documents. This includes the Mayor’s Housing SPG (2016) which provides guidance to supplement the housing policies in the London Plan and details the strategic approach to increasing housing supply in London, the Affordable Housing and Viability SPG (2017) and the Mayor’s Good Practice Estate Regeneration Guidance ‘Better Homes for Local People’ (2018).

6.7 The Scheme complies with the following London Plan policies:

- (a) Policy GG4 Delivering the homes Londoners need: The Scheme makes efficient use of a previously developed site with a new mixed-use scheme that brings together the community with enhanced affordable housing and upgraded social infrastructure.
- (b) Policy H1 Increasing housing supply: The Scheme responds to London’s pressing need for new housing, delivering 136 units and assisting in meeting LLDC’s annual housing target of 2,154.
- (c) Policy H4 Delivering Affordable Housing: The Scheme will provide in excess of the Mayor’s Strategic target of 50% for affordable housing and will deliver 96% affordable housing when measured by habitable room. Affordable housing is provided on site and in excess of the threshold level for sites achieving fast-track status under public sector ownership.
- (d) Policy H8 Loss of existing housing and estate redevelopment: The Scheme will ensure the vacant homes are refurbished and brought into active use as high quality residential accommodation.
- (e) Policy GG6 Increasing efficiency and resilience: The Scheme will deliver energy efficiency homes through a fabric first approach to building materials utilising high performance insulation and glazing. Carbon emissions will be further reduced through the use of PV panels and air source heat pumps.
- (f) Policy D6 Housing quality and standards: The Scheme complies with the minimum space standards set out at Table 3.1 of the London Plan ensuring a high standard of accommodation is provided.

## 6.8 **LLDC Local Plan (2020)**

6.9 The Local Plan provides an updated blueprint for how the London Legacy Development Corporation will continue working towards achieving good growth in its area. The Plan seeks to create a mix of genuinely affordable homes, business space and public amenities that will meet both the needs of local people and the City as a whole.

6.10 The site forms part of a wider site allocated ref SA3.4 – Greater Carpenters District and is designated for potential mixed-use redevelopment including residential and more extensive business, commercial, education and community uses. The Scheme responds directly to the adopted site allocation covering the Site.

6.11 The Scheme comprises sustainable development for the following reasons:

- (a) Site Allocation SA3.4 Greater Carpenters District: The Scheme makes efficient use of a previously developed site for mixed-use development, including residential and community facilities. The Scheme delivers 96% affordable housing which is in excess of the requirement of 50% for public sector land. The Scheme facilitates a net increase in residential accommodation with 4 extra units.
- (b) Policy SP.2 Maximising housing and infrastructure provision within new neighbourhoods: The Scheme contributes towards LLDC's annual housing targets and ensures that the existing housing stock is brought back into long term viable use and complies with all relevant regulations and standards. The Scheme will deliver in excess of the affordable housing requirement. The Scheme provides a new and enhanced community centre ensuring that the existing facilities within the estate are not lost.
- (c) Policy C1.1 Providing new and retaining existing community infrastructure: The Scheme includes a community centre. Thus ensuring facilities in the estate are not lost and delivered at an enhanced quality. The Scheme provides further community facilities, such as; a 5-a-side football pitch and sports and community halls.
- (d) Policy H.1 Providing for and diversifying the housing mix: The Scheme provides 78% of the dwellings as 2 or 3 bedrooms complying with Policy H1,
- (e) Policy H.2 Delivering affordable housing: the Scheme delivers 96% affordable housing which is in excess of the requirement of 50% for public sector sites. The Scheme provides a significant weighting towards affordable and social rented tenures which responds to the policy requirement.

## 6.12 **National Planning policy Framework**

6.13 The National Planning Policy Framework (NPPF) was published in July 2021 and it replaced the previous national planning guidance. The NPPF sets out the Government's economic, environmental, and social planning policies and is a material consideration in the consideration and determination of a planning application.

6.14 Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These objectives are summarised as follows:

- (a) An economic objective: to help build a strong, responsive and competitive economy.
- (b) A social objective: to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided.
- (c) An environmental objective: to protect and enhance the natural, built and historic environment, including making effective use of land and improving biodiversity.

- 6.15 In respect of decision making, guidance is clear at Paragraph 11 that proposals in accordance with development plans should be approved and in other circumstances that development should only be refused where, "...adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework [NPPF] taken as a whole."
- 6.16 The Government expects the planning system to deliver the homes, business, infrastructure and thriving local places that the country needs, whilst protecting and enhancing the natural and historic environment.
- 6.17 With regard to housing, paragraph 60 of the NPPF identifies measures to "...boost significantly the supply of housing..." and Paragraph 11 states that Local Plans should meet the objectively assessed need for housing in local authority areas.
- 6.18 With respect to Making the Most Efficient Use of Land (Chapter 11), Paragraph 119 requires planning policies and decisions to 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.
- 6.19 Chapter 12 notes that design quality should be considered throughout the evolution and assessment of individual proposals highlighting the benefits of early discussions between applicants and interested parties.
- 6.20 The Scheme comprises sustainable development for the following reasons:
- 6.21 Social benefits
- (a) The Scheme will support a strong, vibrant and healthy community by providing a range of new homes meeting a wider need. The refurbished block will be offered to resident leaseholders (who meet the criteria) who currently live elsewhere on the Carpenters estate, giving them the opportunity to purchase a home within the James Riley Point tower under a shared equity proposal. This will allow residents to remain living within their existing community and also assist in providing a balance of tenures within the refurbished building. The Scheme will be designed to meet all relevant building, safety and fire standards, including meeting relevant accessibility standards, such as M4(2) and M4(3), thus ensuring that they are suitable for long term use by all members of the community. The homes will be provided with spacious internal areas with the majority meeting the internal floor area standards set out in the Nationally Described Space Standards and all with private amenity space in the form of balconies. The homes will also benefit from access to further high quality communal amenity space and playspace across the site. The Scheme will also bring together a range of enhanced community infrastructure that will facilitate social cohesion and will create a high quality mixed-use development.
- 6.22 Economic benefits
- (a) The Scheme will contribute to helping build a strong, responsive and competitive economy by bringing forward a predominantly vacant housing block into long term viable use. The Scheme will deliver a community centre alongside the residential accommodation, with associated café and office space, which will provide a number of jobs for the local economy. The development will support growth of the local economy during the construction period and also provide long-term additional spend in the local economy. The construction of new housing creates a range of employment opportunities within the local and wider economy and has been acknowledged by the Government as a key drive for boosting housing delivery as required by the NPPF. The regeneration of this site and the immediate area through its allocation in the Local Plan will act as a catalyst for future growth within the area, in line with planning policy at all levels. In addition, the Scheme will attract an amount of Community Infrastructure Levy (CIL) - £76,068.44 in total to LLDC and Mayor of London. In

addition, the Scheme will include a package of S106 obligations as part of the development including a training and employment training programme offered to local people during the construction process to provide them with the skills and access to work in the construction of the refurbished block. It is expected that this will provide significant long term benefits and opportunities.

#### 6.23 Environmental Benefits

- (a) The refurbishment of the site seeks to introduce a variety of soft landscaping areas, bio-diverse roofs and bird and bat boxes which will deliver ecological and environmental benefits to the site and surrounding area. The proposals are proposed to achieve a 113% biodiversity net gain and have been developed with sustainable design and construction in mind. The Scheme is designed to achieve a sitewide 65.7% CO2 saving with SAP10 emission factors as per the Building Regulations. The Scheme maximises energy efficiency, by incorporating PV panels, air source heat pumps, and high performance insulation and glazing. It is expected that the Scheme will deliver long term environmental benefits.

#### 6.24 **Conclusions**

- 6.25 There is no planning impediment to the Scheme. The Scheme benefits from full planning permission granted by the LLDC on 13 April 2023 and is supported by planning policy at national and local level. The development plan and other relevant local policy and guidance all support the Scheme and the Council and Populo consider that there is no viable alternative to deliver its benefits.

## **7. THE NEED FOR THE CPO**

### **7.1 Negotiated decant strategy**

7.2 The decant strategy for the Carpenters Estate has evolved over the last 20 years as plans for regeneration have developed. JRP was the first block to begin decanting in 2005 with Lund and Dennison to follow in 2007. In April 2012 Cabinet approved the Residents' Charter, which set out the rehousing process for all residents. This was then developed into a more detailed decant programme as agreed by Cabinet in December 2016.

7.3 The Residents' Charter has been superseded by the Housing Offer (which forms part of the Landlord Offer) as agreed by Cabinet in March 2021. The Housing Offer was developed with residents as part of the co-produced masterplan, which formed the basis of the resident ballot at the end of 2021.

7.4 The Existing Block is largely vacant since the majority of residents moved out between 2005 and 2007. Residents were quick to move out of the aging tower with less than 10% of Council tenants re-housed in high-rise flats. The majority moved into ground floor flats or family homes nearby. Over 70% of Council tenants relocated into either E15 or E13 postcodes.

7.5 While the majority of leaseholders also took the opportunity to sell back to the Council between 2005 and 2007, four residential leaseholders retained their interests in the Existing Block. The now superseded Residents' Charter set out the Council's intention to buy back the properties with home loss compensation paid. This had been the basis of discussions with the remaining residential leaseholders until the Housing Offer, as part of the resident-led masterplan, was approved in March 2021.

7.6 The Housing Offer sets out how the Existing Block will now be comprehensively refurbished allowing the four leaseholders the opportunity to retain their property. The flats will be completely refurbished in accordance with the wider scheme and without charge to the leaseholders. The Housing Offer sets out how the Council will support the leaseholders to move out for the duration of the works and provide temporary accommodation free of charge.

7.7 Agreements securing vacant possession have been reached with nearly all residential leaseholders with only one single leaseholder remaining in possession. The Council's commitment is to keep dialogue open and continue negotiation with the single remaining leaseholder affected to reach resolution without the need ultimately to use powers of compulsory purchase. However, to date, efforts to agree vacant possession with that leaseholder have been unsuccessful. The Council believes a wholly reasonable and proportionate offer has been made to the leaseholder, which allows them to retain their home. The Council will continue to engage regularly with the leaseholder through phone, email and in person discussion to reach agreement.

### **7.8 Compulsory Purchase Powers**

7.9 When considering whether to confirm and make an order under s226(1)(a) of the 1990 Act the Secretary of State will take into account the following factors:

7.10 As set out in the Guidance '*Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area; or where no such up to date local plan exists, with the draft local plan and the NPPF*'

7.11 As set out above in section 6 of this statement of reasons the purpose for which the land is being acquired is in accordance with the Council's local development framework, and the National Planning Policy Framework. The acquisition of the Order land is necessary to allow for a scheme, which delivers the improvement of the site, including delivering much needed better quality homes



to the Borough as well as public benefits in the form of a community centre and improved public realm.

- 7.12 As set out in the Guidance ‘*The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area.*’
- 7.13 The proposals will make a very positive contribution to the well-being of the Borough in all three of these dimensions.
- 7.14 Promotion and improvement of *social well-being* will occur through the provision of high quality homes for local residents and allowing eligible home owners on the Carpenters Estate the opportunity to remain in their community as the estate is regenerated. A new and enhanced community facility is also provided, making efficient use of existing space and promoting social cohesion.
- 7.15 Promotion and improvement of *economic well-being* will occur through the construction phases and beyond as the refurbishment creates local jobs as set out in the SI06 Agreement and the community centre will support residents to be economically active through services including affordable childcare. The creation of new economic activity within the Scheme will have a multiplier effect that will go beyond the Order Land.
- 7.16 Promotion or improvement of *environmental well-being* will occur through enhancement of the townscape via the restoration of outdated buildings to create a contemporary and well-designed residential development. The public realm will be improved and the anti-social behaviour which has blighted the site designed out as far as possible. The main environmental benefits are:
- 7.16.1 comprehensive refurbishment of an aging block to modern standards;
- 7.16.2 the Scheme will comprise a mixed use development in a sustainable location; and
- 7.16.3 improved public realm and townscape including planting and landscaping.
- 7.17 Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means?
- 7.18 The Council owns the majority of the Order Land, including the freehold interest in the Existing Block. It has been attempting to acquire all of the remaining interests by agreement via private treaty negotiations. Negotiations began in 2004 and were successful in the majority of cases. Since April 2021, negotiations with the four leaseholders who had a remaining interest in the Scheme site included the option to return to a fully refurbished property. Three out of four of those leaseholders accepted offers made the Council and have provided vacant possession. As such only one residential leaseholder remains in possession at the Scheme site. The negotiations with that leaseholder remain ongoing. They will continue in parallel with the formal CPO process.
- 7.19 The CPO will only be used where an acquisition by agreement cannot be achieved in accordance with the intended development programme.
- 7.20 The interest(s) required to proceed with the Scheme are set out in the Schedule to the Order.
- 7.21 The Council is satisfied that without progressing the CPO there is no reasonable prospect of obtaining the remaining interests for a reasonable sum and within a reasonable timeframe. Delivery of the Scheme and its numerous social, economic and environmental benefits is impossible without obtaining vacant possession of the entire Order Land.
- 7.22 **Funding intentions and reasonable prospect of proceeding**

- 7.23 Paragraph 13 of the Guidance advises that if an acquiring authority cannot show that all the necessary resources are likely to be available to achieve its intended use of the land within a reasonable time-scale, it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest.
- 7.24 Paragraph 14 of the Guidance advises that when preparing its justification for an order the acquiring authority should address the sources and timing of funding.
- 7.25 Paragraph 106 of the Guidance provides that a general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed.
- 7.26 The Council is the freeholder of the Order Land and, but for the outstanding third-party interests it is intending to acquire, owns all of the necessary land to deliver the Scheme.
- 7.27 The Council is seeking to deliver the Scheme via its development agreement with Populo. The Council will however remain the owner of the Scheme during and after the development.
- 7.28 The Council is funding the development via a number of funding sources. Should any of these sources fall away, the Council has committed to underwrite any deficit. The details of this approach are contained in the Cabinet Paper dated 9<sup>th</sup> March 2023.
- 7.29 The Council does not consider there to be any funding impediment to acquiring the Order Land or the delivery of the Scheme. The Council is fully committed to delivering the Scheme, having expended considerable resources to date on acquiring relevant interests, negotiating to acquire further interests by agreement, and in obtaining the main planning approvals required to authorise and deliver the Scheme.
- 7.30 **Public Interest Test**
- 7.31 Paragraph 12 of the Guidance advises that a compulsory purchase order should only be made where there is a compelling case in the public interest. The Council is fully satisfied that this requirement is met in this case for the following reasons:
- 7.31.1 the provision of 136 affordable dwellings; and
- 7.31.2 that the land acquisition and redevelopment of JRP Tower will deliver significant community benefits to the occupiers and wider public.
- 7.32 **Need for all CPO Plots**
- 7.33 In order to deliver the Scheme, the Council requires unencumbered ownership with vacant possession of all the property interests which will form part of the new development. As can be seen by reference to the formal Order there is one residential interest that remains to be acquired and is preventing the delivery of the Scheme with all of its benefits to the Borough.
- 7.34 **Impediments**
- 7.35 There are no physical, planning or legal impediments which would prevent the Scheme from being delivered if the Order is confirmed.
- 7.36 **Timescales**
- 7.37 Populo presently intends that construction should commence on the Scheme by the end of 2023.

## **8. HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY**

### **8.1 Interference with Human Rights**

8.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (the '**ECHR**'). Articles 6 and 8 and Article 1 of the First Protocol of the ECHR are potentially relevant to the compulsory purchase of land:-

8.2.1 Article 6 provides that everyone is entitled to a fair and public hearing in the determination of his civil rights and obligations. The statutory procedures applicable to compulsory purchase, which include the right to object and provide for judicial review, are sufficient to satisfy the requirements of this Article.

8.2.2 Article 8 provides that everyone has the right to respect for his 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.

8.2.3 Article 1 of the First Protocol provides for the peaceful enjoyment of possessions (including property) and that no one shall be deprived of possessions except in the public interest and subject to the conditions provided for by law.

8.3 If the Order is confirmed, and if any person can show that they held an interest in any of the Order Land, that person will be entitled to compensation which will be assessed in accordance with the relevant statutory provisions sometimes referred to for short as the Compulsory Purchase Compensation Code.

8.4 The reference in Article 1 of the First Protocol to “the public interest” means that, in deciding whether to make and confirm a compulsory purchase order, a fair balance must be struck between the public benefit sought and the interference with the rights in question.

8.5 In making this Order, the Council considers that there is a compelling case in the public interest for the Order to be confirmed to enable the Scheme to proceed in order to secure the economic regeneration, environmental and social improvements which the Scheme will bring.

8.6 The Council is of the view, therefore, that the Order is compatible with the ECHR.

### **8.7 Public Sector Equality Duty**

8.8 The Council has had due regard to the considerations listed in section 149 of the Equality Act 2010 (the '**2010 Act**') and has taken this into account in the assessment of the Order.

8.9 Additional regard has been given to any potential impact upon persons with the protected characteristics outlined by the 2010 Act Section 149 and the provisions contained therein. It is considered that due regard has been given to the impact of the Scheme on all relevant groups with protected characteristics as defined by 2010 Act.

### **8.10 Equality Impact Assessment**

8.11 In order to consider the impact of the CPO in light of the HRA and 2010 Equality Act and requirements set out above the, Council has prepared an Equalities Impact Assessment. This considers the effect of the CPO and the development of the Scheme on people from different groups. The EQIA describes the profile of the remaining leaseholders and identifies a number of protected characteristics. The report sets out the impact of a CPO on the remaining leaseholders

and potential equality risks.

- 8.12 The report identifies the mitigation measures put in place by the Council to reduce the impact of a CPO on the remaining leaseholders. Since April 2021, the Council has offered the leaseholders the option to have their property refurbished at the Council's expense and allowing them to remain in their homes. This can of course only happen if the Scheme is delivered. To date, agreements securing vacant possession have been reached with the majority of the leaseholders. However, the Council has been unable to agree terms with the single remaining leaseholder.
- 8.13 The EQIA risk assessment sets out an action plan to address any inequalities that may arise as a result of the CPO. The key findings and the actions the Council are taking include:
- 8.13.1 The Council to support Residents through market search assistance to find an alternative property in the local area, if this is desired, which meets their needs. The Council already have a dedicated officer to support residents of regeneration areas with the decanting process and this service will be offered to all leaseholders at JRP.
- 8.13.2 The Council to provide access to appropriate and accessible housing during the CPO process. Leaseholders are currently in temporary accommodation due to operational issues with the remaining lift. If the Council cannot agree vacant possession by negotiation, the lift will be either repaired or replaced to allow residents to return until vacant possession by CPO can be achieved. For the duration of the works and if repair/replacement is not possible, the Council will continue to provide suitable accommodation.
- 8.14 As set out in Section 8 above, a number of offers have been made to the remaining leaseholder over the last 20 years to acquire their property and more recently to refurbish their home as part of the JRP Scheme. Regular meetings and correspondence by phone and email have taken place over a number of years with a more active period of negotiation since April 2021 when the new offer to retain and refurbish their property was made.
- 8.15 All Leaseholders were offered emergency accommodation in May 2022 following the breakdown of the remaining lift in the tower. Leaseholders were offered hotel accommodation in the first instance while the Newham Housing team investigated the works required to the lift. When it became apparent the lift repairs would require significant time to repair due to the failure of two mechanical parts, both of which are out of production, the Council offered the leaseholders more medium-term accommodation.
- 8.16 The medium-term accommodation has been adapted to suit the householders' needs, such as the installation of walk in showers for disabled members, installation of bidets as per householders' requests, and installation of external lighting. Each household has been provided with a parking space at their medium-term accommodations. The two households currently occupied by children have private gardens in the medium-term accommodation.
- 8.17 It was then proposed by the Council that this medium-term emergency accommodation would become the temporary accommodation for the duration of the refurbishment (if negotiated offer is accepted) to reduce the need for multiple moves and to allow the leaseholders to continue to benefit from customised adaptations to the properties undertaken by the Council at their request.
- 8.18 Each household has been offered both an independent medical assessment and an interview with the Council's Housing Occupational Therapy team.
- 8.19 And so, whilst a CPO negatively impacts the remaining single leaseholder by depriving them of their property, the positive impacts of the CPO on the wider community (including any leaseholder who agree to the refurbishment terms) are considered to outweigh the negative impacts to the small number of individuals subject to the CPO. The Council has taken the steps set out above and in the

EQIA to mitigate any impact of the CPO and prevent further equality risks.

## **9. CONCLUSIONS REGARDING THE NEED FOR CPO AT THIS TIME**

- 9.1 In pursuing this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and those with protected characteristics as set out in the EQIA and the wider public interest in the redevelopment of the Order Land. Interference with rights under the European Convention on Human Rights (as further set out in section 8 of this Statement of Reasons) is considered by the Council to be justified, in order to secure the economic regeneration and environmental and public benefits which the Scheme will bring.
- 9.2 The Council is satisfied that the redevelopment of the Order Land as part of the Scheme will have a significantly positive impact on the social, environmental and economic well-being of the area, as the redevelopment will provide an overall improvement in the quality of life for local residents. Compulsory acquisition of an individuals' property situated within the Order Land is necessary to allow this comprehensive redevelopment to proceed, and for these benefits to be delivered.
- 9.3 Due to the substantial public benefit which would arise from the implementation of the Scheme, it is considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the Order. It is considered that the Order does not constitute any unjustified interference with individual property rights. The compulsory purchase process enables objections to be submitted and a Public Inquiry to be held to consider those objections, if these are not withdrawn. The parties directly affected by the Order will be entitled to compensation in accordance with the statutory compensation code.
- 9.4 All of the Order Land is required to deliver the comprehensive redevelopment of the area through delivery of the Scheme. There is no certainty that the necessary land and interests can be assembled by agreement within a reasonable period and as such the Order is necessary to deliver the Scheme, although efforts to acquire the remaining interest by negotiation will continue in parallel.
- 9.5 The Council is satisfied that it has the necessary resources to both complete the land assembly and to implement the proposals relating to this CPO. The Council will therefore be asking the Secretary of State to confirm the Order to secure the delivery of this important regeneration project. The Council can confirm that there is no impediment to planning or funding the proposed Order.
- 9.6 **Conclusion**
- 9.7 The Council is satisfied that, in accordance with paragraphs 14 and 15 of the Guidance the Scheme has available all relevant resources to enable delivery, the necessary funding can be provided and, as set out above, is fully funded. If the Order is confirmed, development of the Scheme will be brought forward on the Order Land at the earliest opportunity. The Council presently intends that construction could commence on site by the end of 2023. This is with a view to completion of the overall development by March 2026.

## **10. OTHER MATTERS**

### **10.1 Road Closure Orders**

10.2 No highway requires stopping up in required in order to deliver the Scheme.

### **10.3 Special Categories of Land**

10.4 There is an electricity substation within the Order Land as referred to in the Schedule to the Order. The Council has contacted the statutory undertaker affected and will continue to liaise with that statutory undertaker to reach agreement with them (if necessary).

### **10.5 Acquiring Common Land**

10.6 The Order Land does not comprise Common Land.

### **10.7 Appropriating Land**

10.8 The construction of the Scheme will potentially interfere with rights benefitting owners of nearby residential units.

10.9 Section 203 of the Housing and Planning Act 2016 provides the power to carry out building or maintenance works even if it involves interfering with a right or interest or breaching a restriction as to the use of the land arising by virtue of a contract. This power, to override rights and interests can override any claim for an injunction in respect of the rights and covenants adversely interfered with as a result of the development of the Scheme. On this basis the Council intends to appropriate the Order Land for planning purposes, if so required and subject to satisfaction of all relevant legal tests, in order to allow the Scheme to come forward.

10.10 Those adjoining neighbours who may have the benefit of rights or covenants that are adversely interfered with as a result of implementation of the Scheme and which are overridden through the power contained in section 203 Housing and Planning Act 2016 will have a right to claim compensation for the Infringement of such right / covenant.

### **10.11 Further Information**

Those parties affected by the Order who wish to discuss matters with a representative of the Council should contact:

Joanna Hansford, Senior Regeneration Manager, Regeneration and Planning, London Borough of Newham, Newham Dockside, 1000 Dockside Road, London E16 2QU, (Telephone: 020 3373 7215; Email [Joanna.Hansford@newham.gov.uk](mailto:Joanna.Hansford@newham.gov.uk))

### **10.12 Inspection of the Order and Order Documents**

A copy of the Order, the Order Map and other documents may be viewed at:

Stratford Library, 3 The Grove, Stratford, London, E15 IEL.

Tel. 020 3373 0826

Between the hours of 9 am and 5 pm Monday to Friday, excluding public holidays. The library is also open evenings and weekends. The latest opening times can be found on the Council website at <https://www.newham.gov.uk/libraries-arts-culture>

The Order, the Order Map and other documents can also be viewed online at <https://www.newham.gov.uk/regeneration-1/regeneration-project-carpenters-estate>

**10.13 Inquiry Procedure Rules**

This Statement of Reasons is not intended to be a Statement of Case in accordance with The Compulsory Purchase (Inquiries Procedure) Rules 2007.

**10.14 Documents to be referred to or put in Evidence in the Event of an Inquiry**

Documents and plans may be inspected at the same venues and times as the Order, identified in paragraph 10.12 above.



## **Definitions used in this Statement of Reasons**

**Council:** London Borough of Newham

**ECHR:** European Convention on Human Rights

**Guidance:** The Guidance on Compulsory purchase process and The Crichel Down Rules (updated July 2019) and issued by the Department for Levelling Up, Housing & Communities

**Local Planning Authority or LPA:** The London Legacy Development Corporation in its capacity as local planning authority

**NPPF:** The National Planning Policy Framework

**Order:** The compulsory purchase order made by the Council for the Scheme and dated 4<sup>th</sup> July 2023

**Order Land:** The land referred to in the Order

**Order Map:** The map referred to and appended to the Order

**Planning Permission:** the planning permission granted by the LPA for the Scheme dated 13 April 2023 under reference 21/00543/FUL

**Scheme:** the scheme of refurbishment, improvement and extension of James Riley Point, Carpenters Road, Stratford E15 2HZ authorised under the Planning Permission

**1990 Act:** The Town & Country Planning Act 1990 (as amended)

**2010 Act:** The Equality Act 2010 (as amended)