

Committee: OVERVIEW AND SCRUTINY	Date: 1 April 2008	Classification: Unrestricted	Report No.	Agenda Item No.
Report of: Assistant Chief Executive Originating Officer(s): John Williams, Service Head, Democratic Services			Title: Cabinet Decision Called-in: Blackwall Reach Regeneration Project – Development Framework Wards: Blackwall and Cubitt Town	

1. SUMMARY

- 1.1 The attached report of the Corporate Director, Development and Renewal was considered by the Cabinet on 5th March 2008 and has been “Called In” by Councillors Dulal Uddin, Abjol Miah, Harun Miah, Fozol Miah and M. A Munim for further consideration. This is in accordance with the provisions of Part Four of the Council’s Constitution.

2. RECOMMENDATION

- 2.1 That the Committee consider the contents of the attached report, review the Cabinet’s provisional decisions arising and decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

Brief description of “background paper”

Cabinet report

Name and telephone number of holder
and address where open to inspection

John S Williams
02073644204

3. BACKGROUND

- 3.1** The attached report of the Corporate Director, Development and Renewal was considered by the Cabinet on 5th March 2008 and has been “Called In” by Councillors Dulal Uddin, Abjol Miah, Harun Miah, Fozol Miah and M. A Munim for further consideration. This is in accordance with the provisions of Part Four of the Council’s Constitution.

4. THE CABINET’S PROVISIONAL DECISION

- 4.1** The Cabinet after considering the attached report provisionally agreed:-

1. That the amended Development Framework, as set out in Appendix 1 to the report (CAB 136/078), be approved as Interim Planning Guidance for the Blackwall Reach area;
2. That, subject to 9. below, the key recommendation for the comprehensive regeneration of the Blackwall Reach area, with the amendments set out in Section 7 of the report (CAB 136/078), including the demolition of properties at Nos.1-214 Robin Hood Gardens, 1-22 Anderson House, 1-11 Mackrow Walk and 2-10 (Evens) Woolmore Street, be agreed;
3. That the Corporate Director Development and Renewal, after consultation with the Leader of the Council and Lead Member for Regeneration, Localisation and Community Partnerships, be authorised to make any necessary minor amendments to the Development Framework;
4. That, subject to 10. below, the Corporate Director Development and Renewal develop a Rehousing Strategy in accordance with the report (CAB 136/078) and that decant status be granted for the affected homes in Robin Hood Gardens, Anderson House, Mackrow Walk and Woolmore Street, with effect from September 2008, as set out in paragraph. 6.1.1 of the report;
5. That the Corporate Director Development and Renewal develop a strategy, in liaison with English Partnerships, for the buy-back and precautionary compulsory purchase of affected home owners, for future consideration by Cabinet; including the requirement that Registered Social Landlord (RSL) or developer partners must make provision in the scheme for replacement homes on an affordable, flexible ownership (shared equity) basis, for existing resident home owners who wish to remain in the area but may not be able to purchase at full market value;
6. That the Corporate Director Development and Renewal be authorised to negotiate voluntary buy-backs with private home owners listed in

paragraph 1.3 of the report (CAB 136/078) who wish to leave the area to make their own arrangements, in accordance with the Authority's standard Council practice, as set out in paragraphs 6.2 to 6.3 and that the costs of securing vacant possession of tenanted and privately owned properties be contained within the project on the basis described in paragraph 6.9 of the report;

7. That the Corporate Director Development and Renewal assist in English Partnership's procurement of an RSL partner for the St Matthias site (the subject of Agenda item 20.1 "St Matthias Site Disposal" (CAB 146/078) on the exempt/ confidential agenda), to bring forward proposals to commence the first phase of new-build homes as quickly as possible; and
8. That further community engagement activity continue, as set out in paragraphs 9.1 to 9.5 of the report (CAB 136/078) to:-
 - (a) Consult on the proposals in the Development Framework as these are worked up in more detail to form an outline planning application.
 - (b) Enable residents aspirations to be understood and thereby accommodated within the outline planning process, noting that the partners have committed to working with the Local Voices Group to develop a residents' charter to articulate these aspirations.
 - (c) Provide further information regarding the proposed Rehousing Strategy, decant process and option to return, and provide tenants with comparative information about RSL and Council tenures, to help them decide whether to opt to return to a new RSL home, or for an alternative Council home through the decant process.
 - (d) That the Corporate Director Development and Renewal ensure that a comprehensive communication strategy, in relation to the Blackwall Reach Regeneration Project, is implemented.
9. That in the event that the Authority's application to English Heritage for a certificate for immunity from Listing fails, and Robin Hood Gardens is listed as being of special architectural or historic interest, the Corporate Director Development and Renewal be instructed to submit a further report for Cabinet consideration setting out:
 - (a) A range of options for how the Blackwall Reach Development Framework may be adapted and implemented, having regard to the building's listed status.
 - (b) The range of objectives and benefits that the overall Blackwall Reach Regeneration Programme would seek to achieve in this context.

10. That the Corporate Director Development and Renewal be instructed to start the housing needs assessment work, referred to in Section 6 of the report (CAB 136/078), with tenants in the Blackwall Reach Development Framework area immediately, and to submit a detailed re-housing strategy for Cabinet consideration as soon as possible;
11. That the Corporate Director Development and Renewal be instructed to:-
 - (a) Examine ways to ensure that intermediate homes within the Blackwall Reach Regeneration Project reflect local affordability levels.
 - (b) Examine options for affordable home ownership within the Blackwall Reach Regeneration Project for local people who may currently be living in rented accommodation but who aspire to purchase their own home.
 - (c) Examine ways to ensure that the affordable housing, both social for rent and equity stake, provided through the Blackwall Reach Regeneration Project, is affordable not just for one generation but in perpetuity.

5. REASONS FOR THE 'CALL IN'

5.1 The Call-in requisition signed by the five Councillors listed above gives the following reasons for the Call-in:

1. Proposed strategy in conflict with Community

The Report acknowledges that key issues arising from consultation with residents are not understood or addressed (1.4; 2.8.2).

The **Statement of Community Participation** prepared for English Partnerships (Feb 08) reports that 95% of existing council tenants in Robin Hood Gardens want to remain as council tenants (1.10) and 77% want to remain in the neighbourhood (1.9). The consultation report finds 'the vast majority of existing tenants want *both* redevelopment *and* council housing' (1.11).

Tenants have criticised the consultation process (including a petition presented to full council 11 February – see appendix i).

2. Tenure demands

The report fails to address directly the demand from tenants that they retain council tenure in new or improved homes in the Robin Hood Gardens area. It claims that those wishing to remain council tenants will be able to do so via decant (4.2 point 7). Given the Council's current waiting list of c23,000 in

housing need, it is irresponsible to suggest that 200+ households can be found suitable alternative council homes relatively quickly. This would further exacerbate the already desperate situation of other households on the waiting lists, and condemn homeless families to spend longer in expensive and unsuitable temporary accommodation. It is not a responsible proposal. It is likely (see 5.10) that in reality tenants will be browbeaten into accepting an RSL tenancy with less security, rights and accountable control over their landlord.

3. Compulsory purchase

Buy back and compulsory purchase can be protracted and costly options with disastrous effects (as on Ocean estate and others).

If English Partnerships is investing public funds in buying leased land from another public body (Tower Hamlets council) and in the process providing cash-flow to subsidise buy backs and compulsory purchase, we need to clarify the status and transparency of this arrangement.

4. Loss of asset

The strategy outlined would dispose of valuable land and assets, and channel some of the capital receipts arising to other including non-housing projects.

The report refers to 'freehold ownership of land on which the Council's homes are replaced' being retained by the council (4.2 point 4). This is not a clear statement of how much land and asset is proposed for disposal in the strategy. It implies that potentially the whole of the site of the existing Robin Hood Gardens estate and surrounding land could be sold for private development.

These are potentially extremely valuable public assets, and clarity is required on their future. The lack of detail is not acceptable

5. Alternatives

The report leaves open the possibility of alternatives for redeveloping the estate (6.1.3).

The Council's duty, according to Interim Planning Guidance (IPG) statement of Oct. 07 about Affordable Housing (policy ref. CP22):

- a) **'The council will aim to maximise all opportunities for affordable housing on each site...in order to achieve a 50% affordable housing target...'** (Para 1)
- b) 'It is a key priority within the Community Plan to increase the provision of affordable housing so that families can continue to live together...(Para 5.15)

We note that Robin Hood Gardens tenants association has called for alternative development proposals that meet the 'tenants agenda':

We the tenants of Robin Hood Gardens estate demand that any redevelopment of our estate provides us with secure council housing of a first class standard on our estate. In the 21st century, living within the shadow of our own Town Hall and of Canary Wharf, we have a right to expect nothing less. We want to be active participants in the improvement of our environment – not victims of ruthless gentrification.

We invite all the architects and developers concerned about the future of our estate to submit plans for redevelopment in line with this tenants' agenda – first class council housing and an environment that serves the needs of our community.

We will judge the submissions at an open meeting, and then call on all our elected representatives and the Mayor of London, to back the plan that best serves the community of Robin Hood Gardens now and for future generations.

(Robin Hood Gardens tenants association press statement 9 March 2008)

We understand that some initial plans for alternative development proposals have been submitted.

Appendix i

Petition presented to Tower Hamlets Council 11 Feb 08 concerning Robin Hood Gardens

Abdul Halim Chowdhury

1. Our petition represents the view of Robin Hood Gardens residents – We have been demanding repairs and improvements, better community facilities, and investment in the future of our estate for many years. We want improvements and regeneration which residents are the beneficiaries of – not the victims
2. The Government promised that by 2010 all tenants would benefit from a decent home with modern facilities. The Council as our landlord has to deliver that promise. Whoever you contract to improve our estate, we are council tenants and we insist that it is our right to remain so. The Housing & Regeneration Bill currently going through parliament, and Ministers promised review of Housing finance, which they say will provide 'sustainable council housing finance for the long term' means new and improved council housing is possible. To make it very clear: We will not leave our homes unless and until we have improved or new council homes on the estate to move into.
3. There is potential to ensure that we all get what we need at Robin Hood Gardens – there is plenty of space for developers to build on around the estate, if that is necessary to make the finances work. We are

prepared to negotiate – but we insist on council housing on the estate, we believe at least half of all new housing should be council and for rent, and we need community facilities for elders, for our young people, for children’s play.

Asma Begum

4. Residents have been denied entry to consultation, told we can only ask three questions, and then not given answers. I have a list of 22 questions here which have not been answered to despite our efforts. So we are strengthening community engagement and user participation – as it says in the Community Plan. From today we will organise the meetings– and you come and talk to residents on our terms, and answer our questions. We have had enough glossy leaflets and hand picked groups, loaded questions and hidden agendas.

5. Many of us work hard to give the Community Plan real meaning and genuinely make this an inclusive, cohesive and sustainable community – as parents, through our tenants association and SPLASH, as school governors, in our churches and mosques, as volunteers. We are here to demand your support in these efforts. All around Robin Hood Gardens massive development is taking place. We want our children to take their rightful place working in Canary Wharf or East India Dock, and sharing the benefits of development – after all we have all paid the price. After all the promises of docklands we did not see the benefits of the LDDC – on St Vincents 7 out of 9 blocks were demolished and the community scattered. The housing situation in Tower Hamlets and across London is much harder now than then – so we are saying take this opportunity to work with us, listen to our needs, and serve the people you represent so we can all share the benefits.

6. ALTERNATIVE COURSE OF ACTION PROPOSED:

6.1 The Councillors submitting the Call-in requisition have proposed the following alternative course of action:

That the provisional decision of Cabinet 5.3.08 to consider a range of options for adapting the Blackwall Reach Development Framework, be extended to include consideration of alternative submissions which fully address the residents’ demands as reflected in the Statement of community participation and residents’ and TRA statements.

Options should clarify the number of rented Council and/or RSL homes to be included, and minimise disposal of publicly owned land. These should be considered by Members following full consultation with residents.

7. CONSIDERATION OF THE “CALL IN”

7.1 The following procedure is to be followed for consideration of the “Call In”:

- (a) Presentation of the “Call In” by one of the “Call In” Members followed by questions.
- (b) Response from the Lead Member/officers followed by questions.
- (c) General debate followed by decision.

N.B. – In accordance with the Overview and Scrutiny Committee Protocols and Guidance adopted by the Committee at its meeting on 6 June, 2007, any Member(s) who presents the “Call In” is not eligible to participate in the general debate.

7.2 It is open to the Committee to either resolve to take no action which would have the effect of endorsing the original Cabinet decisions, or the Committee could refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.