



## CABINET REPORT

<b>Report Title</b>	<b>Regeneration and redevelopment of Berkeley House and St Mary's Court, Spring Boroughs</b>
---------------------	--

**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	13 November 2019
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Housing and Wellbeing
<b>Accountable Cabinet Member:</b>	Councillor Stephen Hibbert
<b>Ward(s)</b>	Castle

### 1. Purpose

1.1 The purpose of this report is to seek Cabinet approval to proceed with the regeneration and redevelopment of Berkeley House and St Mary's Court, by Northampton Partnership Homes on behalf of the Council, which will include, if relevant approvals permit, the demolition of the existing homes and the construction of 126 new affordable homes, in accordance with the Council's Housing Regeneration Policy.

### 2. Recommendations

2.1 It is **recommended** that Cabinet:

- (a) Approves the regeneration and redevelopment of Berkeley House and St Mary's Court, by Northampton Partnership Homes (NPH) on behalf of the Council, including the demolition of the existing seven blocks of flats and the construction of 126 new affordable homes, within the financial envelope presented in the exempt report Appendix 6, in accordance with the proposals set out in the planning application for this scheme, described as 'The Roof Gardens', approved by the Council's Planning Committee on 30 July 2019;

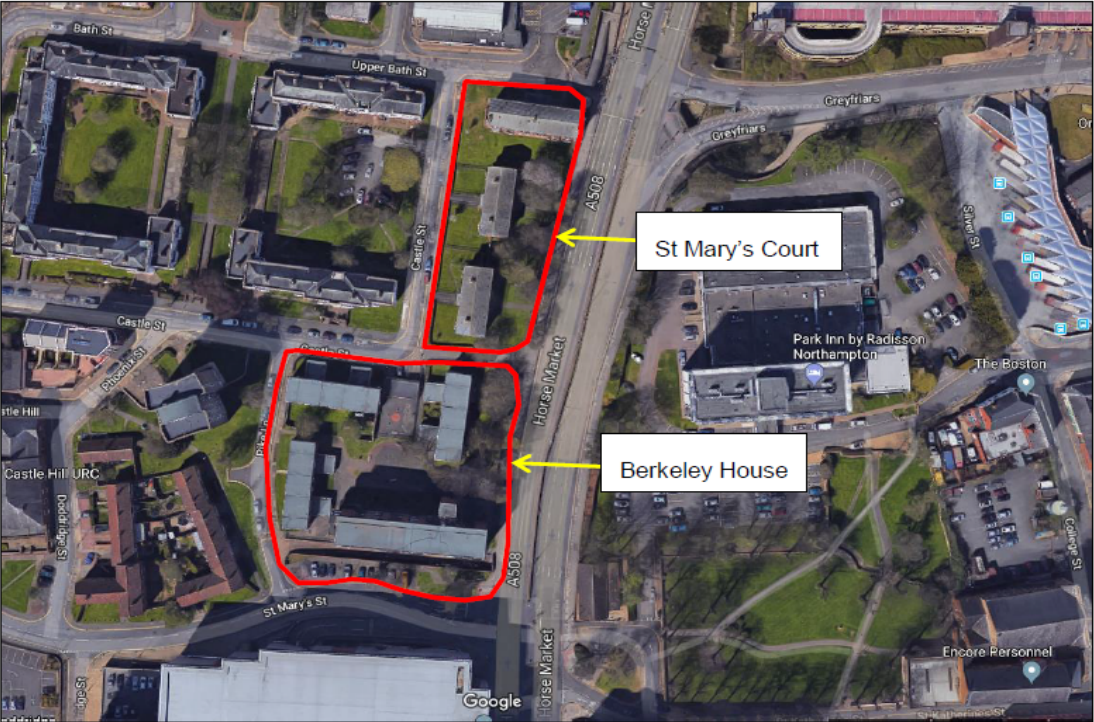
- (b) Approves the publication of a formal demolition notice for Berkeley House and St Mary's Court (affecting the seven blocks of flats within the area identified in the plan that is shown edged red in Appendix 1) and the subsequent demolition of each block of flats as it becomes vacant;
- (c) Resolves to make a Compulsory Purchase Order (CPO), in accordance with s226(1)(a) of the Town and Country Planning Act 1990, for the acquisition of the land and third party interests within the area identified in the plan that is shown edged red in Appendix 1 in order to enable the regeneration of the Berkeley House and St Mary's Court site and the development of 'The Roof Gardens' scheme;
- (d) Delegates to the Chief Executive, in consultation with the Cabinet Member for Housing & Wellbeing, the Borough Secretary & Monitoring Officer and the Chief Finance Officer, the authority to effect the making, confirmation and implementation of the CPO and to take all necessary steps to give effect to the CPO including the payment of any compensation in relation to the land shown on the plan in Appendix 1 including, but not limited to, the procedural steps described in Paragraph 4.3.10 of this report;
- (e) Delegates to the Chief Executive, in consultation with the Cabinet Member for Housing and Wellbeing, the Borough Secretary & Monitoring Officer and the Chief Finance Officer the authority to appoint external professional assistance if necessary to meet the requirements of paragraph 4.3.10 of this report;
- (f) Considers and takes account of the consultation feedback pursuant to Appendix 4 of this report;
- (g) Approves the proposed capital scheme budget of £15.9m which will include the scheme costs involved in the acquisition of leasehold properties, development costs i.e. standard construction costs, demolition and asbestos removal, any potential archaeology fees and finally, location construction costs;
- (h) Delegates to the Chief Executive, in consultation with the Cabinet Member for Housing and Wellbeing and the Chief Finance Officer, authority to approve the release of the relevant funds from the Housing Revenue Account Capital Programme following the procurement process and outcomes within the financial envelope presented in exempt report Appendix 6;
- (i) Delegates to the Head of Housing & Wellbeing, in consultation with the Cabinet Member for Housing & Wellbeing and the Chief Finance Officer, the authority to determine the rent levels and services charges for the new rented homes, based on the outcome of the Council's application to Homes England for capital funding to support the proposed development of 'The Roof Gardens'. The proposal is for "affordable" rents (80% of open market rents) but capped at a level which is no higher than the Local Housing Allowance rate; and
- (j) Accepts further reports to future meetings of Cabinet on any issues that may require further consideration and decision by Cabinet.

**3. Issues and Choices**

**3.1 Report Background**

Berkeley House and St Mary's Court

3.1.1 Berkeley House (comprising 60 flats in four blocks) and St Mary's Court (comprising 22 flats in three blocks) were built in the 1960s and are situated in the ward of Spring Boroughs, to the west of the A508 Horsemarket:



3.1.2 Although it was originally envisaged that Berkeley House and St Mary's Court would be refurbished as part of the

Spring Boroughs regeneration programme, consultation with residents highlighted a series of concerns about the condition and design of the flats, including the following:

- Thermal performance of the buildings
- Quality of the internal communal areas
- Safety and security
- Facilities for refuse and recycling
- Lack of defensible open space (making it difficult to dry clothes, grow food and allow children to play safely)
- Poor design and the overall appearance of the site
- No designated parking for the residents of St Mary's Court

3.1.3 After considering the feedback from residents and with input from one of its partnering contractors, NPH estimated that investment of approximately £4.72m (equivalent to £79k per dwelling) will be required to refurbish Berkeley House and approximately £1.57m (equivalent to £72k per dwelling) will be required to refurbish St Mary's Court.

3.1.4 Even though this is more than three times what it has cost, on average, to bring the Council's homes up to the Decent Homes Standard – and although refurbishment would go some way to improving the overall appearance, security and thermal performance of the 82 flats – NPH has concluded that refurbishment will not address all of the concerns raised by residents.

3.1.5 The existing layout of the site does not represent an efficient use of the land and NPH has confirmed that, due to their layout and position, the seven blocks of flats do not lend themselves to being extended (vertically or horizontally) or reconfigured.

3.1.6 After carrying out a conditions survey, producing a concept design, obtaining advice from Planning, Highways and other statutory consultees, carrying out technical, legal and financial due diligence and completing a community impact assessment, NPH provided the Council with a Feasibility Report on the regeneration of Berkeley House and St Mary's Court in February 2019.

3.1.7 In its Feasibility Report, NPH explained why redevelopment of the site – rather than refurbishment of Berkeley House and St Mary's Court – is the best option. It recommended redevelopment for the following reasons:

- Berkeley House and St Mary's Court are badly designed, of poor construction and are thermally inefficient;
- The internal communal areas are of a poor standard;

- There is no designated parking for the residents of St Mary's Court, and there is only limited parking for the residents of Berkeley House;
- There is a lack of secure and useable land;
- The land surrounding the blocks of flats is used as a 'walk through' by members of the public and is not a secure place in which to dry clothes, grow food or encourage children to play. It is rarely used by the residents of the flats and has become a magnet for fly tipping and anti-social behaviour;
- There are security issues (including the lack of defensible space to the ground floor flats) and the layout of the buildings means that it is difficult to address the North-facing (cold and dark) 'deck-access' and open balconies in the main Berkeley House block;
- There is inadequate provision for refuse and recycling; and
- The buildings are unattractive in their design, do not make efficient use of the land and, because of their layout, limit the extent to which the land can be utilised to provide additional housing and/or car parking.

3.1.8 After considering the contents of the Feasibility Report, the Council agreed that NPH would consult on the proposal and an Intention to Demolish Notice was duly issued and published on 21 February 2019.

#### Housing Regeneration Policy

3.1.9 The regeneration and development of Berkeley House and St Mary's Court will proceed in line with the Council's Housing Regeneration Policy.

#### The 'Resident Offer'

3.1.10 The 'Resident Offer' describes the assistance that Council tenants and leaseholders will be offered if they have to move out of their home because it is being demolished as part of the regeneration scheme.

3.1.11 Full details of the 'Resident Offer' are set out in the Housing Regeneration Policy and are attached to this report (see **Appendix 2**).

3.1.12 Secure tenants who are required to move out of their home because it is being demolished or reconfigured will remain secure tenants with preserved eligibility for Right to Buy, have a right to return to the new development if a suitable property is available, and receive a Disturbance Payment.

3.1.13 Returning tenants will be allowed to choose the property they wish to return to (subject to clauses regarding bedroom needs) in accordance with the amount of time they had been a tenant on the site prior to its redevelopment. The tenants who have lived there longest will be able to choose first and the tenants who have lived there for the shortest period will choose last.

- 3.1.14 Secure tenants have the right to refuse an offer but, when they have refused two offers of suitable properties, they will be provided with one final offer which will be the first available property that meets their bedroom needs assessment and is as close to their areas of preference as possible. In order to minimise the possibility of refusal, they will have the opportunity to discuss all suitable properties before a formal offer is made.
- 3.1.15 Leaseholders will be offered the full market value of the property, together with a Home Loss Payment of either 10% (if they have been living in the property continuously for at least the last 12 months) or 7.5% (if they have not been living there for the last 12 months). The Council will also pay the leaseholder's reasonable (pre-agreed) legal and valuation costs.
- 3.1.16 If the leaseholder agrees to sell their property to the Council within two months of the Cabinet approving the regeneration scheme, they will receive an additional discretionary 5% home loss payment as an incentive.
- 3.1.17 Where possible, leaseholders who have lived in their homes continuously for at least the last 12 months will be given the option to return by purchasing their new home outright, purchasing their new home through a shared ownership lease or, following a comprehensive affordability assessment, being rehoused from the Housing Register in a rented home.
- 3.1.18 Non-resident leaseholders will not have a right to return, and those who choose to let their accommodation will be responsible for terminating the tenancies and/or rehousing their tenants.
- 3.1.19 If a leaseholder has purchased the property (as a council tenant) under the Right To Buy Scheme – so would normally be required to repay all of part of the discount they have received if they sell the property within five years of purchasing it – the Council will not seek to recover any of the discount if the leaseholder sells their property to the Council (either voluntarily or as a result of a CPO) after the Cabinet has formally approved the regeneration scheme.

## **3.2 Issues**

### Archaeological works and demolition

- 3.2.1 It is a pre-commencement condition of the planning approval that, as Berkeley House and St Mary's Court are situated in an area of archaeological interest, archaeological investigations will need to be carried out and any archaeological remains secured and recorded.
- 3.2.2 It is important that these investigations take place as soon as possible and prior to the tender because the results will inform the detailed technical design of the building and the cost and programme of the development.
- 3.2.3 Following site visits and discussion, the County Archaeology Team has said that the archaeological works cannot be undertaken prior to demolition. It is proposed, therefore, that the demolition works form a contract that is separate from the main contract in order that the works can be undertaken before the main construction contract is awarded.

- 3.2.4 Careful consideration will need to be given to which flats are to be used as temporary accommodation because the demolition works and archaeological investigations will need to take place in a timely manner in order to mitigate programme, design and financial risk.
- 3.2.5 It is proposed that the seven blocks of flats are demolished, one at a time, as and when they become vacant and the utilities are disconnected.

#### Design and layout of 'The Roof Gardens'

3.2.6 On 30 July 2019, the Council's Planning Committee approved the proposed design and layout of 'The Roof Gardens' which will involve:

- The demolition of the existing residential blocks known as Berkeley House and St Mary's Court to the west of the A508 Horsemarket
- The development of an apartment block (with varying heights rising to a maximum of seven storeys) on the southern part of the site and containing 62 one-bedroom homes and 40 two-bedroom homes
- The development of 24 terraced and semi-detached houses on the northern part of the site (5 with two bedrooms, 17 with three bedrooms and 2 with four bedrooms)
- The creation of 42 car parking spaces, 8 motorbike parking spaces and 102 cycle storage units for the 102 apartments
- The creation of 20 car parking spaces for the 24 houses

3.2.7 The proposed development (see **Appendix 3**) – which has been called 'The Roof Gardens' because it includes two roof gardens, a communal garden and an area of new planting on Horsemarket – will provide the following:

- Good quality design for a prominent building (which will contribute to town centre regeneration) constructed of good quality materials that will remain contemporary and can be easily maintained
- An overall increase in housing density from 82 homes to 126 homes
- A mixture of one, two, three and four-bedroom homes, including a number of ground floor wheelchair accessible apartments
- 24 family houses with gardens, and improved amenity space (including roof gardens) for the apartments, reflecting the priorities in the Spring Boroughs Neighbourhood Plan
- A strong emphasis on resident and site security in relation to entrances, CCTV, security lighting and the overall layout
- Robust consideration of fire safety, and the provision of a sprinkler system and a designated fire-fighting lift in the apartment block
- Inclusion of secure parking and secure cycle storage.



3.2.8 The next phase of the design is the production of the technical construction drawings in preparation for the tendering process.

#### Delivery of 'The Roof Gardens' programme

3.2.9 The programme is expected to take up to three years to deliver from when it is approved by Cabinet. The longer programme reflects two specific risks:

- The ground conditions including archaeology and underground services
- The purchase of the remaining leasehold properties

3.2.10 There are also a number of other standard construction risks which are always factored into programmes, including the following:

- Supply of materials and labour
- Adverse weather conditions
- Statutory highways approvals
- Discharge of planning conditions.

#### Financial viability of 'The Roof Gardens'

3.2.11 A financial appraisal has been completed to test whether the indicative costs of the scheme can be fully recovered from the forecast net rent received over 40 years, the period of the Housing Revenue Account (HRA) Business Plan. A summary of the appraisal output is contained within **Appendix 6**.

3.2.12 In addition, the financial appraisal has included for both available rent options, firstly affordable rents (80% of open market rents) but capped at a level which is no higher than the Local Housing Allowance rate. Secondly, on "social rents" calculated by formula (approximately 60% of open market rents).

3.2.13 Over a 40-year term, the project provides a positive contribution to the Housing Revenue Account revenue balances where affordable rents are charged, but does not provide a positive contribution where social rents are charged.

3.2.14 On behalf of the Council, NPH is already in communication with Homes England (formerly the Homes & Communities Agency) to establish whether or not 'The Roof Gardens' will receive capital funding from the government. Financial implications are explained further in section 4.2 of this report.

#### The views of tenants, leaseholders and other stakeholders

3.2.15 In February 2019, the Council authorised NPH to commence consultation with the tenants, leaseholders and other stakeholders. It also published an Intention to Demolish Notice in the local newspaper.

3.2.16 One-to-one meetings were held with the local County Councillor and the Northampton Borough Council's three Ward Councillors.



- 3.2.17 NPH placed copies of the Intention to Demolish Notice in all of the communal areas of Berkeley House and St Mary's Court and hand delivered these to each resident with an accompanying letter explaining the next steps.
- 3.2.18 Home visits were offered to every resident and translators were appointed for any resident for whom English is not their first language. The 'Resident Offer' (see **Appendix 2**) was explained to all tenants and leaseholders.
- 3.2.19 Since these initial visits, there have been numerous follow up meetings with the Council's tenants and leaseholders.
- 3.2.20 Many of the secure tenants in Berkeley House and St Mary's Court were already on the Housing Register and seeking a transfer. Anyone who was not on the Housing Register was helped to apply and, by 23 September 2019, 48 (two thirds) of the 70 council tenants had moved out.
- 3.2.21 Of the 48 council tenants who have already moved out of Berkeley House and St Mary's Court, 21 (43%) have expressed a desire to return to 'The Roof Gardens' when it is completed and ready for occupation.
- 3.2.22 All of the leaseholders have been offered up to three independent valuations of their homes and, by 23 September 2019, 9 of the 12 leaseholders have either sold their homes to the Council or agreed to sell their homes to the Council. Of the resident leaseholders living in Berkeley House and St Mary's Court, none have expressed a desire to return to 'The Roof Gardens' when it is completed.
- 3.2.23 The Council and NPH are working closely with NAASH (Northampton Association for Accommodation of Single Homeless) to identify alternative premises to the two flats in Berkeley House that the charity is currently using for its No Second Night Out provision for single homeless people.
- 3.2.24 The feedback that NPH has received from tenants, leaseholders and other stakeholders is captured in the 'Consultation Feedback' (see **Appendix 4**).

#### Compulsory purchase as a last resort

- 3.2.25 Although it is hoped that NPH's regular and open dialogue with the remaining leaseholders will enable the Council to purchase their properties voluntarily within a reasonable timeframe, the Council retains the right to seek a CPO, as a last resort, if this is necessary in order to allow the regeneration to proceed.
- 3.2.26 Acquisition of the land shown in Appendix 1 will enable the Council to exercise control over the land that it requires to implement the proposed redevelopment of the Berkeley House and St Mary's Court site. If the Council is unable to acquire the remaining leasehold interests, this will delay and potentially put at risk the regeneration and redevelopment of the site.

### **3.3 Choices (Options)**

#### Option 1 (recommended)

- 3.3.1 Cabinet approves the regeneration and redevelopment of Berkeley House and St Mary's Court by NPH on behalf of the Council (including the demolition of the existing homes and the construction of 'The Roof Gardens'), the publication of the formal demolition notice and the subsequent demolition of the seven blocks of flats, and resolves to make a CPO (if required) to enable the regeneration and redevelopment to proceed.

#### Option 2 (not recommended)

- 3.3.2 Cabinet approves the regeneration and redevelopment of Berkeley House and St Mary's Court (including the demolition of the existing homes and the construction of 'The Roof Gardens'), the publication of the formal demolition notice and the subsequent demolition of the seven blocks of flats, but decide not to make a CPO.

- 3.3.3 This Option is not recommended because, in the absence of a CPO, the Council will be reliant on the remaining leaseholders entering into private treaty agreements with the Council. This could result in lengthy delays or, indeed, prevent the Council from obtaining possession of the land, demolishing Berkeley House and St Mary's Court and developing 'The Roof Gardens'.

#### Option 3 (not recommended)

- 3.3.4 Cabinet can decide to stop the action that is being taken to progress the regeneration of Berkeley House and St Mary's Court and it could proceed, instead, with the refurbishment of the seven blocks of flats.

- 3.3.5 This Option is not recommended because it does not represent good value for money, it will not address residents' concerns (see Paragraph 3.1.7), it will not deliver much needed additional affordable housing, and it will not result in the regeneration of a prominent site in the town centre.

## **4. Implications (including financial implications)**

---

### **4.1 Policy**

- 4.1.1 The action that the Council is proposing to take is in line with the Council's Housing Regeneration Policy and reflects the priorities in the Corporate Plan 2018-20.

- 4.1.2 The regeneration of the Berkeley House and St Mary's Court site, and the development of 'The Roof Gardens' as affordable rented housing, will help the Council to regenerate the town centre, tackle homelessness, meet housing need and maximise the supply of new homes.

## 4.2 Resources and Risk

- 4.2.1 It is proposed that all expenditure incurred to date, together with all expenditure needed to complete the regeneration and redevelopment of the Berkeley House and St Mary's Court site (as detailed in the exempt part of this report) is included in the Council's Housing Revenue Account capital programme as part of the NPH Managed Capital programme.
- 4.2.2 Provision for the Capital scheme expenditure and funding has previously been approved by Council in February 2019 as part of the HRA Capital Programme Budget. An amount was included within the New Build Pool / Major Projects line and is proposed to be transferred to the capital scheme titled "The Roof Gardens". The scheme will be included in the NPH Managed Capital programme for 2019-20 and subsequent years.
- 4.2.3 As reported in exempt report Appendix 6, the proposed capital scheme has been appraised and based on the current assumptions is financially viable where "affordable rents" are charged. The scheme is proposed to be funded through two sources, firstly the use of Right to Buy receipts and secondly borrowing. The servicing of debt costs including interest will be through the net rental income generated by the scheme.
- 4.2.4 The indicative scheme costs are included in an exempt Appendix 6 to this report to ensure the tender exercise to appoint a main contractor is not commercially compromised. Capital and Revenue income and expenditure are also included in the Appendix.

### Rent setting options

- 4.2.5 There are two options as regards rents: firstly "affordable rents" and secondly "social rents". Both present different financial implications for the HRA.
- 4.2.6 The proposed option is "affordable rents" (equivalent to 80% of open market rents) but capped at a level which is no higher than the Local Housing Allowance rate. Affordable rents are subject to Ministry of Housing, Communities and Local Government approval.
- 4.2.7 Social rents (approximately 60% of market rents, calculated using formula) are appraised for a number of reasons:
- Previous tenants were at social rents
  - New or returning tenants may not be able to afford higher affordable rents
  - Welfare Reform, including the Benefit Cap and the introduction of Universal Credit in Northampton, may affect affordability
- 4.2.8 However, the social rents option should be discounted on financial grounds because social rents for this scheme do not work financially. In order to break even, it would need a grant from Homes England that exceeds the maximum grant ordinarily awarded.

- 4.2.9 A confidential financial **Appendix 6** will be provided and discussed with the Cabinet in the closed part of the Agenda.
- 4.2.10 Should the Council need to go down the CPO route, compensation may be payable in accordance with the rules set out in **Appendix 5A** of this report.
- 4.2.11 If approved, the proposed scheme will be delivered by NPH on behalf of the Council. This includes the appointment of the design team and main contractor

### **4.3 Legal**

- 4.3.1 The Council's Housing Regeneration Policy sets out the legislative context for this proposal. Trowers and Hamlins Solicitors have been advising the Council and NPH in relation to the Housing Regeneration Policy and 'The Roof Gardens' scheme. An advisory note on the use of Compulsory Purchase Orders (see **Appendix 5**) is attached to this report.
- 4.3.2. It is proposed that the Council uses its compulsory purchase powers to help implement the regeneration and redevelopment of the Berkeley House and St Mary's Court site. Under s226(1)(a) of the Town and Country Planning Act 1990 (as amended) (the Act) a local authority has a general power to make a compulsory acquisition of any land in their area to facilitate the carrying out of development, redevelopment or improvement in relation to the land. In order to exercise the s226 powers, the local authority must demonstrate that the proposed development / improvement is likely to contribute towards the promotion or improvement of the economic, social or environmental wellbeing of their area.
- 4.3.3. The making of a CPO is an executive function by virtue of section 9D of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Pursuant to section 9E(2) of the Local Government Act 2000, the Cabinet may arrange for the discharge of an executive function by an officer of the authority.
- 4.3.4. The Acquisition of Land Act 1981 (the **1981 Act**) governs the procedures which apply to such an acquisition, the Compulsory Purchase Act 1965 governs post-confirmation procedures and the Land Compensation Act 1961 governs the amount and assessment of compensation. The procedure for confirmation is specified in the 1981 Act and may require the conduct of a public inquiry if there are objections (detailed in **Appendix 5**).
- 4.3.5 In the event that the CPO is confirmed, the Council can then take steps to acquire land either by serving a notice to treat and notice of entry in accordance with the 1981 Act or by serving a general vesting declaration under the Compulsory Purchase (Vesting Declarations) Act 1981. Consideration would need to be given to the most appropriate route and the procedure set out by legislation must be followed.

- 4.3.6 The Council will be required to demonstrate that there is a compelling case in the public interest for acquiring the land compulsorily. This will be set out in the Statement of Reasons. Additional implications on this point are contained in **Appendix 5**.
- 4.3.7 In addition, any programme of land assembly needs to be set within a clear strategic framework, and this will be particularly important when demonstrating the justification for acquiring land compulsorily under section 226(1)(a) Town and Country Planning Act 1990. Such a framework will need to be founded on an appropriate evidence base, and to have been subjected to consultation processes, including those whose property is directly affected.
- 4.3.8 As a CPO will extinguish third party rights, the Council will need to take care that it does not contravene the rights of individuals under the European Convention on Human Rights. In order to avoid contravening individual human rights by making a CPO, it must be demonstrated the CPO is in the public interest and that it is necessary and proportionate to make the CPO.
- 4.3.9 The public sector equality duty under section 149 of the Equality Act 2010 requires the Council to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. Any equality impact assessment prepared in connection with the compulsory purchase order should be revisited throughout the process
- 4.3.10 When making, confirming and implementing the CPO, the Council will take all necessary steps to give effect to the CPO in relation to the land including, but not limited to, the following procedural steps:
- (i) Draft a Statement of Reasons to properly present the Council's case;
  - (ii) Take all necessary steps to ensure the making, confirmation and implementation of the CPO, including the publication and service of any press, site and individual notices and other correspondence for such making;
  - (iii) Make minor amendments to reduce the boundary of the CPO area, if necessary;
  - (iv) Continue to negotiate with all landowners and occupiers within the CPO boundary with the aim of acquiring interests by agreement;
  - (v) Negotiate with any landowners or occupiers who object to the CPO to secure terms for the withdrawal of objections;
  - (vi) Seek confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981), including the preparation and presentation of the Council's case at any Public Inquiry as may be necessary including instruction of professionals to support the process;

- (vii) Publish and serve notices of confirmation of the CPO and thereafter execute and serve any General Vesting Declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area; and
- (viii) Refer and conduct of disputes, relating to compulsory purchase compensation, at the Upper Tribunal (Lands Chamber).

4.3.11 On approval of the relevant elements of the proposed regeneration and redevelopment scheme, NPH must ensure compliance with the Public Contract Regulations 2015 together with any requirements under the Contract Procedure Rules in the tendering of the works and any appointment of the contractors and professional advisors must be provided in accordance with Paragraph 2.1(e) of this report.

#### **4.4 Equality and Health**

- 4.4.1 A full Community Impact Assessment has been completed.
- 4.4.2 The Community Impact Assessment indicates that the action that is proposed in this report will help to improve the housing conditions and life chances of people with protected characteristics, including people with disabilities and families with children. They will therefore have a positive impact on Equality and Diversity.
- 4.4.3 Maximising the supply of new homes is part of the Council's commitment to improving communities and our town as a place to live.
- 4.4.4 In implementing the changes, the Council will have due regard to its Public Sector Duty and will continue to work to tackle discrimination and inequality and help to create a fairer society.

#### **4.5 Environment**

- 4.5.1 The scheme features communal roof gardens on two floors of the apartment building, which will assist with rainwater mitigation and provide outdoor amenity space for the residents and attract wildlife as has been seen upon other examples of this type. The pedestrian link between Horse Market and Castle Street will be enhanced visually with the proposed planting of trees and shrubs.
- 4.5.2 The properties have been designed with large windows and double glazing to promote natural light and ventilation and to achieve the required daylight standards for each room.
- 4.5.3 The design incorporates a combination of passive and mechanical ventilation where required, with cross ventilation in all habitable rooms also where appropriate. The orientation and pitch of the roof provide a suitable platform for installation of renewable panels in future.
- 4.5.4 The houses have the capacity to accommodate rain water harvesting butts for water collection.

4.5.5 All dwellings are provided with the capacity for recycling facilities within the kitchen and externally.

#### **4.6 Consultees (Internal and External)**

4.6.1 The consultation process has involved the following stakeholders:

**a) Residents of Berkeley House and St Mary's Court (tenants, leaseholders and the tenants of non-resident leaseholders)**

This included letters and home visits, and took place at the point the Intention to Demolish Notice was issued and in advance of the planning application being submitted for 'The Roof Gardens'.

**b) Residents of the neighbouring properties**

Local residents were consulted in advance of the planning application being submitted for 'The Roof Gardens'.

**c) Spring Boroughs Residents Association**

**d) Ward Councillors (County Council and Borough Council)**

Individual, face-to-face meetings took place in advance of the publication of the Intention to Demolish Notice.

**e) The Council's Housing Delivery Group**

**f) NPH Housing Management Team**

**g) Statutory Planning Consultees:**

- Northampton Planning Authority
- Northamptonshire Police
- Environmental Health
- Environment Agency
- Northamptonshire Archaeology Team
- Northamptonshire Highways Authority

4.6.2 The feedback that NPH has received from tenants, leaseholders and other stakeholders is captured in the 'Consultation Feedback' (see **Appendix 4**).

#### **4.7 How the Proposals deliver Priority Outcomes**

4.7.1 The action proposed in this report will help the Council to meet 5 of the priorities in the Corporate Plan 2018 – 2020:

- More homes, better homes
- Shaping place and driving growth
- Creating a thriving and vibrant town
- Spending your money wisely
- Putting the customer first



## **5. Next Steps**

---

- 5.1 The Cabinet decision will be implemented in accordance with the Council's 18-stage Housing Regeneration Policy.

## **Appendices**

---

- Appendix 1 – Plan showing the location of Berkeley House and St Mary's Court  
Appendix 2 – The 'Resident Offer' for Berkeley House and St Mary's Court  
Appendix 3 – Artist's Impression of 'The Roof Gardens'  
Appendix 4 – Consultation Feedback  
Appendix 5 – Legal Advisory Note on Compulsory Purchase Orders  
Appendix 5A – Guidance on Compulsory Purchase process and The Crichel Down Rules  
Appendix 6 – Capital Scheme Budget and Summary of Investment Appraisal Outputs (Contained in the exempt part of this report)

## **Background Papers**

---

Community Impact Assessment  
Northampton Borough Council's Housing Regeneration Policy (2019)  
NPH's Feasibility Report on Berkeley House and St Mary's Court (2019)  
HRA Budget Setting Report 2019-20 (Feb 2019)

**Phil Harris**  
**Head of Housing and Wellbeing**  
**01604 837871**