

**THE LONDON BOROUGH OF
HAMMERSMITH AND FULHAM
(HARTOPP POINT AND LANNOY POINT)
COMPULSORY PURCHASE ORDER 2019**

**HOUSING ACT 1985
ACQUISITION OF LAND ACT 1981**

STATEMENT OF REASONS

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1.Introduction

- 1.1 The London Borough of Hammersmith and Fulham (“the Council”) has made the London Borough of Hammersmith and Fulham (Hartopp Point and Lannoy Point) Compulsory Purchase Order 2019 (“the Order”) under sections 17(1)(a) and 17(1)(b) of the Housing Act 1985 (Document 1). The Order will enable the Council to acquire compulsorily the Order Land (listed in the Schedule to the Order and shown coloured pink on the Order Plan, which is Document 2). The purpose of the Order is to facilitate the demolition of Hartopp and Lannoy Point and associated garage structure; and to deliver a housing gain.
- 1.2 The Council recognises that a compulsory purchase order (“CPO”) can only be made if there is a compelling case in the public interest, as is reflected in paragraph 12 of the Guidance on Compulsory purchase process and The Crichel Down Rules July 2019 (“the Guidance”).
- 1.3 This Statement of Reasons is a non-statutory document. It is provided in accordance with section 6 of Tier 2 section 12 of Tier 3 of the Guidance.
- 1.4 The Council has commissioned extensive survey work conducted both in-house and by an external firm to look at the condition of the 2 housing blocks. These surveys identified serious structural defects giving rise to significant health and safety issues. The Council has been advised that it has only two options: either to carry out extensive refurbishment, or to demolish both blocks. The Council has also undertaken Fire Risk Assessments, which have identified serious issues of compartmentation between flats and within the communal areas. These issues, together with existing issue of damp and water ingress would also need to be addressed as part of any refurbishment. The overall costs of undertaking the refurbishment and structural work required to bring the properties to a decent standard is extremely high. Although these works could make the buildings safe in the medium term, the Council would still be left with defective assets requiring high on-going maintenance costs. That is why the Council consulted with residents on its preferred option of demolition which was supported by the majority of respondents. This is further explained in detail below under section 8.
- 1.5 Following consideration of options and the consultation process (under section 105 Housing Act 1985) with the remaining residents and privately held homes in both blocks, the Council’s Cabinet resolved to pursue the demolition of the blocks on the 29th April 2019 (Document 3). On the 2nd September 2019 Cabinet resolved to deliver a housing gain on the Order Land within 10 years of the confirmation of the Order (Document 4).

Redevelopment will be based on the Council's established policy objectives of maximising the amount of genuinely affordable housing with detailed proposals to be developed in consultation with the community, in accordance with all relevant planning policies and in accordance with section 17(4) of the Housing Act 1985.

- 1.6 The Council resolved by way of a resolution of the Cabinet on 2nd September 2019 to make the Order (Document 4).

2.The Order Land

2.1 The Order Land comprises

- (1) Hartopp Point consisting of 56 flats
- (2) Lannoy Point consisting of 56 flats

2.2 Full details of the interest to be acquired are listed in the Schedule (CPO Schedule) annexed to the Order and shown on the map accompanying the Order (the Order Plan). Only the outstanding interests within Hartopp Point and Lannoy Point are included within the Order. Council secure tenants in occupation are not included within the Order as the Council can, and is securing, vacant possession through tenancy provisions. The Council is confident of securing vacant possession from its secure tenants by way of possession proceedings under Ground 10A of Schedule 2 of the Housing Act 1985 but has included two secure tenancies in the CPO only because these are the subject of more complex litigation due to evidence of tenancy fraud.

2.3 Hartopp and Lannoy Point are two 14 storey large panel system (LPS) point blocks built in the late 1960's forming part of the Council's Aintree Estate and subject to a number of interests owned by third parties.

3. Enabling Powers for the Compulsory Purchase Order ("CPO")

3.1 The Council has made the Order pursuant to its powers under Part 2, sections 17(1)(a) and 17(1)(b) of the Housing Act 1985 (the Act)(and the Acquisition of Land Act 1981 and Planning and Compulsory Purchase Act 2004) (as amended) to acquire land for housing purposes and to enable the demolition of structurally unsound buildings.

3.2 Sections 17(1)(a) and 17(1)(b) allows the local authority to acquire houses, or buildings which may be made suitable as houses, together with any land occupied with the houses or buildings.

- 3.3 Section 17(3) of the Act provides that Land may be acquired by a local housing authority for the purposes of this Part by agreement, or they may be authorised by the Secretary of State to acquire it compulsorily.
- 3.4 Section 17(4) of the Act provides that a local housing authority may, with the consent of, and subject to any conditions imposed by, the Secretary of State, acquire land for the purposes of this Part notwithstanding that the land is not immediately required for those purposes; but an authority shall not be so authorised to acquire land compulsorily unless it appears to the Secretary of State that the land is likely to be required for those purposes within ten years from the date of the confirmation of the compulsory purchase order.
- 3.5 The Council’s Cabinet has authorised on 2nd September 2019 the making of the Order (pursuant to S.17 of the Housing Act 1985) with budgets to acquire third party interests, meet costs arising in the event of a public inquiry and to procure design services to develop design options for the redevelopment of the Order Land and to deliver a housing gain.

4. Strategic Context of Housing in Hammersmith and Fulham

- 4.1 The Borough’s Housing Strategy (2015) outlines the Council’s overall strategic objectives for housing. It sets out a vision for “*more and better, well-managed affordable housing in mixed income, mixed tenure successful places.*” The Housing Strategy overall supports the key objectives of the Order to ensure the safety of the residents within the two blocks and also the surrounding neighbouring housing. The Housing Strategy also supports the subsequent residential redevelopment of the Order Land.
- 4.2 The Council’s Compliance and Asset Management Strategy 2018-2022 prioritises health and safety compliance. It specifically identifies Hartopp Point and Lannoy Point at page 178 as blocks with complex issues and multiple work requirements around compliance.
- 4.3 The strategic planning framework on the making of the Order consisted of the following key documents:
- *London Plan 2016*
 - *London Borough of Hammersmith and Fulham (2018) Local plan*
 - *The National Planning Policy Framework (NPPF) 2019*

- 4.4 The NPPF is a material consideration. It seeks to ensure that in the pursuit of sustainable development, the three-overarching economic, social and environmental objectives are delivered through the implementation of plans and the application of policies. Section 2 paragraph 8b seeks safe built environments as a key social objective of achieving sustainable development. The NPPF seeks to deliver a sufficient supply of homes, significantly boosting the supply of homes and ensuring that land suitable for housing is developed without unnecessary delay.
- 4.5 The London Plan (2016) provides the strategic context for housing need in London. This provides a target of 10,312 new homes for the Borough for the period of 2015 to 2025.
- 4.6 The new draft London Plan was published for consultation in December 2017 and the Examination in Public commenced in January 2019. It is currently estimated that the final version of the London Plan will be published in 2020 to replace the 2016 plan.
- 4.7 The draft new London Plan places an increased emphasis on the need to deliver new homes increasing the pan-London housing target and many boroughs' individual targets. It significantly increases the borough-wide 10-year minimum housing target for Hammersmith & Fulham to 16,480, between 2019 and 2029.
- 4.8 In order to achieve the Borough's strategic housing target, it is important that as well as provision of new housing there should be no net loss of the existing housing stock through change of use or redevelopment for other uses.
- 4.9 The relevant policies of the development plan (London Plan (2016) Policy 3.14; draft London Plan Policy H10; and Local Plan Policy H02) all require there to be no net loss of permanent residential accommodation as a result of demolition, redevelopment or change of use without replacement provision (as measured by equivalent floorspace). The policy position in Policy H02 is reinforced in Local Plan Policy H01 which requires the retention of existing residential accommodation. These policies do not come with any prescribed mitigation measures to offset the loss of housing other than the replacement of what has been lost.
- 4.10 The Council considers the Order Land and surrounding vacant land to be capable of delivering a housing scheme which will result in no net loss of housing, whilst also achieving a significant qualitative housing gain; there is also potential to deliver a quantitative housing gain. The commitment to the re-provision of housing and delivery of such gain within 10 years of the confirmation of the Order thus accords with adopted policy.

- 4.11 The Order Land currently constitutes a social housing estate. With respect to the demolition and replacement of affordable housing, draft London Plan Policy H10 requires the replacement of the affordable housing on an equivalent floorspace basis. Where the demolition involves social rented housing, this tenure is to be replaced, facilitating a right of return for existing tenants, otherwise it may be re-provided as either social rent or London Affordable Rent housing. The policy requirement for an uplift in overall affordable housing provision is only relevant to estate intensification proposals.
- 4.12 The two blocks do not currently constitute safe or good quality homes and are located in a physical environment designed around now disregarded post war Brutalist design theory. The re-provided homes will provide safe and good quality homes, delivered in an improved physical environment with the new buildings designed to interface with the adjoining streets and public spaces. Therefore, the proposed redevelopment will achieve the key aims of estate renewal schemes as identified at policy H10.
- 4.13 The Council's approach accords with the key relevant principles of the Government's National Estate Regeneration Strategy. However, as outlined above, the justification and need for this scheme differs from an estate renewal project.
- 4.14 On the basis of the above, the Council contends that eliminating the risks associated with the structurally unsound buildings accords with the Council's obligations as landlord, local housing authority and local planning authority. The provision of a housing gain also accords with the Councils' established policies and the planning framework.

5. The Local Housing Market in Hammersmith and Fulham

- 5.1 Within Hammersmith and Fulham there are approximately 85,640 dwellings. There are 86,076 households in the Borough. The Council considers that, based on the number of households registered on the Council's waiting list (2,646) and the affordable home ownership list (1,719), provision needs to be made for 4,365 households.
- 5.2 There are currently 27,740 houses/flats of affordable tenure and a need for 400 affordable homes annually in order to meet Borough needs by 2028/29.
- 5.3 In 2017, 11% of the housing stock nationally had a HHSRS Category 1 hazard. Such hazards are more prevalent in the private rented sector (14%)

than the social rented sector (6%). In the last 10 years, the private rented sector has increased in London from 19% of households in 2007-08 to 29% in 2017-18. The proportion of households in the social rented sector did not change in either area. It is not possible to precisely identify how many properties in the Borough currently have a Category 1 hazard however it is likely to be in the region of 10% of the overall housing stock.

- 5.4 There were 1,898 households registered on the Borough's list as waiting for social housing as of 8th August 2019. Consequently, there is significant need and demand for housing, particularly social and affordable housing within the Borough.

6. Outline of the Authority's purpose in seeking to acquire the land

- 6.1 The Council's purpose in making the Order is to acquire all third party interests in the Order Land to enable the demolition of Hartopp and Lannoy Points and an associated garage structure. This is to achieve the key objective set out in the Council's Cabinet Report of 29th April 2019.
- 6.2 The two blocks have been identified as in need of significant repair or demolition as soon as reasonably practicable by the Council's own structural engineer and external consultants, Ove Arup & Partners. Following consultation and consideration of alternatives, the Council's Cabinet resolved to demolish the buildings. The Cabinet decision of 2nd September 2019 approved the Council's making of a Compulsory Purchase Order under Section 17 of the Housing Act 1985 to acquire the third party interests in the Order Land.
- 6.3 The Council's intention is that the Order Land will be used for housing within 10 years from the date of the confirmation of the Order, with detailed proposals developed in consultation with the community and in accordance with section 17(4) of the Housing Act 1985.
- 6.4 In parallel with the Order, the Council will continue to seek to acquire any outstanding interests in the Order Land by agreement. Upon exercise of a confirmed Order and acquiring all third party interests, it will demolish the buildings.
- 6.5 Following demolition or in parallel with demolition, the Council will commence development of a design solution for the re-provision of housing on the Order Land. This programme will take into consideration the community views in the design of the replacement structures. It will

then proceed to secure planning permission and implement that permission.

- 6.6 The new buildings will be built to current building regulations and an urban structure which ensures the buildings interface with the adjoining streets and public spaces. Therefore, the new housing stock will represent a significant qualitative improvement to the housing stock and amenity. The Council will also endeavour to deliver a quantitative housing gain on the Order Land and the surrounding vacant land.

7. The Scheme

- 7.1 The Scheme consists of:

- *The demolition of the structures within the Order Land and surrounding demolition area (the garage structure);*
- *The redevelopment of the Order Land and surrounding land to deliver a housing gain.*

- 7.2 The primary purpose of the scheme is to address significant structural concerns within the two blocks within the Order Land.

8. Justification for Compulsory Purchase

- 8.1 Hartopp and Lannoy Points are nearly identical 14 storey blocks located in Munster Ward of the London Borough of Hammersmith and Fulham. They were built using a method called a Large Panel System (LPS). This was the same construction method used at Ronan Point, Newham when in 1968 a gas explosion caused the partial collapse of the building and resulted in 4 deaths.
- 8.2 The Council undertook a structural survey in August 2017, The Council's Building Control initially identified the buildings were safe, however, further intrusive surveys were required. The Council's Building Control undertook intrusive surveys to 3 void properties and this survey was published on the Council's website in March 2018. The survey identified that it was safe for residents to remain at Hartopp and Lannoy Points (providing additional safety measures were put in place) but extensive strengthening work was required. However, the buildings failed when tested for resistance to disproportionate collapse in the event of an accidental explosion.

- 8.3 To validate these findings, in March 2018 the Council appointed Ove Arup & Partners to undertake further intrusive surveys at Hartopp and Lannoy Points. Arup undertook intrusive surveys to 9 flats across the two buildings. Their survey dated 13 February 2019 validated the Council's findings and confirmed the test results regarding disproportionate collapse. It further identified concerns with wind loading and foundations. It recommends Hartopp and Lannoy Points are '*demolished or strengthened as soon as reasonably practical.*' Arup have indicated that 'as soon as reasonably practicable' be interpreted as by the end of December 2020 at the latest. In order to achieve this and ensure the safety of the buildings, residents and neighbours it is necessary commence demolition in early 2020.
- 8.4 The Council has also undertaken Fire Risk Assessments (FRA), which identified serious issues of compartmentation between flats and within the communal areas. These issues and existing issues of damp and water ingress to the buildings would need addressing if refurbishment was pursued.
- 8.5 A meeting with residents was held on 25 February 2019 to explain the implications for Hartopp and Lannoy Point and the Council's intention to undertake consultation on the Council's preferred option to demolish. The Council set out in the consultation papers to residents how they would be supported in leaving Hartopp and Lannoy Point and that this would be required under demolition or refurbishment.
- 8.6 The structural assessment of Hartopp and Lannoy Point was used for the basis for calculating the costs of refurbishing the blocks, this would address:
- 1. *The structural defects of the buildings*
 - 2. *Breaches of fire compartmentation*
 - 3. *On-going problems of water ingress and damp*
 - 4. *And bring the flats to a decent homes standard.*
- 8.7 Any refurbishment option would be extensive and highly intrusive. It would be impossible to undertake this work with residents remaining in the blocks. Residents would have to be rehoused for the duration of the works. As well as the disruption there would be a significant cost of refurbishing the blocks, part of which would have to be met by leaseholders. Even with structural repairs, the LPS system would remain an inherent problem.
- 8.8 The Council commissioned Ridge Partners to provide cost estimates for

addressing the structural defects identified. The cost of addressing the structural elements is estimated at £7.3m. Further costs would be incurred to address pre-existing issues of damp and water ingress, this was previously estimated at £8m. The total refurbishment costs for the 112 flats would be over £16.5 million or over £150,000 per flat. These figures exclude rehousing costs, asbestos removal and professional fees which would add further costs.

- 8.9 If refurbishment was undertaken, leaseholders would need to contribute their share of this cost on account of their lease obligations. This would place a significant financial burden on the leaseholders. Although such investment would preserve or increase the value of any leaseholders' interest, the refurbishment would not resolve the inherent problems with large panel construction which render such units very difficult or impossible to readily individually mortgage. Such factors have a significant negative impact on property value, significantly reducing the potential for value growth to mitigate the financial burden which would arise for leaseholders if refurbishment was pursued.
- 8.10 The costs of undertaking refurbishment would be prohibitively high and impact on the rest of the HRA and the Council's ability to fund other required capital schemes and investment and, despite this expense, it would not resolve the underlying issues with LPS construction.
- 8.11 The Council considered and consulted affected parties on the alternate options of repair and demolition. The Council considered the nature of the structural failings in the buildings, how the LPS structural deficiencies would subsist even after repair, the disruption to residents from a repair option, and the financial cost to leaseholders and the Council. These matters were compared to the alternative issues and costs associated with demolition and redevelopment to deliver a housing gain. Having considered these alternatives, the consultation response and the Council's PSED, the Council concluded that demolition represents the most proportionate and appropriate solution to address the structural failings within the two blocks.

Consultation

- 8.12 In line with the commitment to work with residents, the Council has supported the re-establishment of the Pellant Road Tenants and Residents Association and 5 meetings have taken place. These have updated and provided information about the work being undertaken and the outcome of the surveys. The Council has regularly written, on over 14 occasions over the last 12 months, to residents to inform them of the work to make the blocks safe and structural assessments underway. The Council has also door

knocked residents throughout this period, to provide residents with information about what is happening at Hartopp and Lannoy Points.

- 8.13 The Council has undertaken consultation with all residents about the future of the blocks. There is a statutory obligation in Section 105 of the Housing Act 1985 on the Council to consult with all secure tenants on a proposal to demolish the blocks, this obligation has been met.
- 8.14 The statutory consultation was extended to ensure that all residents were consulted on the future of the blocks. The consultation explained to residents they would have to be rehoused whether the blocks were refurbished or demolished and explained the Council's preferred option to demolish the blocks because of:
- 1.significant health and safety concerns which must be addressed,*
 - 2.the costs of refurbishing the blocks to address the health and safety concerns would have a major impact on the Housing Revenue Account, and limit investment in other homes.*
 - 3.the Council wants to be able to rehouse residents appropriately.*
- 8.15 The consultation started on 4 March 2019 and closed on 8 April 2019. The length of consultation was appropriate due to the advice of Arup that the health and safety issues must be dealt with, and the low number of flats occupied.
- 8.16 The consultation questionnaire was distributed to all remaining Hartopp Point and Lannoy Point residents. Each consultation included a free-post return envelope, as well as information on replying via email. Each address was door knocked and all absentee landlords contacted in writing.
- 8.17 As well as consulting on the preferred option of demolition, views were sought on the suggested offers for rehousing tenants and leaseholder acquisitions.
- 8.18 Nineteen consultation responses were provided during the consultation period. Of the consultation responses, 18 were supportive of the proposal to demolish Hartopp and Lannoy Points.

- 8.19 Since the start of the consultation, the Council has been scheduling appointments with all remaining secure tenants to undertake a needs assessment. This is to establish how the Council can best work to rehouse secure tenants.
- 8.20 On 29th April 2019, the Council resolved to pursue demolition of the blocks in light of the consultation response and structural condition of the blocks.
- 8.21 The primary need for the Order is to enable the demolition of the buildings, to ensure the safety of the residents and those in neighbouring properties. However, the Order will also provide an opportunity for the delivery of a significant gain in housing stock.

Proposals for the use or development of the land to achieve housing gain

- 8.22 The current safety concerns with the 2 housing blocks render them obsolete and the flats within them unsuitable for future occupation. Thus, they do not make a material contribution towards the housing stock within the Borough. The Order Land and surrounding vacant land will be redeveloped to deliver a significant qualitative improvement in housing stock. At this stage, the number of units to be re-provided remains undetermined but is likely to exceed the current number, however all of the new units will make a material contribution to the Borough's housing stock in the long term.
- 8.23 The Order Land forms a significant brownfield site within an established residential area where there is significant need and demand for housing. In parallel, with the demolition programme the Council will work with the community to develop design proposals for redevelopment to provide new housing and an overall housing gain. The Council will secure the necessary consents to deliver this housing and will deliver it within 10 years of the confirmation of the Order. Redevelopment will be based on the Council's established policy objectives of maximising the amount of genuinely affordable housing. The housing will be delivered by the Council.

9. Negotiations for the acquisition of third party interest and rights over the Order Land

- 9.1 The Council has been actively pursuing the acquisition of third party interests in the Order Land. Negotiations to acquire interests commenced substantively in 2019 with a voluntary purchase scheme operating prior to a decision being made on the blocks' future. Two properties were acquired prior to the decision to demolish.

- 9.2 In parallel with this process, the Council commenced a process of voluntary relocations for secure tenants. Relocations were undertaken on a voluntary basis prior to a decision being made over the building's future and in order to secure vacant properties to undertake survey work. In total 48 Council secure tenants were relocated through voluntary moves.
- 9.3 Following the Council resolving to demolish the buildings on 29th April 2019, the Council will continue to rehouse secure tenants. The Council intends to obtain vacant possession of units within its ownership and occupied by secure tenants through possession proceedings under section 83 of the Housing Act 1985 and Ground 10A of Part II to Schedule 2 of that Act. As of 1 September 2019, 67 of the flats within the two blocks are vacant.
- 9.4 Following the Council resolving to demolish the buildings on 29th April 2019 the Council instructed Avison Young to undertake negotiations to acquire leasehold interests in the Order Land.
- 9.5 In order to secure timely demolition of the blocks, to ensure the safety of the residents and neighbours, the Council is undertaking negotiations in parallel with seeking compulsory purchase powers. It remains the Council's preference to secure interests by agreement.
- 9.6 The Council has taken advice from Avison Young as to the approach to negotiations and the level of offers to acquire. The Council previously took valuation advice from two other external valuation practices. The level of offers to acquire significantly exceeds the leaseholders' statutory entitlement to compensation, for the offers made disregards the properties inherent structural failings. These early incentivised offers are made to encourage early agreement and share the benefits derived from acquiring, without recourse to compulsion.
- 9.7 The Council has also offered a shared equity scheme to enable eligible owner occupiers to remain within the local area. This scheme also significantly exceeds the leaseholders' statutory entitlement to compensation. These offers have been made in order to reach agreement and to ensure owner occupiers are able to remain in the local area, if they wish.
- 9.8 Leaseholders have been encouraged to instruct specialist professional advisers to act on their behalf, the reasonable costs of this advice will be reimbursed by the Council.

- 9.9 As of 1st September 2019, of the 21 properties which were privately held at the commencement of the project, 3 have been acquired and agreement has been reached to acquire all except two remaining privately held properties.
- 9.10 The Council has taken account of its duties under section 149 of the Equality Act 2010 and is satisfied that due regard has been had to any potential disproportionate impact on any parties with protected characteristics and has instigated a number of measures to mitigate any potential negative impacts. This issue and the approach to negotiations is considered further at section 12 below.

10. Planning

- 10.1 The Order Land's currently authorised use in planning terms is social housing and market housing. Demolition of the buildings in the Order Land and associated buildings constitutes permitted development therefore planning permission is not required. The Council will need to obtain prior approval from the local planning authority before demolition on the method of demolition and any proposed restoration of the site.
- 10.2 The Order Land forms a significant previously developed brownfield site within an established residential area where there is significant need and demand for housing. In parallel with the demolition programme the Council will work with the community to develop design proposals for redevelopment to provide a housing gain.
- 10.3 The Council will apply for and intends to obtain the necessary permissions, approvals and consents to deliver the housing gain within 10 years of the confirmation of the Order.
- 10.4 The Council considers that there is no impediment to designing a residential development for the site which will accord with adopted policy, whilst also responding sensitively to the local context.
- 10.5 The Council considers the redevelopment of the site for housing accords with the adopted planning framework as identified at section 4 above.
- 10.6 Therefore, the Council sees no reason to believe planning permission will not be obtained for residential redevelopment achieving a qualitative and/ or quantitative housing gain on the Order Land and surrounding vacant land.

11.Funding

- 11.1 The Council has considered the budget necessary for the acquisition of properties and subsequent demolition costs and associated compensation payments, and authorised on 2nd September 2019 the funding required to undertake the project.
- 11.2 The Council is therefore satisfied that the costs of acquisition, rehousing residents and subsequent demolition of the buildings in the Order Land can be met in full from internal resources.
- 11.3 In order to fund the redevelopment, the Council has access to funding from a number of sources. The precise need for and nature of the required funding will be determined as the project design develops. The Council will likely fund redevelopment of land through internal resources and if required has access to external funding including borrowing and funding opportunities arising from the GLA or Homes England.

12.Human Rights & Public Sector Equality Duty

- 12.1 The Human Rights Act 1998 (“the Act”) incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). Section 6 of the Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.
- 12.2 The Convention rights engaged in the context of a compulsory purchase order are Article 1 of the First Protocol of the Convention and Article 8 of the Convention.
- 12.3 Article 1 of the First Protocol of the Convention states:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law...”

- 12.4 Article 8 of the Convention provides:

“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of the economic well-being of the country... ”

- 12.5 The Courts have recognised, in the context of Article 1 of the First Protocol of the Convention, that regard must be had to the fair balance which has to be struck between the competing interests of those whose rights are affected and the community as a whole.
- 12.6 Similarly, any interference with the Article 8 Convention rights must be in accordance with the law and must be necessary and proportionate.
- 12.7 The Council has taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order. In view of the factual background to the Order as set out in this Statement of Reasons, and the compelling justification for making the Order, the Council considers that the exercise of compulsory purchase powers in this case is justified because it is in the public interest, authorised by law and necessary and proportionate in order to achieve the Council’s objectives of securing the safety of the buildings residents, neighbours and securing a future housing gain.
- 12.8 The Council has consulted with residents on the future of the blocks and will consult with all residents of the wider estate on redevelopment proposals.
- 12.9 If the Secretary of State or Inspector confirms the Order, the compulsory acquisition of the interests in the Order Schedule will be necessary only if they have not already been acquired by agreement at a reasonable cost and within the timescales required to deliver timely demolition. As explained above, efforts to acquire the relevant interests are ongoing. Further, all those whose interests are compulsorily acquired will be entitled to fair compensation, such compensation to be determined independently by the Upper Tribunal (Lands Chamber) if it cannot be agreed.
- 12.10 The Council is therefore of the view that there is a compelling case in the public interest for the compulsory acquisition of each and every parcel of land comprised in the Order Schedule. It is also convinced that the public interest that is to be served by demolition of unsafe buildings and the achievement of a future housing gain outweighs the necessary interference with the private rights and interests that exist in the Order Land.

12.11 The Council also considers that the benefits derived by owner occupiers and occupying tenants from being relocated from unsafe to safe homes mitigates and justifies the interference with the same parties' private rights.

12.12 The Council therefore, believes that in making the Order it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

12.13 The Council is satisfied for the reasons set out above that the CPO can lawfully be made.

Equality Act 2010

12.14 All public authorities are bound by the Public Sector Equality Duty ('PSED') as set out in section 149 of the Equality Act 2010. In exercising their compulsory purchase and related powers the Council as acquiring authority must have regard to the effect of any differential impacts on groups with protected characteristics, namely:

- *Marital or Civil Partnership Status*
- *Pregnancy / Maternity*
- *Sexual Orientation*
- *Sex*
- *Gender Reassignment*
- *Religion or Belief*
- *Race*
- *Age*
- *Disability*

As is set out above, the safety of residents, the building's neighbours and others using the space around the buildings is the primary concern of the Council.

12.15 The Council has prepared an Equalities Impact Assessment for the project which identified that the Order may potentially have a detrimental effect or disproportionate impact on persons who share a relevant protected characteristic in terms of families with young children, individuals with disabilities/medical conditions, and the elderly. These parties will likely face greater challenges in relocating and relocation may have a greater impact on their family life. However, the Council has balanced these potential equality impacts against the benefits of the scheme and benefits realised by these parties in being relocated from unsafe to safe housing.

The Council has concluded that the decision to make the CPO is proportionate and justified in the circumstances. The Council has also adopted a number of measures to mitigate the impact of the Scheme including:

- *Provision of a shared equity scheme for qualifying residents which is in excess of the statutory compensation entitlement and enables residents to stay within the local area.*
- *The use of the Council's mortgage lending powers to assist owner occupiers who cannot readily access the mortgage market.*
- *Assistance and support in locating and securing alternative suitable accommodation*
- *Provision of compensation for special adaptations required for elderly or disabled leaseholders.*
- *When undertaking negotiations to acquire leasehold interests, an early part of the process involves identifying any protected characteristics. The appointed surveyor then ensures that negotiations are undertaken with regard to the Council's PSED obligations.*
- *The rehousing policy for affected residents has been prepared having regard to the Council's PSED obligations.*
- *Secure tenants' housing assessment is in accordance with this PSED and they are offered a new home suitable for their needs. This includes taking account of any protected characteristics, for example elderly or disabled secure tenants requiring special adaptations will be eligible to claim for these costs or the adaptations will be made to the new dwelling.*
- *Private tenants requiring and requesting assistance will be assessed in accordance with the Council's Housing policy. Housing assistance will be offered to some private tenants with particular difficulties relocating, who are not technically eligible for assistance as defined by the Compensation Code or Housing Allocations Policy.*
- *The Council's Equality, Diversity, and Inclusion Policy provides a clear statement on the Council's commitment and approach to equality, diversity, and inclusion, in the areas of employment, service delivery and procurement. This policy underlies the Council's approach to delivering the scheme.*
- *When developing design proposals and granting planning permission for the future redevelopment of the Order Land the Council will take account of its PSED duty.*

12.16 The Council considered Equalities and Diversity issues when preparing the Cabinet Report making the decision to demolish the blocks and seeking authority to make the Order.

- 12.17 The future development will deliver an inclusive place for people of all ages, with a housing mix that reflects different life stages. The promotion of social cohesion, health and well-being along with the reduction of dependency will be fundamental principles guiding the redevelopment.
- 12.18 Overall, the Council has taken account of its duties under section 149 of the Equality Act 2010 and is satisfied that due regard has been had to any potential disproportionate impact on any parties with protected characteristics. The Council has instigated a number of measures to mitigate any potential negative impacts.

13. Special Considerations

- 13.1 There are no special considerations applying to the Order Land. There are no listed buildings or ancient monuments located within the Order Land; the Order Land is not located within a conservation area; and there is no consecrated land, renewal area land, allotment land or open space included in it.

14. Associated orders & consents

- 14.1 In order to deliver the future redevelopment of the Order Land and adjoining land it will be likely to be necessary to secure the following orders and consents:
1. *Planning permission will be required to undertake redevelopment.*
 2. *Planning permission will, in future, be required to provide a permanent new means of level access to retained properties.*
 3. *Stopping up Orders or Diversion Orders will be likely to be required to resolve any public rights acquired by long use in the area to be redeveloped. These orders will be secured using either section 247 or 248 of the 1990 Town and Country Planning Act following the grant of planning permission for redevelopment or alternatively through the Highways Act 1980.*
 4. *The Order Land and associated land will be appropriated using section 203 of the 2016 Housing and Planning Act, following the grant of planning permission for redevelopment. The appropriation will be required to resolve any third party rights which may subsist in the Order land, adjoining land or be infringed by future development, such as rights of light. Such impacts will not be fully understood until the scheme of redevelopment is fully designed.*

- 14.2 As identified above, the Council is confident that an appropriate scheme of redevelopment can be designed and that planning permission for the redevelopment will be obtained.
- 14.3 The Council considers that any stopping up orders required will be secured for the rights affected will be no longer required, or suitable alternative rights will be provided.
- 14.4 The Council will project and programme manage delivery of the redevelopment and ensure the necessary consents and approvals are obtained to programme.
- 14.5 Therefore, the Council is confident that the consents can be obtained to enable redevelopment of the Order Land within 10 years of the confirmation of the Order

15. Conclusion

- 15.1 The Order is being promoted by the Council under sections 17(1)(a) and 17(1) (b) of the Housing Act 1985, to acquire the ownership of third party interests in the Order Land, to enable the acquisition and demolition of what currently consists of two large panel construction blocks and an associated garage structure.
- 15.2 The Order is made primarily to ensure the safety of the residents within and the neighbours of the two structurally unsound buildings. The Order will enable the acquisition of third party interests, facilitating the demolition and redevelopment of the land for the purposes of delivering a housing gain.
- 15.3 The two blocks have been identified as structurally unsound and in need of demolition or major repair as soon as reasonably practicable by the Council's structural engineer as well as Ove Arup & Partners. Following consultation and consideration of options, the Council resolved to demolish the blocks on 29th April 2019. The Order Land will be used for housing within the next 10 years, with detailed proposals developed in consultation with the community in accordance with section 17(4) of the Housing Act 1985.
- 15.4 The Council has considered alternatives and demolition represents the only realistic option to address the inherent structural failings in the two blocks. Demolition was also supported by the majority of residents in consultation undertaken in March 2019.

- 15.5 In view of the need to demolish the blocks as soon as reasonably practicable, the Council is undertaking negotiations to acquire interests by agreement in parallel with seeking statutory powers. It remains the Council's preference to acquire by agreement, however compulsory purchase powers are likely to be required to ensure timely demolition.
- 15.6 The Council considers there is no impediment to the confirmation or implementation of the Order and achievement of the primary aim of the Scheme. Although a number of additional consents will be required to achieve the housing gain, these will not be needed to enable demolition. The Council sees no reason why these additional consents will not be obtained to enable redevelopment within 10 years of the confirmation of the Order.
- 15.7 The Council is satisfied that there are no current planning or financial impediments to the implementation of the Order and that the demolition and redevelopment is therefore likely to proceed if the Order is confirmed. The Council has applied the advice in the Guidance and has set out above its view that the Order meets in particular the requirements of paragraph 14 of the Guidance.
- 15.8 For the reasons summarised in this statement, the Council considers the Order to be within the necessary statutory powers and that a compelling case exists for the making and confirmation of the Order.
- 15.9 Confirmation of the Order is sought on this basis.

16. Inquiry Procedure Rules and Documents to be referred to in the event of an inquiry

- 16.1 This statement of reasons is not intended to be a statement of case required under Rule 7 of the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990.
- 16.2 In the event that it becomes necessary to hold a public inquiry into the Order, the Council may refer to or put in evidence the documents listed below. It should be noted that the Council reserves the right to add to or amend the list as necessary and may also refer to additional documents.

Document No.	Description
1	London Borough of Hammersmith and Fulham (Hartopp Point and Lannoy Point) Compulsory Purchase Order 2019 (“the Order”)
2	Order Plan
3	Council’s Cabinet Report dated 29 th April 2019
4	Council’s Cabinet Report dated 2 nd September 2019

17. Other information of interest to persons affected by the Order

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

Mo Goudah

020 8753 2620

mo.goudah@lbhf.gov.uk

17.2 Those parties affected by the Order who wish to discuss the purchase of their interest by agreement should contact:

Michael Walton

michael.walton@avisonyoung.com

+44 (0)20 7911 2550

17.3 The Royal Institution of Chartered Surveyors (RICS) operates a compulsory purchase helpline which provides initial free advice. Those parties wishing to make use of that service should contact RICS on 024 7686 8555 or via its website: www.rics.org

18 Inspection of the Order and order documents

A copy of the Order and the Order Plan and other documents may be seen at:

(a) The Council’s office at 145 King Street, Hammersmith London W6 9XY during normal working hours, by prior appointment by

contacting Mo Goudah on 020 8753 2620 or email
mo.goudah@lbhf.gov.uk

- (b) Fulham Library, 598 Fulham Road Fulham London SW6 5NX during normal opening hours.
- (c) On the Council's website at www.lbhf.gov.uk/housing/hartopp-point-and-lannoy-point