

## CABINET

21 May 2013

<b>Title:</b> Land Appropriation at Goresbrook Village, Dagenham	
<b>Joint Report of the Cabinet Members for Regeneration and Housing</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Thames	<b>Key Decision:</b> no
<b>Report Author:</b> Jennie Coombs, Regeneration Manager - Major Housing Projects	<b>Contact Details:</b> Tel: 020 8227 5736 E-mail: jennie.coombs@lbbd.gov.uk
<b>Accountable Divisional Director:</b> Jeremy Grint, Divisional Director of Regeneration	
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<b>Summary:</b> <p>Goresbrook Village ("the Site") forms part of the Estate Renewal Programme and is shown edged red on plan attached at Appendix 1. Developer Countryside Properties has been appointed to replace the existing tower blocks and concierge buildings with high quality low rise housing to include; 108 houses and 41 flats, retail space, a new linear park, general landscaping, car parking and associated works ("the Scheme"). The Scheme planning application (12/00854/FUL) was approved in January 2013, demolition is due to commence in May 2013, and completion is expected in Spring 2015.</p> <p>Part of the land is affected by restrictive covenant ("the Covenant") and possibly private rights of way that could impact on the proposed development. The Covenant restricts that the part of land affected should only be used as a public park and recreation ground pursuant to the provisions of the Public Health Acts 1875 to 1925 or any statutory amendments or re-enactment thereof from time to time in force and shall be used for no other purposes whatsoever.</p> <p>The Covenant is now obsolete as the land has ceased to be used for such purposes for many years. The Scheme will provide the new housing units with private open space, and the Site is adjacent to Castle Green which is an area of open space land.</p> <p>The majority of the Site was acquired from London County Council in 1936 for use as a Public Parks and Recreation Grounds. The Site was developed in the 1960's for housing. It has not been possible to confirm if the Site or part of it was appropriated for planning purposes to housing land. The site is currently partly within the ownership of the HRA and partly within the General Fund. Through appropriation, the entire site will be transferred to the General Fund.</p> <p>At its meeting on 13 November 2012, the Cabinet supported the appropriation and authorised the Chief Executive to progress the proposals and commence the formal public consultation. This report seeks the final approval to the appropriation from the statutory purpose of acquisition as a public park and recreation ground to planning purposes for housing re-development.</p>	

## **Recommendation(s)**

The Cabinet is recommended to agree that the area of land at Goresbrook Village shown edged red on the plan attached at Appendix 1 be appropriated to planning purposes pursuant to section 226 (1) of the Town and Country Planning Act 1990 and section 122 of the Local Government Act 1972.

## **Reason(s)**

To assist the Council in achieving its Community Outcome of more houses which are affordable for local people.

## **1. Introduction and Background**

- 1.1 Part of the site shown edged yellow on the attached plan is affected by a restriction on title which states: 'A Deed affecting the land edged yellow on the filed plan dated 9 July 1936 made between 1) The London County Council and 2) The Mayor Alderman and Burgesses of the Borough of Barking contains the following covenants:-

*“That the said land hereby conveyed shall at all times hereafter be maintained by the Corporation as a Public Park and Recreation Ground under the provisions of the Public Health Acts 1875 to 1925 or in any statutory amendments or re-enactment thereof from time to time in force and shall be used for no other purposes whatsoever.”*

- 1.2 This area of land affected by the Covenant includes the vehicle entrance into Goresbrook Village, and the majority of the car park as well as a portion of green space along the northern and eastern edges. The master plan shows the construction of approximately 50 of the 149 units within the area affected by the Covenant. In order for the development to proceed and houses to be sold and occupied, the Council is seeking to appropriate this land for planning purposes to housing land.
- 1.3 Furthermore, the Council intends to close the footpath shown hatched blue on the Plan and is seeking to extinguish any private rights of way that may exist over the footpath resulting from long use by appropriating the site for planning purposes.
- 1.4 After considering a report dated 13 November 2012 the Cabinet agreed:
- (i) The appropriation of land, shown edged red on the plan at Appendix 1 to the report, to planning purposes to facilitate housing redevelopment as part of the Goresbrook Village Estate Renewal Programme; and
  - (ii) To authorise the Chief Executive, in consultation with the Head of Legal and Democratic Services, to commence the land appropriation process and place public advertisements to seek public opinion and responses to the proposed appropriation of the land currently used for housing, footpath, car park and vehicle access.

## **2. Proposal and Issues**

- 2.1 The period for public response to these advertisements has now ended, with the result that there were no written responses/objections.
- 2.2 In summary it is considered that the appropriation of The Site will assist the Council in achieving its Community Outcome of more houses which are affordable for local people. The 13 November 2012 report and the Scheme planning application (12/00854) demonstrate how the Goresbrook Village estate renewal development will provide a higher standard of living for the residents, providing private open space, safer walking routes and play for all 149 units. The proposed development will also provide dwellings of a scale and type that is sympathetic to the surrounding area and meet Secured by Design standards.
- 2.3 It is recognised that pursuant to section 122 of the Local Government Act 1972, the Council must be satisfied before appropriating the land that the land is “no longer required for the purposes for which it is held immediately before appropriation”. The land is presently held as a car park/vehicle access/pedestrian access. The Covenant restricts that the part of land affected should only be used as a public park and recreation ground. The Covenant is therefore considered to be arguably obsolete as the land has ceased to be used for such purposes for many years. The requirements for appropriation are therefore considered to have been met.
- 2.4 Having regards to the considerations set out in the report dated 13 November 2012 and for the reasons set out in this report, it is now recommended that the Cabinet authorise the appropriation of the Site to Planning Purposes under section.226(1) of the Town and Country Planning Act 1990. The power to appropriate the land is derived from section 122 of the Local Government Act 1972.

## **3. Options Appraisal**

- 3.1 An options appraisal was set out in the report to Cabinet on 13 November 2012.

## **4. Consultation**

- 4.1 This report outlines the consultation that has taken place.

## **5. Financial Implications**

- 5.1 There are no further implications to those referred to in the report to Cabinet on 13 November 2012.

## **6. Legal Implications**

- 6.1 There are no further implications to those referred to in the report to Cabinet on 13 November 2012.

## **7. Other Implications**

- 7.1 There are no further implications to those referred to in the report to Cabinet on 13 November 2012.

**Background Papers Used in the Preparation of the Report:**

- Report and Minutes entitled “Land Appropriation at Goresbrook Village, Dagenham”  
- Cabinet, 13 November 2012

**List of Appendices:**

Appendix 1: Certificate of Title, with map attached.