For General Release

<table>
<thead>
<tr>
<th>REPORT TO:</th>
<th>Cabinet, 23rd April 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGENDA ITEM:</td>
<td>6</td>
</tr>
<tr>
<td>SUBJECT:</td>
<td>Central Parade West Redevelopment, New Addington</td>
</tr>
</tbody>
</table>
| LEAD OFFICER:                    | Jon Rouse, Chief Executive  
                                      Tony Antoniou, Director of Regeneration & Economy |
| CABINET MEMBER:                  | Councillor Tim Pollard,  
                                      Deputy Leader (Regeneration & Economic Development)  
                                      and Cabinet Member for Children, Young People & Learners |
| WARDS:                           | New Addington             |

**CORPORATE PRIORITY/POLICY CONTEXT:**
It is envisaged that this project will help meet the following Council objectives –
Regeneration of Town & District Centres  
Providing better cultural and leisure opportunities

**FINANCIAL IMPACT**
It is expected that the feasibility work in relation to this project will cost £200,000 and will be funded from the Feasibility budget in the approved 2012/13 capital programme.

**FORWARD PLAN KEY DECISION REFERENCE NO.: 1064**
This is a Key Decision as defined in the Council’s Constitution. The decision may be implemented from 1300 hours on the 5th working day after it is made, unless the decision is referred to the Scrutiny & Overview Committee by the requisite number of Councillors.
The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below

1. RECOMMENDATIONS

1.1. The Cabinet is asked to note:

- That a formal objection has been lodged by the Council, as landowner, to the registration of new Town and Village Green (TVG) land within the Central Parade West (CPW) site

- The Council is continuing to work with Tesco on plans for a supermarket in CPW within the context of the existing Development Agreement (DA)

The Council has secured in principle agreement with Addington Community Association (ACA) to work towards a revised redevelopment of the site to help revitalise the district centre and provide required community services.

1.2. The Cabinet is asked to approve:

- The revised redevelopment scope for CPW site in New Addington

- Delivery of feasibility work to develop a preferred redevelopment option

- The Central Parade West (CPW) site is appropriated for planning purposes pursuant to s122 of the Local Government Act 1972, excluding the registered Town and Village Green land.

- Implementation of the proposed strategy to seek to modify the TVG.
2. EXECUTIVE SUMMARY

2.1 Last summer the Council approved the New Addington Hub project which will see Council services currently based in CPW relocated off-site, creating vacant space in CPW thus providing the Council with a new opportunity to revisit the regeneration of CPW.

2.2. The Council has used the findings of the ‘New Vision for Central Parade’ community planning process report (February 2010) and has undertaken initial consultation with internal and external stakeholders to define a revised scope for redevelopment (as outlined in section 4). Approval is now sought for the Council to work up a redevelopment option based on the revised scope and also to proceed with the strategy to secure a modification of the TVG (as outlined in section six) to enable delivery of the preferred option.

2.3. In line with this, the report also requests approval to appropriate the CPW redevelopment site for planning purposes so that the proposed redevelopment may benefit from the power in s237 of the Town & Country Planning Act 1990 to override easements and other private rights on redevelopment, subject to payment of compensation to any affected third parties based on certain Compulsory Purchase compensation principles. This is consistent with the approach being taken on other sites in the redevelopment pipeline, and the process is similar to that already taken.

3. BACKGROUND

3.1. In 2004, the land to the West of Central Parade (CPW) was identified as a priority regeneration site and on 10 January 2008 the Council entered into a DA with Tesco to bring forward a significant mixed use scheme at this location.

3.2. Tesco obtained consent for their mixed use CPW scheme in January 2009. At this time, an application was made to register a large area of this redevelopment site as a TVG. Following an independent inquiry the land was registered, thereby blocking the consented regeneration.

3.3. In June 2011 approval was granted for the development of a New Addington Hub to align Council service delivery in New Addington with the corporate customer access strategy, whilst also improving overall efficiency and reducing long term costs. This integration project has created a new opportunity to revisit the 2010 redevelopment options as the library and housing services currently being delivered from the CPW area are moving to the CALAT building in Central Parade freeing up new land in the CPW area.

3.4. Preliminary consultation has taken place with a broad range of internal and external stakeholders which has indicated a high level of support for the redevelopment of CPW. This work has also helped inform the development of a revised redevelopment scope (as outlined in section 4) building on the work of the 2010 A new Vision for New Addington Community Planning Process Report.

3.5. The Planning Service recognises and supports the regeneration benefits of the redevelopment of Central Parade West. The aspiration to regenerate this
location is longstanding and the need for regeneration for predominately social and economic reasons is well established. Therefore, any proposal for redevelopment will be expected to address these drivers for the regeneration, particularly in terms of providing improved social infrastructure and establishing a Masterplan solution to encourage economic development.

3.6. The Planning Service acknowledge the existing layout of the centre does not make best use of land and redevelopment would address this issue and could provide a more appropriate urban design and Masterplan solution to meet the identified regeneration objectives. Closely linked to this point is that a reconfiguration of the Village Green could prove to be beneficial to enable the best use of land and the seeking of an appropriate urban design and Masterplan solution to meet the identified regeneration objectives.

3.7. The Planning Service also note that to be considered a genuine mixed use scheme and fulfil the regeneration objectives a full exploration of the opportunity to accommodate residential, retail, commercial and social infrastructure as part of the redevelopment will be expected. This exploration is necessary to ensure alignment with the objectives and policy context of the emerging Core Strategy, particularly in terms of meeting housing need and facilitating vibrant and viable District Centre.

3.8. It should be noted these Planning Service comments have been made without prejudice to a full planning assessment of any proposal for the Central Parade through the Council’s Development Team Service (pre application service) and any subsequent formal planning application stage).

4. REDEVELOPMENT SCOPE

4.1. The aim of the CPW regeneration project is to support the revitalisation of the Central Parade District Centre in a way that meets the needs and aspirations of local people in a sustainable and deliverable way and improves the site layout. The recommended revised regeneration scope includes:

<table>
<thead>
<tr>
<th>Element</th>
<th>Rationale</th>
<th>Scope</th>
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</thead>
<tbody>
<tr>
<td>New Leisure Centre</td>
<td>Current centre needs replacement</td>
<td>Specification subject to business planning To be delivered in advance of current centre closure.</td>
</tr>
<tr>
<td>Upgraded Community Centre</td>
<td>Current facility needs upgrading and potentially extending to meet needs of current &amp; future use</td>
<td>Specification subject to further ACA consultation &amp; business planning facilities for the Community to remain operational throughout.</td>
</tr>
<tr>
<td>New supermarket</td>
<td>Need identified for local supermarket</td>
<td>Approximate size of store 3,800 sqm. which is approximately a 50% reduction in the size of the previously approved scheme. Specification subject to further development and discussion</td>
</tr>
<tr>
<td>Enhanced open space</td>
<td>Creation of a high quality Village Green at the heart</td>
<td>Reconfiguration of current Town &amp; Village Green to allow for an enhanced and potentially enlarged and improved open</td>
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</tbody>
</table>
of Central Parade space in CPW (See section 6 below)

<table>
<thead>
<tr>
<th>Parking</th>
<th>Need for parking to service community facilities and new store</th>
<th>Re-provision of parking within the CPW site Specification to be determined by a parking survey to be carried out during pre-planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access Road</td>
<td>Access Road from Central Parade only</td>
<td>Site to be serviced exclusively from Central Parade not adjacent Chertsey Crescent (see section 6 below)</td>
</tr>
<tr>
<td>Housing</td>
<td>Additional housing in this location is considered inappropriate with space too limited</td>
<td>The redevelopment scheme does not propose new housing</td>
</tr>
</tbody>
</table>

4.2. Initial work has been carried out by the spatial planning team to investigate various land use options that incorporate all of the key elements in a way that will deliver better urban design and support the revitalisation of the district centre. These options will be used to identify the optimum redevelopment solution that meets the regeneration aspirations at this location which in turn, will underpin the deregistration case (see Section 6).

4.3. It is acknowledged the final scheme will be subject to the usual planning submissions and determination processes. Any proposal will seek to conform to the planning policy as outlined in section 3.7., as far as possible given the constraints of the site. At this stage it will also be necessary to demonstrate that the proposed mix is suitable on a site of this size and in this location.

5. LAND APPROPRIATION

5.1. In 2004 New Addington was identified in the Mayor’s London Plan as a strategic area for regeneration with substantial deprivation. The subsequent Fieldway and New Addington Neighbourhood Renewal Plan (2004) then identified CPW site as a target area for physical improvement and a Central Parade Regeneration Strategy and Planning brief was then published by the Council in 2005.

5.2. Proposals for the provision of a major physical regeneration project in the Central Parade have been in place since Cabinet agreed (September 2005) to procure a development partner to deliver a mixed-use redevelopment on the CPW site.

5.3. A planning application for the mixed use scheme was submitted to the Planning Department in November 2008. The application was considered by the Council’s Planning Committee on 19th of June 2008 and permission was granted on 22nd of December 2008. At this time an application was made to register a large area of the site as a TVG rendering the consented scheme undeliverable.

5.4. Following the registration of the TVG, the Council undertook a community visioning exercise to help inform the progression of a revised scheme; the
findings were published in February 2010 and included a number of redevelopment options, which due to land constraints were undeliverable.

5.5. The New Addington Hub project creates vacant space in the CPW area and an opportunity to use this vacant space in a revised redevelopment in CPW in keeping with the 2005 Cabinet approval) now presents itself. As noted in 3.4. it is recognised that the current layout and use of this land is no longer meeting the needs of local people and should be reconfigurred and improved in a way that supports the vibrancy of the district centre.

5.6. In this paper Cabinet is being asked to resolve that the Executive Director of Planning and Environment in consultation with the Council Secretary and Solicitor, are authorized to undertake relevant steps and conclude any agreements necessary to deliver a revised regeneration scheme in CPW.

5.7. In light of the above, it is proposed that it would be appropriate for the land at CPW edged in red on the plan at Appendix 1 to be appropriated for planning purposes under s122 of the Local Government Act 1972. This includes all land within the proposed redevelopment area, except the land registered as TVG land in 2009 (as marked in green). This is consistent with the approach being taken across all regeneration sites within the regeneration pipeline, and the proposed route is similar to that undertaken at Five Ways in Waddon (2010).

5.8. Section 122 of the 1972 Act empowers the Council to appropriate land which it holds for one statutory purpose for which it is no longer required for any other purpose for which it is authorized to acquire land. Under s227 of the Town & Country Planning Act 1990 the Council is empowered to acquire land which it thinks will facilitate the carrying out of development, redevelopment or improvement of the land (provided that doing so will contribute to well-being objectives) or land which it requires for a purpose which is necessary for the proper planning of its area.

5.9. The land outlined in red in Appendix 1 forms part of larger areas of land which were acquired by the Council under two conveyances in 1938 and 1939 in connection with a "Town Planning Scheme" under early planning legislation which facilitated the major housing development at New Addington. The first conveyance required the Council to lay out streets and sewers and plant trees and grass on the two areas of transferred land. The second conveyance transferred ten parcels of land to be used for playing fields and allotments or for baths, public libraries or other public purposes (other than housing). There are a number of old restrictive covenants affecting the site.

5.10 The powers under which the land outlined in red in Appendix 1 is currently held are unclear other than in respect of the social services office. No record has been found of any previous formal appropriation of the land, other than in respect of the site of the current social services offices, which was appropriated from planning and development to social services purposes in 1971 or 1972. The facilities on the land are held corporately as part of the corporate estate and the facilities are then run by the appropriate service directorates using revenue accounts allocated to the asset.
5.11. Where land has been acquired or appropriated by the Council for planning purposes, its redevelopment benefits from the provisions of s237 of the Town & Country Planning Act 1990. The effect of s237 is that private rights which might otherwise inhibit development are effectively overridden and instead converted into a claim for compensation, provided that the development is carried out in accordance with planning permission. It applies where the development is carried out by the Council or by someone who has purchased the land from the Council. The level of compensation for interference in rights or breach of restrictive covenants is assessed on the basis of the loss in value of the claimant’s land as a consequence of the interference or breach of covenant rather than a claim for equitable damages. Additionally a claimant cannot secure an injunction their only remedy is a claim for compensation. If a third party developer fails to pay the statutory compensation, the Council would be liable to do so. This obligation could be reinforced in contractual arrangements with our Development Partner.

5.12. Land which has been acquired or appropriated for planning purposes is also subject to ss241 (1) and 246(3) of the Town & Country Planning Act 1990. These sections of the 1990 Act stipulate that any land which forms part of a "common" (defined to include any town or village green) may be used by any person in any manner which is authorised by planning permission whether or not it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work.

5.13. As noted, the land shown edged in red on the plan at Appendix 1 is required for redevelopment in order to revitalise the Central Parade District Centre. Formal appropriation of the land to planning purposes would clarify the powers under which it is held, consistent with the Council's objectives for the site, and assist in facilitating its redevelopment whilst improving the distribution and layout of uses on the site.

6. TOWN & VILLAGE GREEN

6.1. To deliver redevelopment within the scope outlined above, it will be necessary for the Council as landowner to secure modification to the existing registered TVG area to allow for an access road linking Central Parade with the development site as a minimum or preferably to allow for both an access road and a more appropriate lay out of the site and Village Green.

6.2. To do this the Council as landowner must apply to the Secretary of State for deregistration of part of the TVG and satisfy the Secretary of State (among other things) that replacement land will be provided for any TVG land which is deregistered\(^1\). If the application for deregistration is granted, the replacement land will be registered as TVG. The timetable for such an application is uncertain but it is likely to take at least 12 months for a decision to be issued by the Secretary of State once a deregistration application has been made.

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\(^1\) Whilst the statutory obligation to provide replacement TVG land only applies to applications for deregistration of areas of land in excess of 200 square metres, in practice, replacement land is normally provided in all cases.
6.3. The Council, as Landowner, needs to start the deregistration process as soon as possible, but it would be impractical to do so before the current application to register additional TVG land has been decided. The redevelopment options currently being considered, which all include an enhanced TVG within the site, are dependent on the Council as landowner being successful in resisting registration of this additional land. In the event that the further land is registered as TVG, the constraints on the available land within the Central Parade site are such that it would not be possible to offer replacement land within the redevelopment site. Whilst replacement land outside the site might be offered instead, that may be seen as less beneficial and make an application for deregistration more difficult to justify.

7. INDICATIVE DELIVERY PLAN

7.1. It is envisaged that the regeneration would come forward in the following stages;

<table>
<thead>
<tr>
<th>Stage One</th>
<th>Feasibility</th>
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<tbody>
<tr>
<td>TVG current application</td>
<td>The Council as landowner have lodged a formal objection to the application to register new land as TVG. Activity outlined in stages two to four below is contingent on the rejection of the new application. The Council as Registration Authority is considering this matter. If the application to register new land as TVG goes to inquiry it could take 12-months for the matter to be decided. The initial consultation, regarding the registration of the new land as TVG, yielded over 160 letters against the new registration of new land and explicitly in favour of the Council bringing forward a redevelopment scheme in CPW. In contrast 14 letters of support of the registration of new land as TVG were submitted. The application to register the new land will be based solely on evidence provided in relation to land use and therefore the scale of objection cannot be taken into account when deciding this matter. However, due to the overwhelming level of support expressed for a redevelopment scheme it is proposed that the Council proceed with the stage one tasks (as listed below) at risk, to ensure community aspirations can be delivered without further delay should the application to register the new land as TVG be rejected.</td>
</tr>
<tr>
<td>Community Elements</td>
<td>The Council will proceed with a capacity study and business planning to inform the development of a preferred option for a new leisure centre and upgraded community centre.</td>
</tr>
<tr>
<td>Community Engagement &amp; Consultation</td>
<td>The Council will work closely with the community on the development of the options. This will help provide a strong platform for continuous engagement throughout the development process (see section 10).</td>
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<tr>
<td><strong>Stage Two</strong></td>
<td><strong>Project Implementation</strong></td>
</tr>
<tr>
<td>TVG deregistration application</td>
<td>The redevelopment will be contingent on securing a modification of the existing TVG area. The Council has lodged an objection to the recent application for registration of additional land and the case for deregistration is being prepared. It is envisaged that this may take at least 12 months.</td>
</tr>
<tr>
<td>Community facilities development partner</td>
<td>The Council will seek to secure a development partner to bring forward the preferred option as identified by the business planning exercise in consultation with the key stakeholders. It is envisaged that this partner will be procured and will complete the design and planning process during the TVG deregistration application period.</td>
</tr>
<tr>
<td><strong>Stage three</strong></td>
<td><strong>Delivery of Community Elements</strong></td>
</tr>
<tr>
<td>Leisure Centre</td>
<td>As and when the TVG modification process has been approved the leisure centre development will commence.</td>
</tr>
<tr>
<td>Community Centre</td>
<td>Depending on the agreed plan and final phasing it is envisaged that the community centre upgrade will commence either alongside or directly after the leisure centre.</td>
</tr>
<tr>
<td><strong>Stage four</strong></td>
<td><strong>Supermarket development</strong></td>
</tr>
<tr>
<td>Supermarket</td>
<td>When the new leisure centre is fully operational the old leisure centre will be demolished and work will commence on the new supermarket and parking spaces.</td>
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7.2. It should be noted that any replacement TVG land offered by the Council during the deregistration process for land swap purposes must normally be made available before any of the registered TVG land can be released as part of a land swap. This will require careful phasing.

8. **CONSULTATION & ENGAGEMENT**

8.1 As outlined above, the regeneration scope has been informed by the 2010 Community Visioning exercise. The regeneration components have been further refined through recent consultation with internal stakeholders including: spatial planning, parking services, leisure services and estate management. Initial consultation has also taken place with the ACA, the current occupiers of the Community Centre, who have given their “in principle” agreement to work with the Council to explore the development options (see appendix 2).

8.2. Information regarding the emerging proposals has also been shared with the New Addington Pathfinders, a resident led group providing a link between local people and service providers, who have then undertaken their own initial, independent and informal engagement activity with local residents in Central Parade.
8.3. A programme of communication and engagement activity is now being developed to ensure that residents are given the opportunity to inform the development of the redevelopment option in line with the proposed scope outlined above. It will also be critical that the Council continues to work closely with residents and stakeholders throughout the whole development process and an approach to this will be considered during the feasibility period.

9. **INDICATIVE PROGRAMME**

<table>
<thead>
<tr>
<th>Stage One - Feasibility</th>
<th></th>
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<tbody>
<tr>
<td>Decision on new application to extend TVG</td>
<td>Apr – Dec 2012</td>
</tr>
<tr>
<td>Develop supermarket scheme specification for approval and proceed with planning for supermarket element</td>
<td>Apr 2012 – Mar 2013</td>
</tr>
<tr>
<td>Leisure &amp; community facilities capacity study and business planning</td>
<td>May - Dec 2012</td>
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</tbody>
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<thead>
<tr>
<th>Stage Two – Preparatory work</th>
<th></th>
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<tbody>
<tr>
<td>Deregistration process (for TVG modification)</td>
<td>Jan – Dec 2013</td>
</tr>
<tr>
<td>Procure developer for community elements</td>
<td>Jan – Jun 2013</td>
</tr>
<tr>
<td>Design and planning of community elements</td>
<td>Jul 2013 – Mar 2014</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Stage Three – Delivery of Community Elements</th>
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<tbody>
<tr>
<td>Delivery of new community facilities**</td>
<td>Mar 2014 – Aug 2015</td>
</tr>
<tr>
<td>Opening of new Leisure Centre</td>
<td>Sep 2015</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Stage Four – Delivery of Supermarket</th>
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10. **OPTIONS**

10.1 The options are as follows;

a) **Do nothing** – CPW area is not redeveloped and the leisure centre is not replaced. This would result in the further decline of District Centre with additional blight risk after the delivery of the New Addington Hub project which creates empty buildings in CPW area. The current Leisure Centre is in need of replacement. This project would allow for a new leisure centre to be developed in the district centre before the old facility closes. Should this project not proceed as outlined, either a new site for a leisure centre would need to be found outside the district centre which could have an adverse impact on Central Parade, or the existing leisure centre would need to close to allow a new centre to be built in its place which is not acceptable to the local community.

b) **Approve regeneration scope and appropriate land for planning purpose** – allows the Council to proceed with revised redevelopment proposals with additional certainty and further clarity.

c) **Do not approve regeneration scope or appropriation, but embark on further community consultation going back to first principles** – the redevelopment scope is based on recommendations from a comprehensive community engagement exercise completed in 2010 and consultation with key internal and external stakeholders. Further consultation would take place during the planning process. The Community is keen to see progress, thus starting the consultation exercise again from the beginning is likely to result in further frustration and loss of confidence in the Council. It has also been noted that
some people in the community feel they have been consulted many times and now wish for the Council to proceed with bringing forward plans on the basis of the findings of previous consultation.

d) Approve regeneration proposals but without the supermarket element – consultation activity has identified a high demand for a supermarket in this location. The supermarket element will be subject to the Council being able to secure a modification to the TVG boundary as outlined in section 6 above.

10.2. Option B is the preferred option and is recommended. However options D may need to be considered should the Council fail in securing a modification to the TVG.

11. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

Revenue and Capital Consequences of the reports recommendations

<table>
<thead>
<tr>
<th>Current year</th>
<th>Medium Term Financial Strategy – 3 year forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/13 £’000</td>
<td>2013/14 £’000</td>
</tr>
</tbody>
</table>

Revenue Budget available
Expenditure
Income
Effect of decision from report
Expenditure
Income
Remaining budget

Capital Budget available
Expenditure
100 100 8,500 8,500
Effect of decision from report
Expenditure
Remaining budget 100 100 8,500* 8,500*

* These figures represent the £17.m allocation approved in the capital programme to fund the new Leisure Centre (as per 11.3 below).

Effect of the decision

11.1 Approximately £200k will be required in 2012/13 and 2013/14 to cover;
• Capacity study and business planning of new community and leisure facilities
• Legal fees for the current TVG inquiry and subsequent de-registration process
• Completion of feasibility of supermarket

11.2. It is proposed that this will be met by the feasibility budget in the approved
2012/13 capital programme.

11.3. A provision of £17m for the new leisure centre has been made in the Capital Budget, apportioned equally across 2014/15 and 2015/16 (minute no.7, Council meeting held on 27 February 2012). It is envisaged that this budget will cover any agreed works to the community centre. This will be subject of a further Cabinet paper following the completion of the detailed business case.

11.4. Assuming that a modification to the TVG is approved by the Secretary of State, thereby allowing the supermarket to proceed, the Council will secure a capital receipt from the supermarket developer. As above, the terms of this deal will be the subject of a further paper. LBC Officers will negotiate suitable commercial terms that protect the Council’s position which may include overage and clawback clauses in the event that the development exceeds forecast financial returns.

11.5. It should be noted that the current Housing Office within the CPW boundary was developed primarily with Housing Revenue Account funding. It is recognised that at such a time as this building comes forward for development, reconciliation will need to be made between the General Fund and the HRA. The Special Educational Needs team currently located on the site will need to be relocated prior to development and these costs will need to be considered during the business planning stage.

11.6 Risks

<table>
<thead>
<tr>
<th>Risk</th>
<th>Impact</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application to register car parks in Central Parade as TVG is successful</td>
<td>Council unable to offer exchange land for deregistration process and redevelopment as currently envisaged is undeliverable</td>
<td>Council has lodged robust objection to application. This consultation has also stimulated a strong response from the community who has now been invited by the Registration Authority to present further evidence on the historic land use.</td>
</tr>
<tr>
<td>TVG deregistration process is unsuccessful and access to development site/s is limited</td>
<td>Development in this location is not possible and supermarket and new leisure centre become undeliverable</td>
<td>Council preparing deregistration case based on high quality design principles retaining enhanced and potentially enlarged open space at the centre of CPW to improve chances of proposal being acceptable to an inspector/the Secretary of State</td>
</tr>
<tr>
<td>Current leisure centre breaks down prior to new leisure centre</td>
<td>No leisure centre in New Addington for a period of time.</td>
<td>The Council is committed to delivering a new leisure centre in the first phase of development to allow a new</td>
</tr>
</tbody>
</table>
Future savings/efficiencies

11.7 As noted above the existing leisure centre has come to the end of its lifetime and is in need of replacement. Minute no 7, Council meeting held on 27/2/12) There is a risk that if it were to breakdown there would be a need for expensive and extensive repair work. Proceeding with the redevelopment work will help the Council deliver a new leisure centre before the existing centre becomes inoperable, thus mitigating the risk of a need for urgent and abortive expenditure on this asset.

Approved by: Richard Simpson, Director of Finance and Deputy Section 151 Officer

12 COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

12.1 Section 122 of the Local Government Act 1972 empowers a local authority to appropriate land from one purpose (for which it is no longer required) to any other purpose for which the Council is authorised to acquire land by agreement under any enactment. Appropriation under this section is expressly made subject to the rights of other persons in respect of the land concerned.

12.2. The power to acquire land by agreement for planning purposes has been available to Local Authorities for a number of years. This power is presently contained in section 226 and 227 of the Town and Country Planning Act 1990. Section 246 of that Act states that any reference to the appropriation of land for planning purposes is a reference to the appropriation of it for the purposes for which land could be acquired under sections 226 and 227 of the Town and Country Planning Act 1990. Therefore, planning purposes means an acquisition or appropriation which will facilitate the carrying out of development, re-development or improvement which is likely to contribute to the economic, social or environmental well being of the area, or which is required in the interests of the proper planning of the are in which the land is situated.

12.3 In appropriating land, under section 237 of the Town and County Planning Act 1990, the erection, construction or carrying out or maintenance of any building or work on the land is authorised if it is done in accordance with the planning permission, notwithstanding that it may interfere with certain private rights such as restrictive covenants and easements, as detailed further in the body of the report.
12.4 Approved by Melissa Clarke, Corporate Solicitor on behalf of the Council Solicitor and Monitoring Officer.

13. **HUMAN RESOURCES IMPACT**

13.1 There are no Human Resources considerations arising from this report per se. However, subject to approval of this report and proposals being implemented there may be implications for a group of staff in the SEN team and Fusion contract staff in terms of changes of work buildings and so further communication on this will be necessary.

13.2 (Approved by: Chris Baldwin, HR business partner, on behalf of the director, Workforce & Community Relations)

14. **EQUALITIES IMPACT**

14.1 A first stage Equalities Impact Assessment (EqIA) to be produced when developing the redevelopment option.

15. **ENVIRONMENTAL IMPACT**

15.1 An Environmental Impact Assessment will be carried out as part of the CPWD planning process.

16. **CRIME AND DISORDER REDUCTION IMPACT**

16.1 There are none arising directly from this report.

**CONTACT OFFICER:**
Beverley Nomafo, Head of Housing Development & Regeneration, x 62426

**BACKGROUND DOCUMENTS:** Initial Equality Impact Assessment

**Appendices**

1. CPW site
2. ACA letter