

# Cabinet Report 14 October 2024

Report from the Corporate Director, Neighbourhoods and Regeneration

Lead Member – Cabinet Member for Regeneration, Planning and Growth (Councillor Shama Tatler)

South Kilburn: Authority to Tender for a Single Delivery Partner

Wards Affected:	Kilburn, Queens Park	
Key or Non-Key Decision:	Key	
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open	
List of Appendices:	Two Appendix 1: Map of South Kilburn development sites Appendix 2: Housing numbers at South Kilburn	
Background Papers:	None	
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### 1. Executive Summary

- 1.1. Since the early 2000s, the council in line with the vision and objectives developed with the community, has led the regeneration of South Kilburn in partnership with individual house builders and registered social housing providers.
- 1.2. Thus far the programme has delivered (including under construction) a total of 1954 homes including 1,239 (63%) social rent homes. In line with the South Kilburn (Landlord) Promise 933 South Kilburn tenants have moved into modern, comfortable, spacious, well insulated and award-winning homes that meets their housing needs. (see Appendix 1 and 2 for the map and full list of sites and number of homes including affordable homes delivered on each site)
- 1.3. The Landlord Promise sets out some clear principles about the council's offer to tenants, including that tenants would be offered a new home on the estate. No one

is required to move away, although if they choose to, the council will seek to find them a suitable alternative. As a result, approximately 200 tenants have been permanently rehoused outside South Kilburn in a new build or an existing council home across the borough. 284 tenants are currently remaining to be rehoused,120 of which will have the opportunity to be rehoused between 2025 and 2028 in the developments under construction at NWCC, C&G and Peel. In the meantime, tenants continue to be rehoused in new and existing council homes across the borough.

- 1.4. Significant investment has been made in delivering amenities and social infrastructure. A café, gym, pharmacy, a medical centre providing a one stop shop for the community's primary care needs and affordable workspace studios supporting small creative businesses are currently being completed. A purpose-built community facility including an enterprise hub, nursery, family wellbeing centre, community halls, community kitchen and café is being built at Granville and Carlton Centres.
- 1.5. Significant investment in public realm including tree planting, landscaped courtyards, pocket parks and play areas has been made across the redeveloped sites in the neighbourhood. These amenities and infrastructure are having a profound impact on community life and has been transforming the South Kilburn neighbourhood.
- 1.6. In a small number of developments however residents have experienced build quality issues. Elsewhere multiplicity of landlords arising from the current site-by-site development model has resulted in the inconsistent and variable standards of management and maintenance of their homes and the public realm. This inconsistent approach has also restricted the full placemaking potential and social value impact of a comprehensive regeneration programme.
- 1.7. The community is also experiencing noise, dust, traffic disruption and increased anti-social behaviour, the inevitable consequences of large-scale, long-term regeneration and construction programmes. This experience has been exacerbated due to programme delays arising from viability challenges and tough economic conditions.
- 1.8. At this half way point in the regeneration of South Kilburn the council is now looking for the most appropriate route to deliver the remainder of the sites at South Kilburn including Queens Park & Cullen House, William Dunbar House and William Saville House, Masefield House, Wordsworth House and Dickens House, Craik Court, Crone Court and Zangwill House, Hereford House and Exeter Court, Austin House and Blake Court and John Radcliffe House.
- 1.9. The community experience at South Kilburn sets out a clear set of priorities for the redevelopment of the remainder of the programme including
  - Delivering high-quality affordable housing
  - Co-ordinated approach to management and maintenance
  - Delivering at pace and managing a neighbourhood in transition

- Delivering social and public infrastructure and creating a place with a distinct identity and character.
- Delivering social and economic regeneration
- Community collaboration and participation
- Affordable and deliverable programme
- 1.10. Taking into account these priorities and the current context of tough economic conditions, this report concludes that the appointment of a Single Delivery Partner with whom the council can align its vision and values and enter into a long-term partnership is the most appropriate route to delivering the remainder of the South Kilburn programme, rather than continue delivery on a site-by-site basis. As before, the council will continue to retain the freehold of all remaining sites.
- 1.11. The Single Delivery Partner will be required to have a strong track record and capability to deliver (and maintain) multi-phase regeneration programmes of good design and build quality, at pace. They will also have demonstrable experience of entering into a successful long-term partnerships with local authorities and public bodies and clear focus on delivery of affordable housing, placemaking, community collaboration and delivery of social and economic regeneration.
- 1.12. A bespoke set of commercial, legal and financial terms to deliver the specific priorities at South Kilburn will be finalised, subject to the approval of this report and as part of pre-tender considerations. General principles may include the council entering into a Master Development Agreement (MDA) with individual site Development Agreements (DA) being drawn down as respective conditions precedent are met.
- 1.13. This structure will ensure the council continues to retain control of the delivery of the key priorities including delivery of high-quality affordable housing, continues to allocate construction and sales risks to the partner and continues to receive a guaranteed minimum land value for the remainder of the sites in the programme. This structure will promote a long-term view and a 'partnership' arrangement based on a 'portfolio of sites' which will facilitate a co-ordinated, holistic and altogether much better management and maintenance of the neighbourhood, delivery of a place with a distinct identity and character and delivery of comprehensive set of social and economic benefits for and in collaboration with the community. This structure will also underpin the core tenets of ensuring affordability and viability of the programme and delivering at pace.
- 1.14. Critical to ensuring a lasting and fruitful partnership is establishing clarity of purpose and priorities and alignment of objectives early on during the pre-tender and tender stages. Setting the tone right to encourage and attract the 'right' partners for the community and the council and underpinning this with robust contractual and legal structures to protect the council's interest. Thereafter monitoring through a process of scrutiny, accountability, enquiry, support and pragmatism to fulfil the interest of both parties in the partnership including the community, can and will lead to the successful delivery and completion of the South Kilburn regeneration.

1.15. This report recommends cabinet to authorise the commencement of the procurement exercise of the Single Delivery Partner and notes that officers will return to cabinet at the preferred bidder stage seeking approval to award the contract. In the intervening pre-tender and tender period, officers will regularly report progress, facilitate discussions and invite input from senior officers and members through board meetings, member briefings and programme specific sessions as required.

#### 2. Recommendations

That Cabinet:

- 2.1. Notes the progress update on the South Kilburn Regeneration Programme, the community's experience of regeneration and the key priorities for the remainder of the programme to be integrated into the procurement (not exclusive list) delivering high quality affordable housing, placemaking, community collaboration, social value.
- 2.2. Approves the procurement of a Single Delivery Partner for the remainder of the South Kilburn Regeneration Programme through inviting tenders.
- 2.3. Delegates authority to the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to approve pre-tender considerations as set out in Contract Standing Order 89 in respect of the procurement of a Single Delivery Partner, to include selection of the most appropriate procurement process to be used.
- 2.4. Approves officers evaluating tenders on the basis of the pre-tender considerations referred to in Recommendation 2.3 above.
- 2.5. Notes that consultants required for the procurement of the Single Delivery Partner, to include commercial advisers, lawyers, planning consultants and design consultants will be procured using powers delegated to officers under the Constitution.
- 2.6. Delegates authority to the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to negotiate all the relevant aspects of all legal and commercial agreements leading to the appointment of the preferred Single Delivery Partner.
- 2.7. Notes Officers will seek Cabinet approval to award the contract to the preferred bidder following the conclusion of the procurement exercise to appoint a Single Delivery Partner.
- 2.8. Delegates authority to the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to seek the approval of The Secretary of State to serve the required Initial and Final Demolition Notices on the secure tenants at the sites which are to be redeveloped.

- 2.9. Authorises the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to consult with secure tenants regarding the application to the Secretary of State to apply to obtain vacant possession of the properties occupied by the secure tenants at the sites to be developed pursuant to Ground 10/10A of Schedule 2 of the Housing Act 1985.
- 2.10. Authorises the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet member for Regeneration Planning and Growth to seek the approval of the Secretary of State for the redevelopment of the sites under Ground 10/10A of Schedule 2 of the Housing Act 1985 and for the use of compulsory purchase powers pursuant to section 226 (1) of the Town and Country Planning Act 1990 and Section 17 of the Housing Act 1985 to obtain vacant possession of the Sites in order to redevelop and/or demolish them.
- 2.11. Authorises the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to negotiate and agree buyback terms with leaseholders affected by the regeneration scheme and where appropriate, negotiate and agree compensation with the secure tenants who are required to relocate.
- 2.12. Authorises the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to make an application to the Secretary of State to seek consent under section 19 of the Housing Act 1985 to appropriate any part of the sites including any part consisting of a house or part of a house so that the site is no longer held for the purposes of Part II of the Housing Act 1985.
- 2.13. Authorises the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to consult with those with third party rights over the sites to be redeveloped and, thereafter, after considering representations made by third parties to appropriate the sites for planning purposes.

#### 3. Detail

#### **Cabinet Member Foreword**

- 3.1. Commencement of the procurement of a Single Delivery Partner is being recommended in order to deliver the remainder of the South Kilburn Regeneration programme.
- 3.2. The South Kilburn estate regeneration programme is one of the most important projects we are currently working on, to deliver improved homes for the community, introduce new tenures of housing, and to improve the physical and social infrastructure in the area for existing and future residents.
- 3.3. The programme is a key component in supporting Brent's strategic priorities, as outlined in the Borough and Local Plans. It directly addresses local housing needs

- and contributes to sustainable growth, economic stability, and community well-being.
- 3.4. Several key strategic policies are relevant to the programme and are essential to Brent Council's approach to regeneration, housing, sustainability, and community development. By appointing a Single Delivery Partner, Brent Council ensures a streamlined approach to meeting its strategic goals. This mitigates project delays and inconsistent delivery, ensuring the regeneration achieves its full potential for the South Kilburn community.
  - i. Prosperity and Stability in Brent (Borough Plan priority): The Borough Plan focuses on reducing poverty and improving access to services and employment opportunities in Brent. The South Kilburn Regeneration Programme will deliver affordable homes, commercial uses, community facilities, and workspaces to foster economic growth in the area. Procuring a Single Delivery Partner will streamline project delivery, ensuring consistent quality and pace across all regeneration phases and preventing delays and delivering economic benefits to the community.
  - ii. A Cleaner, Greener Future (Borough Plan priority): The programme supports the move towards carbon neutrality through a district energy network, sustainable development, energy-efficient homes and improved green spaces. A Single Delivery Partner will ensure coordinated and sustainable building practices to reduce energy use and improve waste management.
  - **Thriving Communities (Borough Plan priority):** The programme aims to provide the community with improved housing, community facilities, and public spaces in line with the Borough Plan's vision.
  - iv. A Healthier Brent (Borough Plan priority): The Borough Plan aims to address health inequalities and promote wellbeing in the community by providing new medical facilities and open spaces that encourage physical activity. Single Delivery Partner will ensure a unified approach to delivering health-related infrastructure, helping to prevent delays and ensure timely access to health services and recreational facilities.
  - v. Good Growth and Inclusive Development (Local Plan Priority): Brent's Local Plan 2019-2041 emphasises sustainable growth and inclusive development, focusing on delivering affordable housing and balanced communities. The South Kilburn regeneration aligns with these goals by creating a mix of market and affordable homes while retaining social rent housing. A Single Delivery Partner will facilitate better management of the project's scope and ensure the timely delivery of affordable housing. This mitigates risks associated with having multiple developers, such as uneven distribution of affordable homes across sites.
  - vi. Housing and Infrastructure (Local Plan Priority): Increasing affordable and quality housing supply is central to the Local Plan. The regeneration's affordable housing targets, including social rent homes, directly support this priority. Working with a Single Delivery Partner allows the council to

maintain a clear focus on maximising housing provision, address viability constraints, streamline construction timelines, and ensure consistent housing in all regeneration phases. This reduces the risks of fragmented delivery and ensures efficient infrastructure integration, such as roads and utilities. The Single Delivery Partner model will provide a significant number of new homes across tenures, contributing to meeting Brent's housing need.

- vii. Brent Climate and Ecological Emergency Strategy (2021): Brent is committed to achieving carbon neutrality, including sustainable building practices and creating green spaces in the South Kilburn regeneration project. By having a Single Delivery Partner, the project ensures that environmental sustainability goals are consistently applied. This approach will prevent the varied sustainability standards seen in earlier phases, ensuring all new developments meet the council's stringent carbon reduction targets.
- viii. Brent Health and Wellbeing Strategy (2022-2027): This strategy aims to reduce health inequalities and improve the wellbeing of Brent's residents by providing access to health services, creating healthy living environments, and promoting active lifestyles. A Single Delivery Partner will ensure the delivefy of comprehensive range of facilities, such as gyms and open spaces, thus effectively supporting the Borough's health priorities than a multi-partner approach.
  - ix. Brent Housing Strategy (2019-2024): Brent's Housing Strategy focuses on delivering more affordable homes, improving housing quality, and ensuring sustainable development. It emphasises mixed-tenure developments, reducing homelessness, and improving residents' quality of life. The Single Delivery Partner model will streamline the construction process, ensuring consistent housing quality and delivery timelines across the regeneration project, helping Brent meet its housing targets.
  - x. Brent Inclusive Growth Strategy (2021-2025): A single delivery partner will enhance the regeneration's social value impact by ensuring that employment, training opportunities, and apprenticeships are delivered uniformly across all phases. This will provide more reliable opportunities for local residents to benefit from the project, which aligns with Brent's strategy to ensure that growth benefits all residents by creating jobs, improving infrastructure, and fostering inclusive development.
- xi. Brent Corporate Procurement Strategy (2020-2024): Appointing a Single Delivery Partner will enable a more focused and strategic procurement process. This approach ensures contractors comply with Brent's social value and sustainability commitments and guarantees the consistent application of ethical standards across the project.
- **xii. Brent Social Value and Ethical Procurement Policy:** A Single Delivery Partner will ensure that social value is embedded throughout the regeneration, with a unified approach to local hiring, skills development, and environmental stewardship. This streamlined approach eliminates the

complexities of managing multiple developers with differing levels of commitment to these import goals.

### Background

South Kilburn Regeneration Programme

3.5. The South Kilburn estate was identified as a potential regeneration area by the council and central government in the late 1990s. Plans for the regeneration were initially set out through the New Deal for Communities Vision in 2001. Subsequently, the council in collaboration with the community and other stakeholders produced a Masterplan in 2005, which was reviewed in 2016 and adopted as a Supplementary Planning Document in 2017.

Site by site approach – the current model of delivery

- 3.6. The recession of the late 2000s meant there was little interest from house builders and registered providers to lead a comprehensive regeneration programme. Brent Council therefore took on the mantle of master planner and developer for the South Kilburn estate area to:
  - Set the overarching vision and masterplan for regeneration and development;
  - Establish parcels of land, typically for schemes of between 150 and 300 homes;
  - Appoint a design team to develop the scheme to at least RIBA Stage 3 and to obtain either a detailed or hybrid planning permission;
  - Take responsibility for achieving vacant possession including leaseholder buy-backs and allocating new homes to existing social housing tenants;
  - Support community engagement on the scheme development; and
  - Procure a development partner and grant lease of sites under a development agreement often for a capital receipt.
- 3.7. Delivery has primarily operated via individual Development Agreements (DA) on a site-by-site basis whereby the construction and sales risk is borne by the developer. The DA provides a legal basis to secure the delivery of defined outputs such as:
  - Construction of a section of the Masterplan namely new homes but also open space, highways, additional premises (e.g. community facilities and commercial space);
  - Receipt for the transfer of land;
  - Mechanism to allow Brent a share in any excess of private sales proceeds realised above a pre-determined threshold (normally 50%) and a mechanism for a payment from the developer if the developer obtains a further planning permission to build more units; and
  - Purchase back of the affordable homes by Brent if applicable.

Delivery of Housing

- 3.8. South Kilburn Supplementary Planning Document, June 2017 "the Masterplan" sets out the following commitments in relation to delivery of housing including affordable housing:
  - No overall loss of social housing 1568 of the total 1793 homes in the original South Kilburn estate were social rent homes. These social rent homes will be replaced with social rent homes in accordance with housing need.
  - 50% affordable homes subject to viability, the Masterplan will aim to provide 50% affordable homes across the programme.
  - Mixed and balanced communities 87% of the homes in the original estate
    was social rent homes. The aim of the programme is to create a more mixed
    and balanced community by introducing market housing and other affordable
    housing tenures for communities with middle income.
- 3.9. Since the commencement of the programme in 2005, it has delivered (including under construction) 1954 homes including 1,239 (63%) social rent homes. These homes have been designed to meet the housing needs of South Kilburn tenants and address issues such as overcrowding and the need for adapted homes. The programme has also delivered parks and open spaces and a medical centre. (see Appendix 1 and 2 for the map and full list of sites and number of homes including affordable homes delivered on each site)

Rehousing of South Kilburn tenants – the South Kilburn promise

- 3.10. The 2019 Landlord Offer , confirmed the council's commitment to offer every secure and temporary accommodation tenant in South Kilburn at that time a new home on the estate, or the option to move to another council or housing association home elsewhere in the borough if preferred and where possible tenants would only have to move once.
- 3.11. 933 tenants have been permanently rehoused in a new home in South Kilburn. Approximately 200 tenants have been permanently rehoused outside South Kilburn in a new build or an existing home around the borough in areas such as Harlesden, Willesden, Cricklewood, Willesden Green, Kensal Rise, Kensal Green, Brondesbury and Kilburn.
- 3.12. At time of writing there are 284 tenants across Austin, Blake, Dickens, Craik, Crone, Zangwill, John Radcliffe, William Dunbar and William Saville remaining to be rehoused. 120 of the 284 will have the opportunity to be rehoused between 2025 and 2028 in the developments under construction at NWCC, C&G and Peel. The rehousing team is working with tenants at Austin, Blake and Dickens as a priority for the next phase of rehousing as these blocks are in the poorest condition.
- 3.13. The last batch of new build completions at South Kilburn was in 2022 at Wiggins and Bannister House (the erstwhile Chippenham Gardens). Whilst tenants await the next batch of new homes to be completed at NWCC by Dec 2025, where tenants agree they are being permanently rehoused to other council homes around the borough. In the last year, 48 tenants were rehoused in existing council homes.

## Community's experience of regeneration

- 3.14. The community at South Kilburn has a strong sense of belonging and connection to their neighbourhood. A committed network of community and voluntary organisations is also actively engaged in the area.
- 3.15. The community as a collective were intensively engaged and consulted during the 2016 review of the Masterplan which confirmed the vision, objective and ambition for regeneration, and then again in 2019 to endorse the continuation of the regeneration programme and the Landlord Offer the South Kilburn Promise, at a residents' ballot. 84.2% of those who voted at the ballot supported the regeneration of South Kilburn with 72.2% turn out of residents who are eligible to vote.
- 3.16. Since Covid in 2020 engagement via the Tenants Steering Group sessions moved online and has been mainly with residents awaiting rehousing on matters relating to estate and housing management and their individual rehousing options. Through these and other formal and informal engagement sessions with residents, community and voluntary groups and ward Councillors the following experience of regeneration has been noted and discussed below.

### **Build Quality**

- 3.17. Since its commencement in 2005, nearly one thousand South Kilburn tenants have moved into modern, comfortable, spacious, well insulated and award-winning homes that meets their housing needs. Regeneration has been transforming the South Kilburn neighbourhood and improving life of its residents.
- 3.18. In a small number of developments however residents have experienced disruptive build quality issues. At Granville New Homes, Franklin, Chase and Hollister House, there have been issues with water leakage, supply of hot water and heating, poor workmanship and use of poor-quality material. Elsewhere, at Merle Court and George and Swift House fire safety issues with cladding has required significant remediation works.

#### Maintenance and Management

- 3.19. The 1239 affordable homes delivered at South Kilburn are managed by a selection of private housing management companies and registered providers including L&Q, Peabody, Home group, Network Housing, Catalyst, Octavia and Brent Council. Residents have had variable and sometimes unsatisfactory experience in terms of responsive repairs, maintenance, management and service charges. (see Appendix 2 for a full list of RPs and the blocks they manage)
- 3.20. Multiplicity of landlords and managing agents arising from the site-by-site development model is also reflected in the inconsistent and variable standards of management and maintenance of the public realm across the neighbourhood and sometimes on opposite sides of the street. This inconsistent approach has marred the community's experience of living, working and visiting South Kilburn.

## Placemaking and Public realm

- 3.21. Significant investment in public realm including tree planting, landscaped courtyards, pocket parks and play areas has been made. This has improved community's access to doorstep amenity spaces and the overall character and appearance of parts of the neighbourhood. However in some cases the maintenance of the landscaping has fallen short of expected standards. The site-by-site model of development has confined investment to individual sites and 'standalone' open spaces.
- 3.22. Significant investment has also been made in delivering amenities and social infrastructure. A café, gym, pharmacy, a modern medical centre providing a one stop shop for the community's primary care needs and affordable workspace studios supporting small creative businesses including photographers, artists, furniture designers etc. are currently being delivered. These amenities grouped around the Peel Plaza together with the completion of a purpose-built community facility at Granville and Carlton Centres will have a profound impact on community life in South Kilburn and widen the focus of the regeneration programme from building high quality homes to building high quality homes and neighbourhood.
- 3.23. These initiatives however remain individual and 'standalone' and do not currently realise the full placemaking potential of the regeneration programme.

Impact of construction

- 3.24. Parts of South Kilburn have a concentration of sites at various stages of redevelopment sites which are hoarded up and under construction, sites which are part or fully vacant. There areas have been experiencing increased levels of anti-social behaviour, fly-tipping and squatting. Alongside this is the noise, dust, vibration, and traffic disruption arising from the construction itself.
- 3.25. Whilst these are the inevitable consequences of large-scale, long-term regeneration programmes, it presents significant disruption to the day-to-day experience of residents and erodes their sense of safety, community and ownership.

Delay and uncertainty.

3.26. The delivery programme as set out in the 2016 Masterplan review has been delayed due to economic and viability challenges and recent regulatory changes requiring extensive design amendments. Beyond the sites which are currently under construction there is no future pipeline of new homes. For residents (tenants and leaseholders) remaining in the existing blocks the uncertainty of not knowing when and where they are going to move is frustrating, particularly for residents living in overcrowded and poor quality homes.

Delivering Social Value

3.27. Social Value initiatives most recently as part of the Peel development have delivered a successful and comprehensive programme including teaching and early careers outreach, training courses and further education, apprenticeships,

- community chest funding, support for SMEs, business mentoring and health and wellbeing initiatives within the South Kilburn neighbourhood. The initiatives have been well received and have been beneficial to the community.
- 3.28. As discussed above a committed network of community and voluntary organisations are actively engaged in the local area alongside a series of council led agencies such as Public Health, Climate Change, Environmental service teams who run initiatives in South Kilburn.
- 3.29. These initiatives however remain individual and 'standalone' and do not currently realise the full social value potential of the regeneration programme.

## Priorities for the delivery of the remainder of the Programme

3.30. The 2016 Masterplan review confirmed the collective vision and ambition of the community and the council for the regeneration of the South Kilburn neighbourhood. The community's experience of the regeneration thus far has shaped the following priorities for the remainder of the programme.

Delivery of high-quality housing

3.31. The continued delivery of well-designed homes and neighbourhood with additional emphasis on high quality build including use of durable materials, execution of good workmanship and uncompromising approach to safety standards including fire safety. Homes should be easy and affordable to maintain, manage and not frequently 'breaking down' and requiring repairs.

Management, maintenance and repairs

3.32. A co-ordinated and consistent approach to management and maintenance of the public realm across the neighbourhood. A shared agreement and partnership between landowners, housing providers and the management agencies to provide a consistent service with clarity around ownership and accountability to the community, creating a sense and experience of a well-managed estate. The shared agreement to also include a minimum level of service in terms of management, maintenance and repairs that a South Kilburn tenant can expect from their landlord alongside transparency around service charging regimes.

Managing a neighbourhood in transition and pace of delivery

- 3.33. Recognition and understanding between all construction companies of the cumulative impact of the scale of construction activity across years and decades and not just the impact of their individual construction contract. Concerted action to go beyond the 'standard' mitigation measures to address noise, dust, vibration and traffic disruption.
- 3.34. Proactive engagement with the community in developing mean-while uses and temporary interventions to address the consequences of long-term regeneration programmes such as increased levels of anti-social behaviour, fly-tipping, squatting etc. and the temporary loss of a 'normal' pattern of daily life for instance safe access to a playground for children.

- 3.35. Mean-while uses and temporary interventions can also be a meaningful way to engage the community 'in waiting' with what can be done here and now and to test and experiment ideas for long term placemaking strategies of what works and what doesn't work at South Kilburn.
- 3.36. Finally, the key priority is to complete the transformation of the South Kilburn estate and rehouse all eligible residents into new homes and restore the 'normal' pattern of life. Critical to this is pace of delivery, the remainder of programme should where possible make up for lost time, provide clear time-lines and phasing to give residents certainty to plan their lives.

Place-making and delivery of social and public infrastructure

- 3.37. 2016 Masterplan review states, the overarching vision is the creation of a thriving, vibrant, sustainable community in South Kilburn derived from an efficient land use, mixed-use, variety of housing type and mix, good and environmentally sensitive design, and access to employment and job opportunities, community facilities and local services.
- 3.38. Critical to this vision, is the collaboration and participation with the community in reimagining the character, identity and of the 'new' South Kilburn and creating a placemaking strategy which includes a programme of uses responding to the needs of the existing communities and attracting investment and new communities into the neighbourhood. Also critical to this is the delivery of the planned social and public infrastructure, such as the school, the Carlton Vale 'boulevard' and a public realm which knits together existing and new development into a cohesive neighbourhood.

Delivering social and economic regeneration

3.39. A joined up approach across all stakeholders including local community and voluntary organisations, council-led agencies and the Single Delivery Partner to deliver an effective, impactful and far reaching social and economic regeneration which matches the scale and ambition of the physical regeneration, with a clear focus on the identified need of South Kilburn community is required.

Affordability of the programme

- 3.40. The regeneration programme is based on the cross-subsidy model where the receipts from market housing funds the delivery of affordable housing, social and public infrastructure.
- 3.41. It is however notable that the programme has up until now benefitted from rapidly rising sales values as regeneration improved the area, but the sales values are now flattening out. Meanwhile construction cost inflation has risen steeply and continues to remain high, this alongside the recent regulatory changes, specifically the second staircase, is putting viability under extreme pressures. Also, interest rate rises have affected both development market and purchaser demand. Affordability of the programme is expected to remain challenging and will need to be carefully monitored and robustly managed.

3.42. The programme remains committed to fulfilling the South Kilburn promise of rehousing every eligible South Kilburn tenant into a new home. Where possible and subject to viability it will also explore opportunities to deliver additional social housing, this will however need to be balanced against the delivery of the key priorities (especially social infrastructure) and meet the core tenet of affordability.

Community participation and collaboration

3.43. Central to each of the above key priorities is the community of South Kilburn. Success of the delivery of the remainder of the programme will be derived from prioritising community interest in the decision-making process and forging a successful collaboration and participation of the community in designing and delivering the programme.

#### **Options for delivery**

- 3.44. According to the 2016 Masterplan, the remaining sites can provide a further 1,400 homes. An initial review of the Masterplan has indicated that there are opportunities for optimisation, densification to deliver more housing. The remainder of programme will include a higher percentage of private housing to rebalance the overall distribution of housing tenure and front loading of affordable homes provision in the earlier phases of the programme. The level of private housing will be critical to the viability of future phases. (see Appendix 1 for the map of remaining sites)
- 3.45. The following options for the delivery of the remainder of the programme against the key priorities identified have been considered
  - Proceeding with the current South Kilburn delivery model of procuring developers on a site-by-site basis.
  - Proceeding with a Single Developer Partner where the counils into an agreement with a single developer for the remainder of the programme
- 3.46. In both options, the council remains the freeholder of the land no option involves selling the land to a private developer. Following robust and careful consideration, the Single Delivery Partner approach is considered the most appropriate way to achieve the identified priorities for reasons summarised below.

<u>Criteria</u>	Benefits of SDP
Delivery of high-quality affordable housing:	Partnership with a single developer will allow both parties to strategically monitor and ensure consitent build quality and delivery of affordable housing across the remainder of the programme.
Delivering at pace:	Individual procurement exercises will not be needed, saving time.  Developer input into design can come earlier, ensuring amendments are not required to consented schemes, removing delays.

	Pace of delivery will be controlled and managed through provisions in the MDA (Master Development Agreement) and DAs. Co-ordination of construction across the programme will save time.
Delivering social and public infrastructure and creating a place with a distinct identity and character. Co-ordinated approach to management and maintenance. Delivering social and economic regeneration. Community collaboration and participation.	Public realm and place making strategies across the remainder of the programme can be agreed holistically and help strengthen the South Kilburn 'identity'.  Delivery partner with a long-term commitment will have a vested interest in ensuring the overall environment of South Kilburn is designed and maintained to a high standard.  A long-term delivery partnership will ensure better and more effective engagement with the community and benefits for local residents. It will also esnure coordination of construction logistics, reducing disruption to residents.
Affordable and deliverable programme	The viability of delivering affordable housing on a site-by-site basis is increasingly challenging in today's market, due to reasons including cost inflation, interest rates, regulatory changes and a weaker sales market. Working with a single partner and viewing the remainder of the master plan as a 'portfolio', whilst will not solve macro level viability in isolation, but will offer market expertise to address viability. Scheme designs will be more cost efficient, also economies of scale in construction will improve viability and land values.  Portfolio approach will enable cross-subsiding sites which are less viable with sites which are more profitable sites ensuring deliverability of the programme in it's entirity.

# Commercial, legal and financial arrangements

- 3.47. A bespoke set of commercial, legal and financial terms to deliver the specific priorities at South Kilburn will be finalised, subject to approval of this report and as part of pre-tender considerations. General principles may include the council entering into a Master Development Agreement (MDA) with the Single Delivery Partner, with individual site Development Agreements (DA's) being drawn down as respective conditions precedent are met. Points to note of this general principle are
  - Provides the council with good levels of control over the delivery of its key priorities including delivery of affordable housing and place-making;

- Mandates defined milestones and longstops by which works must be completed and with positive obligations on the partner;
- Utilises a common approach adopted by public sector bodies to deliver similar types of work and is well understood by the market feedback as evidenced in the early market engagement;
- Facilitates the council and the partner to work collaboratively in a 'partnership' style approach;
- Development costs alongside construction and sales risks are borne by the partner;
- Council is guaranteed a minimum land value for each site;
- Sites are only released to the developer when the council is satisfied of the delivery of key priorities;
- Viability is tested across all sites in the programme as a 'portfolio' as opposed to on a site-by-site basis;
- This structure will allow the council, under defined circumstances, to pause development activity if that is considered beneficial.

### Roles and Responsibilities

3.48. An indicative division of potential roles and responsibilities between the Council and a future developer partner would be:

TASK	COUNCIL ROLE	PARTNER ROLE
Securing vacant possession of third-party leaseholder	Lead	Support
Managing the decant	Lead	Support
Preparation of overarching masterplan/design code	Joint Lead	Joint Lead
Preparation of overarching financial model and business plan	Lead	Support
Securing development finance (debt and equity)	Support	Lead
Construction works	N/A	Lead
Marketing and sale of private residential unit	N/A	Lead
Managing affordable units	At Brent's discretion	Support (or possible lead)
Long term asset/ estate management	At Brent's discretion	Support (or possible lead)

Engagement with residents	Lead	Support

## Risks and Mitigation

3.49. Below is the summary of key risks to council's priorities with SDP approach and proposed mitigations.

Risk	Mitigation
Pace of Delivery	The MDA would impose timescales upon which defined milestones are to be achieved. Material breach could lead to termination.  Drawdown of future phases will be predicated upon prior performance.
	Phases will only be capable of being drawn down once phase specific condition precedents have been achieved.
Financial return	An overarching delivery plan with guaranteed minimum land value ('GMLV') apportioned against each site will be adopted. Sites will only be released when programme wide viability threshold has been reached and GMLV for each site is being paid as a minimum following an open book appraisal. Overage mechanisms will be in place to allow Council to benefit from uplift in value.
Placemaking and design quality	Selection process to include analysis of past performance. The council will be involved in the selection of the design team and will define quality and design standards which will form part of the MDA.
Community and Regeneration benefits	Selection process will include assessment of their past experience of delivering social and economic regeneration benefits.
Working with the community	Selection process to include demonstration of past community engagement; milestones and engagement strategy to be part of the evaluation.

# **Early Market Engagement**

- 3.50. To test the working assumptions for the SDP, the market conditions, and the appetite for the opportunity, early market engagement meetings were conducted with a sample of developers.
- 3.51. These meetings were very positive. All participants indicated that this was the type of project they would be interested in tendering for and were keen to understand timescales. All were clear that they saw this as an attractive opportunity because:
  - It is a blend of short term and longer-term development phases.
  - It is a project of a significant size and therefore more attractive than individual sites of around 150 units
  - Brent is recognised as a capable and experienced partner to work with.
  - The regeneration programme is already well under-way and can demonstrate clear market successes.

- 3.52. Other key takeaways from the sessions include:
  - 1) <u>Commercial and Legal arrangements</u>: All participants accepted the prospect of working in either a Development Agreement, a Joint Venture or something which reflected both.
  - 2) <u>Size and scale:</u> The scale was considered large enough for efficiencies in design, construction and pricing to become realised. Any reduction in assumed numbers would likely exclude some of the larger companies and regeneration specialists from bidding.
  - 3) <u>Design quality:</u> Several parties welcomed the idea of Design and Community Review Panels at key stages and including residents on these to ensure community buy-in. A design code was met with a greater pushback, as they are seen as restrictive and can become quickly outdated.
  - 4) Affordable housing: all supported a potential arrangement for Brent to purchase and manage the units instead of a housing association. They viewed Brent's potential role as beneficial as it reduces the number of stakeholders in the arrangement and maintains residents' trust.
  - 5) <u>Procurement</u>: There was a consensus that following any initial Selection Questionnaire (or similar) stage, only a limited number of organisations (possibly 3-4) should be taken through to the formal procurement stage.
  - 6) Planning approach: All parties noted their preference to participate in any review of the masterplan and/or for an overarching outline planning approach for remaining sites. This was based on their ability to 'add value' to the programme in a holistic and unified way and to reduce the number of times they needed to redesign plans previously prepared by the Council.
  - 7) <u>Brent voice:</u> Most raised their experience of working with other public sector bodies. A recurring problem was numerous stakeholders being required for decision-making, which in turn led to project delays. A request for a sole 'Brent voice' appeared in numerous sessions.
- 3.53. The development industry is seeing a shift towards the partnership model, with several major housebuilders realigning their businesses to focus on partnership development with housing associations, public sector clients, institutional private rental operators and other investors. Whilst this does not preclude the site-specific partnerships Brent has done to date, it does mean that the type of arrangements envisaged under the SDP approach are increasingly attractive to the market. Essentially the SDP approach is aligning the regeneration programme to the emerging residential development industry.

#### 4. Stakeholder and ward member consultation and engagement

4.1. The community as a collective were intensively engaged and consulted during the 2016 review of the Masterplan which confirmed the vision, objective and ambition for regeneration, and then again in 2019 to endorse the continuation of the regeneration programme and the Landlord Offer - the South Kilburn Promise, at a

- residents' ballot. 84.2% of those who voted supported the regeneration of South Kilburn with 72.2% turn out of the residents eligible to vote.
- 4.2. Since Covid in 2020 engagement via the Tenants Steering Group sessions moved online and has been mainly with residents awaiting rehousing on matters relating to estate and housing management and their individual rehousing options. Through these and other formal and informal engagement sessions with residents, community and voluntary groups and ward Councillors the principle of the appointment of a Single Delivery Partner has been discussed.
- 4.3. The Cabinet Member for Regeneration, Planning and Growth has been regularly briefed on the progress of the SDP and the wider South Kilburn Estate Regeneration programme.

#### 5. Financial Considerations

- 5.1. Brent Council's Capital Strategy includes budget provision to fund the South Kilburn schemes currently on site and fund the procurement process for the Single Development Partner is expected to be contained within the existing budget allocation.
- 5.2. An assessment of historical South Kilburn Regeneration Programme activity shows the scheme has been self-financing so far and it remains the expectation that the remainder of the programme will also be delivered on a self-funding basis.
- 5.3. To that end officers and external partners have modelled the options under consideration and found the SDP option as the one that is likely to deliver the better financial outcome to Brent Council. This is premised on the following key elements of the SDP options compared to using multiple developers on multiple sites:
  - The adoption of a long-term vision and partnership approach on infrastructure planning between Brent Council and the SDP will enable better management and planning to deliver quality public realms that help drive value on the site.
  - Evidence also shows that developers are likely to take into consideration the larger opportunity created compared to several smaller sites as they can be more competitive in their supply chains and site delivery planning to again achieve better value on the site for themselves and their partners.
  - The scale of the opportunity and the relative lack of comparable projects in this location is likely to incentivise developers to take a more competitive approach on the variable cost drivers.
- 5.4. Cabinet approval will be required to commit Brent Council to the financial details of the contract to be awarded to the selected single development partner after the procurement process has been concluded.

#### 6. Legal Considerations

- 6.1. It is proposed to commence the procurement of the SDP after 24 February 2025, the date when the Procurement Act 2023 (PA 2023) is scheduled to be introduced. The estimated value of the proposed Contract is above the threshold for Works under the PA 2023 and the procurement will therefore be governed by the PA 2023.
- 6.2. The procurement is subject to the Council's own Standing Orders and Financial Regulations in respect of High Value Contracts. For High Value Contracts, Cabinet approval is required to invite tenders in accordance with Standing Order 88. Standing Order 89 also requires Cabinet to approve the pre-tender considerations. However, various consultants as yet not appointed, will need to feed into the setting of pre-tender considerations and for that reason delegated authority to the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth is sought to approve pre-tender considerations, including the selection of the most appropriate procurement process.
- 6.3. Given the nature of the procurement, an element of dialogue and negotiation will need to occur with bidders and delegated powers to the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth are sought. However, in accordance with Recommendation 2.7, once the tendering process is undertaken, Officers will report to Cabinet explaining the process undertaken in tendering the Contract and recommending award.
- 6.4. The council must first obtain the permission of the Secretary of State prior to any appropriation of the council land for housing purposes. This consent is given under section 19 Local Government Act 1985. As a consequence of this consent and after appropriation has taken place the council land is no longer held for the purposes of Part II of the Housing Act 1985 and does not need to be accounted for within the Housing Revenue Account.
- 6.5. s.122 of the Local Government Act 1972 allows the council to appropriate council land for planning purposes. In considering whether or not the council owned land within the sites to be dev appropriated for planning purposes, thereafter, engaging the powers conferred by section 203 of the Housing and Planning Act 2016, the Corporate Director of Neighbourhoods and Regeneration, in consultation with the Cabinet Member for Regeneration Planning and Growth, to consider:
  - Whether the land which is to be appropriated is already owned by the council (this is a prerequisite to appropriation);
  - Whether the land which is to be appropriated is no longer required by the council for the purposes it is currently held (this is a prerequisite to appropriation);
  - Whether the purposes for which the council would be appropriating the land is a purpose authorised by Statute (in the case of land to be appropriated for planning purposes, the relevant purposes would be authorised by sections 226 and 227 of the Town and Country Planning Act 1990;

- Whether the proposed redevelopment of the relevant sites would be in the
  public interest. There is a compelling case in the public interest to appropriate
  the sites for planning purposes as developing the sites would serve the public
  interest by providing new and improved housing and accordingly, such
  development outweighs the effect of the appropriation on the private rights of
  individuals;
- Whether the public interest benefits which would arise from the redevelopment of the relevant sites would be sufficient to justify the interference with any private rights, such that the interference was proportionate;
- Whether the council could (in the alternative) acquire the land compulsorily for the purposes of the redevelopment;
- Whether any related financial liabilities of the council would be indemnified and
- Whether prior consultation had taken place.
- 6.6. The council has the power to override third party rights in accordance with section 203 Housing and Planning Act 2016. This power is useful for the council when developing its land to ensure that third parties with certain rights over the sites are overridden. Section 203 prevents third parties from obtaining an injunction to prevent redevelopment, however, compensation may be payable. The council is required to consult with third parties prior to invoking section 203 and the officers should therefore ensure that they build in a period of consultation prior to the commencement of construction and assessing the level of compensation payable.

#### **CPO**

- 6.7. In order to acquire any third party land to facilitate the development of the remaining phases, if such land cannot be acquired through negotiation, the council can consider exercising its compulsory purchase powers. The council has this power under section 226(1) Town and Country Planning Act 1990 and Section 17 Housing Act 1985 which empowers local housing authorities to acquire land, houses or other properties by compulsion for the provision of housing accommodation. If the council wanted to exercise its CPO powers a separate cabinet report would be needed to obtain the consent of cabinet to make the CPO order.
- 6.8. The statutory power under section 226(1) can be used if the council believes that it will facilitate the carrying out of the development of the remaining phases. 'Development' is defined by section 55 of the Town and Country Planning Act 1990 as redevelopment or improvement on or in relation to the land being acquired.
- 6.9. The compulsory purchase order must only be made where there is a compelling case in the public interest. In addition, the council should be sure that the purposes for which the compulsory purchase order is made justify interfering within the

human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article I of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.

## Stopping Up

- 6.10. In order to develop out the remaining phase of the South Kilburn regeneration programme, certain areas of public highway or footway may need to be stopped up to facilitate development. The stopping up will be done under section 247 and section 253 of the Town and Country Planning Act 1990 (TCPA 1990). A draft stopping up order will need to be advertised in accordance with the requirements of section 247 and 53 of the TCPA 1990. If there are any objections that arise out of this consultation then discussions will need to take place with the objectors so that they withdraw their objections. A report will then need to be submitted by the Corporate Director of Neighbourhoods and Regeneration to the General Purposes Committee seeking approval of the Stopping Up Order, and that the notices advising this should be advertised.
- 6.11. A stopping up order extinguishes the right of the public to pass and repass over the land to which the order will apply. Compensation is not payable to those adversely affected.

Ground 10 or 10(A) of Schedule 2 of the Housing Act 1985

- 6.12. As part of the council's decant policy to secure vacant possession of sites that are to be developed, the council may need to rely on ground 10 or 10(A) of Schedule 2, Part II of the Housing Act 19985 under which it may apply to court to obtain possession of a property in order to dispose of, redevelop or demolish the property.
- 6.13. In order to rely on either Ground 10 or 10(A) the council must be able to offer suitable alternative accommodation to the outgoing tenant and must obtain the Secretary of State's approval of the proposed scheme.
- 6.14. Prior to applying to the Secretary of State the council must serve written notice on all secure tenants affected by the proposed scheme. The notice must give the tenants at least 28 days to make representations to the council about the proposed scheme. Any representations made to the council by tenants in the 28 day period must be considered by the council before the council applies to the Secretary of State for approval.

#### Demolition Notices

6.15. As part of the future redevelopment of the remaining phases in the South Kilburn regeneration programme the council will need to serve Initial Demolition Notices upon secure tenants. A recommendation will be put to cabinet to seek approval to apply to The Secretary of State to serve Initial Demolition Notices on the secure tenants at the sites which are to be developed to ensure the suspension of the secure tenants' Right To Buy ("RTB") for 7 years subject to any conditions that The Secretary of State may impose. Authorisation will also be sought for the Corporate Director of Neighbourhoods and Regeneration to serve the Final

Demolition Notices on the council's secure tenants of the sites once the date for demolition of the properties is known.

- 6.16. An Initial Demolition Notice under Schedule 5A of the Housing Act 1985 is a notice served on a secure tenant stating that the council intends to demolish the premises. Whilst the Initial Demolition Notice remains in force the council will not be obliged to convey the leaseholder interest to the secure tenant. The Initial Demolition Notice does not prevent a claim from the leaseholder to exercise the RTB. The Initial Demolition Notice must state that there is a right to compensation. The period of suspension of the leaseholder's RTB lasts 7 years from the date of Service of the Initial Demolition Notice. No further demolition notices may be served during a period of 5 years following the time when the Initial Demolition Notice comes into force unless the further notice is served with the consent of the Secretary of State.
- 6.17. A Final Demolition Notice under Schedule 5 of the Housing Act 1985 is a notice stating that the council intends to demolish the premises and must state a date upon which the notice will cease to be in force. The Final Demolition Notice must state that section 138(c) Housing Act 1985 confers a right to compensation for the secure tenant. The proposed demolition date must fall within 24 months beginning with the date of service of the Final Demolition Notice on the tenant.

# 7. Equity, Diversity & Inclusion (EDI) Considerations

- 7.1. The Public Sector Equality Duty set out in Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. The proposed move towards a single delivery partner is likely to have a positive impact overall due to simplifying of the process. However, an equality impact assessment will be conducted prior to appointment of the Single Delivery Partner.

### 8. Climate Change and Environmental Considerations

- 8.1. Brent Council's commitment to addressing the climate and ecological emergency is central to the South Kilburn regeneration project. The procurement of a Single Delivery Partner is a strategic move that will embed carbon reduction, climate resilience, and environmental best practices throughout the remaining phases of the programme. The SDP will play a crucial role in co-ordinating and implementing these measures, integrating them into the project from the outset.
- 8.2. The SDP must comply with a comprehensive set of environmental policies, from the Local Plan, the London Plan and the Climate and Ecological Emergency Strategy.

- 8.3. Engaging an SDP allows Brent to streamline the implementation of climate and environmental measures, facilitate a cohesive sustainability strategy across the remainder of the programme, and integrate renewable energy systems, biodiversity enhancements, and sustainable infrastructure from the outset.
- 8.4. The SDP model accelerates delivery by reducing the need for multiple procurement processes. This allows for earlier integration of climate-resilient design, which could potentially reduce delays.
- 8.5. Environmental performance can be more consistently tracked and reported, ensuring compliance with Brent's carbon-neutral goals.
- 8.6. The SDP will be expected to implement several critical sustainability measures:
  - Sustainable Construction: new buildings will be designed to meet high environmental standards using energy-efficient designs, low-carbon materials, on-site renewable energy generation, and integration with the South Kilburn District Heat Network.
  - Green Infrastructure: the SDP must support biodiversity, manage water, and enhance local ecosystems.
- 8.7. Implementation of climate and environmental measures involves potential risks that must be carefully managed:
  - Regulatory Compliance: the evolving nature of environmental regulations presents a risk of redesigns and increased costs. early-stage integration of climate considerations can mitigate this risk.
  - Cost Pressures: implementing sustainable technologies may result in higher initial costs. Monitoring and Reporting
- 8.8. The SDP will be required to provide regular reports on:
  - Carbon emissions and energy performance of buildings.
  - Progress on biodiversity and green infrastructure targets.
  - Air quality and transport-related emissions.

These reports will allow for continuous assessment of the project's environmental impact, ensuring that it remains aligned with Brent's carbon neutrality targets.

8.9. South Kilburn Green Neighbourhood Pilot – the SDP will be required to support the objectives and action plan for the South Kilburn Green Neighbourhood pilot, which aims to make the area a green neighbourhood exemplar for the Borough.

### 9. Human Resources /Property Considerations

9.1. The SDP partner procurement would be undertaken by the existing team.

#### 10. Communication Considerations

10.1. Ongoing communications with residents on the progress of the programme will continue. Once a partner has been appointed outlining the shared vision for South Kilburn and the benefits of this new approach will be publisced.

Report sign off:

### Alice Lester

Corporate Director Neighbourhoods and Regeneration